

Appendix A

Water Framework Directive

Appendix A - Water Framework Directive

The EU Water Framework Directive is best accessed through the following web site:

http://forum.europa.eu.int/irc/Download/kietAgJDmfGUXjGZHpGuTRfUzMyugJqK/yxRqRfEtKHf9z04g6BtIYVNtD4GRcD2r/6RjYM_V/WFD-EN.pdf

Or alternatively through www.erbd.ie and follow the links.

Appendix B

Description of EU Legislation (other than the Water Framework Directive)

Appendix B – EU Legislation

Description of EU Legislation (other than the Water Framework Directive)

Water Quality Oriented Legislation

Bathing Water

Council Directive of 8 December 1975 concerning the Quality of Bathing Water (76/160/EC) This Directive sets standards to ensure the quality of bathing water, both for fresh water and for coastal water bathing areas, in order to protect the environment and public health. Member States have the responsibility to designate bathing water areas and shall take all necessary measures to ensure that the quality of bathing water conforms to the limit values set in accordance with the Directive.

Irish regulations which give effect to this Directive are the Quality of Bathing Waters Regulations, S.I. No. 155 of 1992 as amended by S.I. No. 230 of 1996, S.I. No. 177 of 1998 and S.I. No. 22 of 2001. The requirements of this Directive must be included in the basic measures under the programme of measures in the WFD.

A new Bathing Water Directive is currently being developed. The Commission Communication (COM (2000)860) outlined the proposal of the future Directive. The new Bathing Water Directive will clearly not only be a ‘results’ directive, but rather an ‘effort and results’ directive. It will look not only at monitoring water quality but also at actively tackling pollution sources, in particular wastewater discharges and agricultural runoff. These sources will also have to be marked and addressed in the river basin management plans foreseen in the Water Framework Directive.

Drinking Water

Early European water legislation began in a “first wave”, with standards for those rivers and lakes used for drinking water abstraction (75/440/EEC), and culminated in 1980 in setting binding quality targets for drinking water (80/778/EEC). This Directive was re-examined and revised to focus on compliance with essential quality and health parameters (98/83/EC). The increasing use of water resources for the abstraction of drinking water for human consumption necessitates a reduction in the pollution of water and its protection against subsequent deterioration.

Council Directive of 16 June 1975 concerning the quality required of surface water intended for the abstraction of drinking water in the Member States (75/440/EEC) This Directive aims to protect public health by ensuring that surface water abstracted for use as drinking water reaches certain quality standards before it is supplied to the public. The Directive divides surface water into three quality categories, A1, A2 and A3. Annex I defines the appropriate treatment required for each category. Member States are required to take all necessary measures to ensure that surface water conforms to the values laid down in Annex II of the Directive and that Member States shall take the necessary measures to ensure continuing improvement of the environment.

Pertinent regulations introduced to bring the Directive into force in Irish law include - European Communities (Quality of Water Intended for Human Consumption) S.I. No. 81 of 1988, S.I. No. 350 of 1999, S.I. No. 177 of 2000 and S.I. No. 439 of 2000 (European Communities (Drinking Water) Regulations, 2000).

Directive, 75/40/EEC, will be integrated into the Water Framework Directive, and will thus be repealed, seven years after entry into force of the WFD, on the 22nd December 2007.

Council Directive of 15 July 1980 relating to the quality of water intended for human consumption (80/778/EEC) This Directive sets the standards for water intended for human consumption. Member States are required to apply the values for the toxic and microbiological parameters listed in Annex I and the values for the other parameters which are likely to affect the wholesomeness of the foodstuff in its finished form. The values to be fixed by the Member States must be less than or the same as the values set for "Maximum Admissible Concentration."

Pertinent regulations introduced to give effect to the Directives in Irish law include European Communities (Quality of Water Intended for Human Consumption) S.I. No. 81 of 1988 as amended by S.I. No. 350 of 1999 and S.I. No. 177 of 2000, and S.I. No. 439 of 2000 (European Communities (Drinking Water) Regulations, 2000).

Directive 80/778/EEC will be repealed as of the 22nd December 2003, and will be replaced by Council Directive 98/83/EC on the quality of water intended for human consumption.

Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption This Directive is intended to replace Directive 80/778/EEC and will come into force five years after its publication.

The objective of this Directive is intended to protect human health from the adverse effects of any contamination of water intended for human consumption by ensuring that it is wholesome and clean. Member States shall ensure that the measures taken to implement this Directive have no adverse effect of allowing, directly or indirectly, any deterioration of the present quality of water intended for human consumption. Member States shall ensure that all measures necessary to ensure that regular monitoring of the quality of water is carried out. Annex I sets the parameters applicable to water intended for human consumption.

Even though Directive 80/778/EEC will not be repealed until 22nd December 2003, Member States are obliged to implement Directive 98/83/EC in its place as soon as they have brought into force the legislation necessary to comply with the later Directive.

Irish legislation introduced S.I. No. 350 of 1999 EC (Quality of Water Intended for Human Consumption) (Amendment) Regulations 1999, S.I. No. 177 of 2000 EC (Quality of Water Intended for Human Consumption) (Amendment) Regulations 2000 and S.I. No. 439 of 2000 EC (Drinking Water) Regulations 2000.

Council Directive of 9 October 1979 concerning the methods of measurement and frequencies of sampling and analysis of surface water intended for the abstraction of drinking water in the Member States (79/869/EEC) as amended by Directive 81/855/EEC This Directive concerns the reference methods of measurement and frequencies of sampling and analysis of surface water intended for the abstraction of drinking water, for the parameters listed in Annex II to Directive 75/440/EEC.

Pertinent Irish legislation which gives effect to the directive is - European Communities (Quality of Surface Water for Abstraction of Drinking Water) Regulations, 1989. S.I. No. 294 of 1989.

This directive will be integrated into the Water Framework Directive, and will thus be repealed, seven years after entry into force of the WFD, on the 22nd December 2007.

Fresh Waters for Fish Life

Council Directive of 18 July 1978 on the quality of fresh waters needing protection or improvement in order to support fish life. (78/659/EEC) The aim of this Directive is to protect or improve the quality of those running or standing fresh waters which support or which, if pollution were reduced or eliminated, would become capable of supporting fish. The Directive requires Member States to designate waters and to set standards for parameters stated in the annexes to the Directive.

Regulations were introduced in 1998 to give effect to this Directive - European Communities (Quality of Salmonid Waters) Regulations, S.I. No. 293 of 1988.

This directive will be integrated into the Water Framework Directive, and will thus be repealed, thirteen years after entry into force of the WFD, on the 22nd December 2013.

Shellfish Waters

Council Directive of 30 October 1979 on the quality required of shellfish waters. (79/923/EEC) This Directive concerns the quality of shellfish waters and applies to those coastal and brackish waters designated by the Member States as needing protection or improvement in order to support shellfish life and growth. The Directive requires Member States to designate waters and to set standards for parameters stated in the Annexes to the Directive.

Irish regulations were introduced in 1994 to give effect to this Directive - Quality of Shellfish Waters Regulations S.I. No. 200 of 1994 as amended by 2001 S.I. No. 459 of 2001.

This directive will be integrated into the Water Framework Directive, and will thus be repealed, thirteen years after entry into force of the WFD, on the 22nd December 2013.

Emission Control Oriented Legislation

Urban Waste Water

Council Directive of 21 May 1991 concerning Urban Waste Water Treatment. (91/271/EEC) The Council Directive concerning urban wastewater treatment was brought into force by the Council of the European Communities on 21st May, 1991. Member States were required to bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than 30th June, 1993.

The aim of the Directive is to protect the environment from any adverse effects due to discharge of urban wastewater. The Directive concerns the collection, treatment and discharge of urban wastewater and the treatment and discharge of wastewater from certain industrial sectors. The Articles of the Directive include for the following:-

- Provision by Member States of collection systems for urban wastewater by specified dates for various sizes of agglomerations.
- Provision by Member States of secondary treatment of wastewater entering collection systems by specified dates for various sizes of agglomerations.
- Identification of sensitive areas which shall receive more stringent treatment.
- Discharges of industrial wastewater into collection systems required to obtain prior authorisation.
- The re-use of treated wastewater where possible.
- The control of discharges to waters from specified industrial sectors.
- Phasing out of the dumping of sludge at sea by 31st December, 1998.

Quality standards are prescribed where secondary treatment is required and more stringent standards are set out where waters are designated as sensitive. Annex II sets out the criteria for the identification of sensitive and less sensitive areas. It is up to Member States to designate waters as sensitive. Requirements are also set out pertaining to the frequency of sampling.

The Environmental Protection Agency Act, 1992 (Urban Wastewater Treatment) Regulations, S.I. No. 419 of 1994, came into force on 14th December, 1994. These regulations were executed by the Minister under the powers conferred on him by Section 59 of the Environmental Protection Agency Act and were for the purposes of giving initial effect to the Urban Wastewater Directive. (S.I. No. 419 of 1994 has since been revoked by S.I. No. 254 of 2001).

Commission Directive 98/15/EC of 27 February 1998 amending Council Directive 91/271/EEC with respect to certain requirements established in Annex I thereof This Directive makes amendments to Annex I of Directive 91/271/EEC in order to clarify the minimum percentage reduction required for Total Phosphorous and Total Nitrogen from discharges of urban wastewaters.

The most recent regulations issued to give effect to Directive 91/271/EEC and amending Directive 98/15/EC are the Urban Waste Water Regulations, S.I. No. 245 of 2001. This Directive must be implemented as an integrated part of the basic measures in the WFD.

Nitrates

Council Directive of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources. (91/676/EEC) This Directive has the objective of reducing water pollution caused or induced by nitrates from agricultural sources and preventing further such pollution. Member States are required to identify and designate waters affected by pollution and waters which could be affected by pollution if action is not taken. Member States are also required to designate as vulnerable zones areas of land draining into such waters. Other requirements of the Directive include; the establishment of codes of good agricultural practice to be implemented by farmers on a voluntary basis and the establishment of action programmes, including a programme of measures, in respect of vulnerable zones.

The Directive set a deadline of 20th December 1993 for the transposition into National Law.

A voluntary Code of Good Agricultural Practice (DAFF & DOE 1996) is also in operation. This directive must be implemented as an integral part of the basic measures in the WFD. The “vulnerable zones” are included in the “protected areas” under Annex IV of the WFD.

The European Communities (Protection of Waters Against Pollution from Agricultural Sources) Regulations, 2003 (S.I. No. 213 of 2003) made by the Minister for the Environment, Heritage and Local Government on 29 May, 2003 formally identified the whole country as the area to which an action programme under the Nitrate Directive will be applied and thereby designating the entire country as a nitrate vulnerable zone. This “whole territory” approach involves the development and implementation of a national action programme and will provide statutory support for the application of established standards of good agricultural practice. A draft action programme under the EU Nitrates Directive was prepared on December 19, 2003. The draft action programme would limit land application of livestock manure by Irish farmers to 210 kg N/ha per annum, under the first four years of the programme (transitional period), followed by further reductions (170 kg N/ha per annum is the limit imposed by the Directive). The land application of fertilisers shall be consistent with good agricultural practice as set out in ‘Nutrient and Trace Element Advice for Grassland, Tillage, Vegetable and Fruit Crops’ by Teagasc, 2004 or any published amendment to that document. Ireland is to seek a derogation from the EU for amounts up to 250 kg N/ha per annum to be allowed in certain circumstances based on a similar derogation agreed by the EU for Denmark. This “whole territory” approach was supported by the necessity to give further effect to a number of other EU Directives i.e. the Water Framework Directive, the Urban Waste Directive and the Dangerous Substances Directive. Six other Member States (Austria, Denmark, Finland, Germany Luxemburg and the Netherlands) have adopted a “whole territory” approach. Additionally, a judgment of the European Court of Justice in

June 2002 (Case C-258/00, Commission v France) indicated a need to take action under the Nitrates Directive in relation to eutrophic waters even where eutrophic conditions are due primarily to phosphorus, rather than nitrates, from agriculture.

Groundwater

Council Directive of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances (80/68/EEC) The purpose of this Directive is to prevent the pollution of groundwater by certain substances (List I - Organophosphates, Organotin, Mercury compounds, Organohalogen, Hydrocarbons, Cyanide and Cadmium compounds or List II - heavy metals etc.) and as far as possible to check or eliminate the consequences of pollution which has already occurred. Member States must prevent the introduction of substances in List I and limit the introduction of substances in List II so as to avoid pollution. A distinction is drawn between direct discharges of dangerous substances into groundwater and actions likely to result in indirect discharges. This Directive also recommends the introduction of special rules governing the artificial recharge of groundwater intended for public water supplies.

Regulations introduced to give effect to this Directive include the Protection of Groundwater Regulations S.I. No. 41 of 1999.

This directive will be integrated into the Water Framework Directive, and will thus be repealed, thirteen years after entry into force of the WFD, on the 22nd December 2013.

Dangerous Substances

Council Directive of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community (76/464/EEC) The aim of the Directive is to eliminate, or to reduce, pollution of water by certain dangerous substances listed in the Annexes of the Directive. The Directive requires that Member States shall take the appropriate steps to eliminate pollution to inland surface water, territorial waters, internal coastal waters, ground water by the dangerous substances in List I of the Annex and to reduce pollution of the said waters by the dangerous substances in List II of the Annex.

Article 1 of the Directive requires Member States to take steps to eliminate pollution of waters by List I substances and to reduce pollution of waters by List II substances. Inorganic compounds of phosphorus and elemental phosphorus are included amongst the families and groups of substances described as List II dangerous substances.

Article 7 of the Directive sets out the provisions for reducing pollution from List II substances. This Article requires Member States to establish programmes for implementation within defined deadlines. These programmes must contain provisions for:-

- Prior authorisation of discharge to waters
- Emission Limit Values for discharges based on quality objectives for water in accordance with existing Directives.

This Article also requires that summaries of the programmes and the results of their implementation be communicated to the commission.

Selected substances are regulated further by 'daughter directives', which establish emission limit values and water quality objectives for List I substances. These Daughter Directives include:

- Directive on Discharges of Mercury from the chlor-alkali electrolysis industry (82/176/EEC).
- Directive on Discharges of Cadmium (83/513/EEC).
- Directive on Discharges of Mercury from other sources (84/156/EEC).
- Directive on Discharges of Hexachlorocyclohexane (84/491/EEC).
- Directive on Discharge of List I Substances (Directive 86/280/EEC as amended by Directives 88/347/EEC and 90/415/EEC).

Irish legislation which gives effect to the Directive are the Local Government (Water Pollution) Act 1977, Local Government (Water Pollution) (Amendment) Act, 1990, S.I. No. 258 of 1998 (Water Quality Standards for phosphorus) Regulations, and the Water Quality (Dangerous Substances) Regulation, S.I. No. 12 of 2001. Irish regulations giving effect to the 'daughter directives' are described in section 4.3.5.

The Water Pollution Act (Refer to Section 4.3.1) makes provisions for prior authorisation by way of licensing of discharges by Local Authorities. S.I. No. 258 of 1998 has given effect to the requirements of this Directive with respect to phosphorus.

Article 6 of Directive 76/464/EEC, was repealed on the 22nd of December 2000, the date of entry into force of the WFD. The remainder of the Directive shall not be repealed until 13 years after the date of entry into force of the WFD.

Related Water Sector Legislation

Several other EU Directives are linked to the Water Sector. Water related legislation, which requires measures that may impact on water, are listed and summarised in **Table A-F-1**. The Wild Birds, Habitats, Sewage Sludge, and Integrated Pollution Control Directives are described in more detail in this section in view of their particular relevance to the WFD.

Table A-F-1: Related EU Legislation to the Water Sector

Legislation	Relevance
<i>Horizontal Sector</i>	
Environmental Impact Assessment Directive (85/337/EEC)	Requires an EIA for new projects which are judged to have a significant impact on the environment. The results must be made public and views of the public taken into account in decisions. (The impact on water quality is an important and relevant issue to consider in an EIA).
Access to Environmental Information Directive (90/313/EEC)	Requires environmental information held by public bodies to be made available to the general public on request. Most of the water directives specify the collection of water quality information or information concerning permits. (As a rule any such information held by public bodies would be covered by this directive).
Reporting Directive (91/692/EEC) and Water Questionnaires (92/446/EEC and 95/337/EEC)	Sets out provisions on the transmission of information and reports concerning certain EC directives from Member States to the Commission. The reporting requirements specified in many water protection directives are modified by this directive.
<i>Waste Sector</i>	
Waste Framework Directive (75/442/EEC and amending by 91/156/EEC, 91/692/EEC, 96/350/EC, 96/59/EC)	Requires the adoption of waste management plans. Within the plans the siting and operation of waste sites must be such as to avoid water pollution, and the possibility of water pollution occurring must be an issue to be taken into account in the plan.
Hazardous Waste Directive (91/689/EEC as amended by 94/31/EC)	Requires the adoption of hazardous waste management plans, which include provisions to prevent water pollution, e.g. through the permitting arrangements.
Sewage Sludge Directive (86/278/EEC)	Regulates the use of sewage sludge in agriculture in such a way that contamination of soil and pollution of water does not occur from metal contaminants, nitrates and phosphates.
Landfill Directive (99/31/EC)	Regulates operational and technical requirements on waste facilities and landfills, to provide for measures, procedures to prevent or reduce as far as possible the negative effects on the environment particularly the pollution of surface water and groundwaters. Annex I requires that landfills are designed so as to meet the necessary condition to prevent the pollution of soil, surface water or groundwater.

Legislation	Relevance
Incineration Directives (89/429/EEC, 89/369/EEC, 94/67/EEC)	Requires the reducing as far as possible negative effects on the environment, in particular the pollution of air, soil, surface and groundwater, and the resulting risks to human health, from the incineration of hazardous waste and, to establish emission limit values for hazardous waste incineration plants.
Titanium Dioxide Directives (78/176/EEC, 82/883/EEC and 92/112/EEC)	Aims to reduce and eliminate pollution of water caused by discharges from the titanium dioxide production industry.
<i>Nature Protection Sector</i>	
Conservation of Wild Birds (79/409/EEC)	Aims to provide long-term protection and conservation of all bird species naturally living in the wild within the EU through the conservation, maintenance or restoration of the biotopes and habitats. Satisfactory water quality is an essential factor in such areas.
Habitats Directive (92/43/EEC)	Aims to protect a network of habitats throughout Europe and the flora and fauna they support. Satisfactory water quality is an essential factor in such areas.
<i>Industrial Pollution Control and Risk Management Sector</i>	
IPPC Directive (96/61/EC)	Implements integrated measures for the prevention and control of pollution. Requires permits for prescribed activities which set conditions, including emission limits to water, using the principles of BATNEEC. The WFD specifically requires that measures in River Basin Management Plans must include those which give full effect to the provision of the IPPC Directive in relation to industries and activities specified in Annex I to the Directive. However, consideration of economic factors (NEEC) has been omitted in the WFD in favour of best available technology (BAT)
Risks of Existing Substances Regulation (793/93) and related Directives 67/548/EEC, Directive 1999/45/EC, 76/769/EEC	Regulation 793/93 applies to existing substances and places obligations on manufacturers and importers to provide data and on Member States to carry out risk assessments. Article 16 of the WFD specifically requires that, in drawing up strategies to deal with water pollution, the Commission must take into account risk assessments of pollutants carried out under the Regulation. 67/548/EEC requires the testing and assessment of substances in relation to their risks to human health and the environment before marketing in volumes greater than 10Kg. 1999/45/EC relates to the classifying, packaging and labelling of dangerous preparations. 76/769/EEC provides the rules and procedures relating to restrictions on marketing and use of certain dangerous substances and preparations.

Legislation	Relevance
Seveso II Directive (96/82/EC)	This Directive aims to prevent major accidents which involve dangerous substances. It requires operators to develop major-accident prevention policies and to provide safety reports outlining how they intend to manage and handle dangerous substances.
Plant Protection Products Directive (91/414/EEC)	Regulates plant protection products in commercial form and the placing on the market and control within the Community of active substances intended for use for the protection of plants or plant products against all harmful organisms and to destroy undesired plants. Member States shall not authorise a plant protection product if it has any unacceptable influence on the environment particularly contamination of water including drinking water and groundwater.
Biocides Directive (98/8/EC)	Regulates biocidal products within the Member States and the establishment a positive list of active substances which may be used in biocidal products. Member states must ensure that the biocidal products have no unacceptable effects itself or as a result of its residues, amongst other things, on surface water and groundwater.

Wild Birds

Council Directive of 2 April 1979 on the Conservation of Wild Birds (79/409/EEC) This directive relates to the conservation of all species of naturally occurring birds in the wild state in the European territory of the member states to which the treaty applies. It covers the protection, management and control of these species and lays down rules for their exploitation. Member states are required to take the requisite measures to preserve, maintain or re-establish a sufficient diversity and area of habitats for all the species of birds.

The National Regulations introduced in 1985 to give effect to this Directive is the Conservation of Wild Birds Regulations (S.I. No. 291 of 1985). Areas designated under the Wild Birds Directive are to be identified as protected areas under the WFD.

Habitats

Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora The aim of this Directive shall be to establish a common framework for the conservation of wild animal and plant species and natural habitats of Community importance and thereby helping to ensure bio-diversity. A coherent European ecological network of special areas of conservation shall be set up under the title Natura 2000. This network shall enable the natural habitat types and the species' habitats concerned to be maintained or, where appropriate, restored at a favourable conservation status in their natural range. The Natura 2000 network shall include the special protection areas classified by the Member States pursuant to Directive 79/409/EEC.

Regulation was introduced in 1997 to give effect to this Directive - European Communities (Natural Habitats) Regulations, 1997. Measures required under the

Habitats Directive are to be included within the programme of Measures for the WFD. As with the Wild Birds Directive areas designated under the Habitats Directive must be identified as protected areas in the WFD.

Sewage Sludge

Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture The purpose of this Directive is to regulate the use of sewage sludge in agriculture in such a way as to prevent harmful effects on soil, vegetation, animals and man, thereby encouraging the correct use of such sewage sludge.

The Directive sets values for concentrations of heavy metals in soil to which sludge is applied, concentrations of heavy metals in sludge and the maximum annual quantities of such heavy metals which may be introduced into soil intended for agriculture are given in the directive.

Regulations were introduced in 1991 to give effect to this Directive - European Communities (Use of Sewage Sludge in Agriculture) Regulation's 1991. This is replaced by the Waste Management (Use of Sewage Sludge in Agriculture) Regulations, 1998, as amended by Waste Management (Use of Sewage Sludge in Agriculture) Regulations, 2001.

Measures required by the Directive concerning sewage sludge are required to be included within the basic programme of measures for the RBD.

Integrated Pollution Prevention and Control

Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control Different approaches to controlling emissions to the air, water or soil separately can encourage the shifting of pollution between the various environmental media rather than protecting the environment as a whole. Therefore this Directive was introduced with the aim of achieving integrated pollution prevention and control arising from a number of different activities. The Directive requires Member States to establish an integrated system of permits that contain specific conditions, including emission limit values and the application of Best Available Techniques. It provides a general framework for the prevention or where that is not practicable, the reduction of emissions to the air, water and land in order to achieve a high level of environmental protection. Activities regulated by this Directive include Energy installations, Metal processing industries, Mineral industries, Chemical industries and Waste Management installations.

The Council Directive 96/61/EC is in the process of being transposed into Irish law. Currently IPC licensing is the responsibility of the EPA under Part 4 of the EPA Act 1992. Changes to existing legislation will be required in order to give full effect to the Directive.

The Water Framework Directive specifically requires that measures required under the IPPC Directive be included in the Programme of measures for the WFD.

European Guidance Documents

As described in Section 3 of this report, the Common Implementation Strategy has produced guidance documents to aid in the implementation of the WFD. Table A-F-2 gives full details of these reports.

The European Environmental Bureau (EEB) which is a federation of non-governmental organizations has also published the “EEB Handbook on EU Water Policy under the Water Framework Directive”, which gives a detailed analysis of this new piece of legislation and political options.

Appendix C

Review of Effect of WFD on Irish National Law

Appendix C

Review of Effect of WFD on Irish National Law

ARTICLE 3 - CO-ORDINATION OF ADMINISTRATION ARRANGEMENTS WITHIN RIVER BASIN DISTRICTS		
Requirements	Lead Authority	Existing National Legislation
<ul style="list-style-type: none"> ▪ Establish River Basin Districts. (RBDs) ▪ Identify individual river basins and assign them to individual RBDs. Assign groundwaters and coastal waters to the appropriate RBDs. ▪ Identify Competent River Basin Authorities by 2003 and provide the commission with a list (ref Annex I) of competent authorities by 22nd June 2004. Inform the commission within three months if information on the list changes. ▪ Assign International River Basin Districts (IRBDs) and ensure appropriate administration arrangements including identification of an appropriate competent authority. ▪ Ensure that the requirements of the Water Framework Directive e.g. Environmental Objectives, Programme of Measures are coordinated for the whole of the RBD. 	<ul style="list-style-type: none"> • National Government <p>-----</p> <ul style="list-style-type: none"> • EPA <p>-----</p> <ul style="list-style-type: none"> • Local Authorities 	<p>S.I. 722 of 2003, European Communities (Water Policy) Regulations 2003, at article 4, assigns the Minister for the Environment, Heritage and Local Government the tasks of co-ordination, assistance and guidance in relation to implementation of the Directive across RBDs and IRBDs (together with competent authorities in the State and in Northern Ireland).</p> <p>-----</p> <p>S.I. 722 of 2003 specifies at article 6 that the EPA and relevant local Authorities are the Competent Authorities. It identifies the EPA as having the lead role of promoting and facilitating the co-ordination of activities by Local Authorities for the purposes of implementation of the Directive especially technical and reporting measures. The EPA is responsible for identifying RBDs and assigning appropriate groundwaters and coastal waters to individual RBDs. The EPA shall consult and co-operate with the competent authorities in Northern Ireland to identify and map IRBDs.</p> <p>-----</p> <p>S.I. 722 of 2003 identifies the relevant LA's, acting jointly, as the competent authorities to prepare river basin management plans and the local authority acting as the co-ordinating authority in relation to all the relevant local authorities in each RBD.</p>
<p>Comment</p> <p>The Minister for the Environment, Heritage and Local Government may make, or revoke, an order for the purposes of determining a co-ordinating authority.</p>		

ARTICLE 4 - ENVIRONMENTAL OBJECTIVES

Requirements	Lead Authority	Existing National Legislation
<p><i>For Surface Waters</i></p> <ul style="list-style-type: none"> ▪ Implement measures to prevent deterioration of the status of all bodies of surface waters. ▪ Protect, Enhance and restore all bodies of surface waters with the aim of achieving 'Good Surface Water Status' by 2015. ▪ Aim to reduce pollution from Priority Substances and phase out discharges of Priority Hazardous Substances. 	<ul style="list-style-type: none"> • National Government through the RBD Competent Authority. 	<p>S.I. 722 of 2003, European Communities (Water Policy) Regulations 2003, assigns the Minister for the Environment, Heritage and Local Government tasks of co-ordination, assistance and guidance in relation to implementation of the Directive across the RBDs.</p> <p>The EPA Act of 1992 requires that a Minister of the Government shall have regard to information, advice or recommendations given to the Minister by the EPA under Sections 55 and 75 of Part 3 of the Act.</p>
	<p>-----</p> <ul style="list-style-type: none"> • Local Authorities 	<p>S.I. No. 722 of 2003, at subarticle (12), requires the relevant LA's to establish environmental objectives in relation to each river basin district in accordance with Article 4 of the Directive.</p> <p>LA's are required to implement measures under the Phosphorus Regulations (S.I. No. 258 of 1998) concerning the improving of water quality.</p> <p>LA's have powers under Sections 4 and 16 of the Water Pollution Act 1977, to issue licences in respect of discharges to waters and to sewers. These powers can be used to reduce or phase out discharges of Priority Substances.</p> <p>S.I. No. 294 of 1989 requires LA's to take measures to ensure the quality of surface water intended for the abstraction of drinking water.</p>
	<p>-----</p> <ul style="list-style-type: none"> • EPA 	<p>S.I. No. 722 of 2003, at article 6, requires the EPA to take such measures as it considers appropriate to promote and facilitate the co-ordination of activities for the purposes of Article 4 of the Directive.</p> <p>The EPA may, or if directed to do so by</p>

ARTICLE 4 - ENVIRONMENTAL OBJECTIVES		
Requirements	Lead Authority	Existing National Legislation
		<p>the Minister shall, under Section 55 of Part 3 of the EPA Act, 1992 give information or advice or make recommendations for the purposes of environmental protection.</p> <p>The EPA is required under Section 75 of Part 3 of the EPA Act, 1992 to specify and publish Environmental Quality Objectives (EQO's) for the purposes of environmental protection.</p> <p>The EPA may, under Section 76 of Part 3 the EPA Act 1992, prepare and publish Codes of Practice for the purposes of environmental protection and to approve codes of practice drawn up by any other body.</p> <p>The EPA has powers under Part IV of the EPA Act to issue IPC licences in respect of certain activities. These powers can be used to reduce or phase out discharges of Priority Substances.</p> <p>-----</p> <p>Any other body may draw up Codes of Practice and submit to the EPA for approval under Section 76 of Part 3 the EPA Act 1992.</p>
<p><i>For Groundwater</i></p> <ul style="list-style-type: none"> ▪ Implement measures to prevent/limit pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater. ▪ Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge with the aim of achieving Good Groundwater Status by 2015. ▪ Implement measures to reverse any significant upward trends in the concentration of any pollutants from human activity in order to progressively reduce pollution to groundwater. 	<ul style="list-style-type: none"> • Local Authorities <p>-----</p> <ul style="list-style-type: none"> • EPA 	<p>S.I. No. 722 of 2003, at subarticle (12), requires the relevant LA's to establish environmental objectives in relation to each river basin district in accordance with Article 4 of the Directive</p> <p>S.I. No. 42 of 1999 gives LA's responsibility to limit the discharge of harmful substances to groundwater through licensing under the Water Pollution Act.</p> <p>-----</p> <p>S.I. No. 722 of 2003, at article 6, requires the EPA to take such measures as it considers appropriate to promote and facilitate the co-ordination of activities for the purposes of Article 4 of the Directive.</p> <p>S.I. No. 41 of 1999 gives responsibility</p>

ARTICLE 4 - ENVIRONMENTAL OBJECTIVES		
Requirements	Lead Authority	Existing National Legislation
		to the EPA to issue licences in respect of discharges to groundwater by LA's and their agents. The EPA may attach conditions to such licences for environmental protection.
<p><i>For Protected Areas</i></p> <p>Achieve compliance with any standards/ objectives in relation to protected areas by 2015.</p>	<ul style="list-style-type: none"> • EPA <hr style="border: 0; border-top: 1px dashed black; margin: 10px 0;"/> <ul style="list-style-type: none"> • Local Authorities 	<p>S.I. No. 722 of 2003, at article 6, requires the EPA to take such measures as it considers appropriate to promote and facilitate the co-ordination of activities for the purposes of Article 4 of the Directive.</p> <hr style="border: 0; border-top: 1px dashed black; margin: 10px 0;"/> <p>S.I. No. 722 of 2003, at subarticle (12), requires the relevant LA's to establish environmental objectives in relation to each river basin district in accordance with Article 4 of the Directive.</p> <p>S.I. No. 254 of 2001 requires LA's to achieve standards for discharges to designated sensitive waters.</p>
<p><i>Other Bodies</i></p> <ul style="list-style-type: none"> ▪ Designate bodies of surface water as artificial or heavily modified. ▪ Include designations in the River Basin Management Plan and review every 6 years. 	<ul style="list-style-type: none"> • EPA. <hr style="border: 0; border-top: 1px dashed black; margin: 10px 0;"/> <ul style="list-style-type: none"> • Local Authorities 	<p>S.I. No. 722 of 2003, at article 6, requires the EPA to take such measures as it considers appropriate to promote and facilitate the co-ordination of activities for the purposes of Article 4 of the Directive.</p> <hr style="border: 0; border-top: 1px dashed black; margin: 10px 0;"/> <p>S.I. No. 722 of 2003, at subarticle (12), requires the relevant LA's to establish environmental objectives in relation to each river basin district in accordance with Article 4 of the Directive.</p>

ARTICLE 5 - CHARACTERISTICS OF THE RIVER BASIN DISTRICT, REVIEW OF THE ENVIRONMENTAL IMPACT OF HUMAN ACTIVITY AND ECONOMIC ANALYSIS OF WATER USE

Requirements	Lead Authority	Existing National Legislation
		every six years thereafter.
<p>Comments</p> <ol style="list-style-type: none"> 1. Annex II of the Directive provides two options for the characterisation of surface waters. These involve different approaches to the characterisation of water bodies than heretofore. Characterisation will require inputs from statutory agencies, Government departments and other Non Governmental Organisations. 2. Working Groups have been established to report on the requirements of the WFD with regard to typology, characterisation and economic analysis. 		

ARTICLE 6 - REGISTER OF PROTECTED AREAS

Requirements	Lead Authority	Existing National Legislation
<ul style="list-style-type: none"> ▪ Establish a register of Protected Areas within each RBD by 2004. It shall include the following: <ul style="list-style-type: none"> – areas designated for the abstraction of water intended for human consumption under Article 7; – areas designated for the protection of economically significant aquatic species; – bodies of water designated as recreational waters, including areas designated as bathing waters under Directive 76/160/EEC; – nutrient-sensitive areas including areas designated as vulnerable zones under Directive 91/676/EEC and areas designated as sensitive areas under Directive 91/271/EEC; and – areas designated for the protection of habitats or species where the maintenance or improvement of the status of water is an important factor in their protection including Natura 2000 sites. 	<ul style="list-style-type: none"> • National Government <p>-----</p> <ul style="list-style-type: none"> • EPA 	<p>S.I. 722 of 2003, European Communities (Water Policy) Regulations 2003, at article 4, assigns the Minister for the Environment, Heritage and Local Government the tasks of co-ordination, assistance and guidance in relation to implementation of the Directive across RBDs and IRBDs (together with competent authorities in the State and in Northern Ireland).</p> <p>-----</p> <p>S.I. No. 722 of 2003, at article 8, requires the EPA to establish by 22 December 2004 a register of protected areas in accordance with Article 6 of the Directive and to subsequently keep the register under review and up to date.</p>
<ul style="list-style-type: none"> ▪ Areas designated for the abstraction of water intended for human consumption under Article 7. 	<ul style="list-style-type: none"> • Local Authority 	<p>to establish and maintain registers of abstractions Areas designated for the abstraction of water intended for human consumption under Article 7..</p>

ARTICLE 6 - REGISTER OF PROTECTED AREAS

<ul style="list-style-type: none"> ▪ Areas designated for the protection of economically significant aquatic species. 	<ul style="list-style-type: none"> • National Government 	<p>The Minister has made regulations which designate salmonid waters (S.I. No. 293 of 1988).</p> <p>The Minister has made regulations which designate shellfish waters (S.I. No. 2000 of 1994)</p>
<ul style="list-style-type: none"> ▪ Bodies of water designated as recreational waters, including areas designated as bathing waters under Directive 76/160/EEC 	<ul style="list-style-type: none"> • National Government 	<p>The Minister has made regulations which designate Bathing Water (S.I. No. 155 of 1992).</p>
<ul style="list-style-type: none"> ▪ Nutrient-sensitive areas including areas designated as vulnerable zones under Directive 91/676/EEC and areas designated as sensitive areas under Directive 91/271/EEC 	<ul style="list-style-type: none"> • National Government 	<p>Nitrate Vulnerable zones have yet to be designated. However, the Minister has power to do so under existing legislation.</p> <p>The Minister has made regulations which designate sensitive areas. (S.I. No. 254 of 2001).</p>
<ul style="list-style-type: none"> ▪ Areas designated for the protection of habitats or species where the maintenance or improvement of the status of water is an important factor in their protection including Natura 2000 sites designated under Directives 92/43/EEC and 79/409/EEC 	<ul style="list-style-type: none"> • National Government through Dúchas, DAHG and DoELG 	<p>S.I. No. 94 of 1997 refers to the identification by the Minister of a candidate list of European sites to give effect to the Habitats Directive.</p>

ARTICLE 7- WATER USED FOR THE ABSTRACTION OF DRINKING WATER		
Requirements	Lead Authority	Existing National Legislation
<p>Comment</p> <p>1. The WFD requires identification of existing and future water bodies for drinking water abstraction. Existing legislation provides for the identification of existing water bodies used for abstraction but not future water bodies.</p>		

ARTICLE 8 - MONITORING OF SURFACE WATER STATUS, GROUNDWATER STATUS AND PROTECTED AREAS		
Requirements	Lead Authority	Existing National Legislation
<ul style="list-style-type: none"> ▪ Establish Monitoring Programmes for monitoring water status 	<ul style="list-style-type: none"> • National Government <p style="text-align: center;">-----</p> <ul style="list-style-type: none"> • EPA 	<p>S.I. 722 of 2003, European Communities (Water Policy) Regulations 2003, at subarticle (10), assigns the Minister for the Environment, Heritage and Local Government powers of amending any proposed monitoring programmes submitted by the EPA.</p> <p style="text-align: center;">-----</p> <p>S.I. 722 of 2003 at article 10 requires that the EPA prepare by 22 June 2006 a monitoring programme for monitoring water status to provide a comprehensive overview of water status within each RBD in accordance with Articles 7(1) and 8 of the Directive.</p>

ARTICLE 8 - MONITORING OF SURFACE WATER STATUS, GROUNDWATER STATUS AND PROTECTED AREAS

Requirements	Lead Authority	Existing National Legislation
<ul style="list-style-type: none"> ▪ Surface Water programmes shall cover ▪ Volume, level/rate of flow ▪ Ecological and chemical status and ecological potential 	<ul style="list-style-type: none"> • EPA <p style="text-align: center;">-----</p> <ul style="list-style-type: none"> • Local Authorities 	<p>S.I. 722 of 2003 at subarticle (10) requires that the monitoring programme established by the EPA covers in relation to surface waters, the ecological and chemical status and ecological potential and the volume, level/rate of flow to the extent relevant for ecological and chemical and ecological potential.</p> <p>Section 64 of Part 3 of the EPA Act requires the EPA to establish a hydrometric programme for the collection analysis and publication of hydrometric data.</p> <p style="text-align: center;">-----</p> <p>S.I. 722 of 2003 at subarticle (10) requires that the EPA prepare by 22 June 2006 a monitoring programme for monitoring water status to provide a comprehensive overview of water status within each RBD in accordance with Articles 7(1) and 8 of the Directive.</p> <p>Under Section 64 of Part 3 of the EPA Act 1992, the EPA may direct a LA to provide, operate and maintain gauges and other equipment for recording hydrometric data.</p> <p>S.I. No. 439 of 2000 and SI 249 of 1989 requires LAs to monitor the quality of water intended for the abstraction of drinking water.</p> <p>S.I. No. 293 of 1988 requires LAs to carry out monitoring with respect to Salmonid waters.</p>

ARTICLE 8 - MONITORING OF SURFACE WATER STATUS, GROUNDWATER STATUS AND PROTECTED AREAS		
Requirements	Lead Authority	Existing National Legislation
	<p>-----</p> <ul style="list-style-type: none"> • Others 	<p>S.I. No. 155 of 1992 requires LAs to carry out monitoring with respect to Bathing Waters.</p> <p>S.I. No. 254 of 2001 requires LAs to carry out monitoring of water subject to a discharge from an urban wastewater treatment plant.</p> <p>-----</p> <p>Under Section 64 of Part 3 of the EPA Act 1992, the EPA may make arrangements with any public authority to provide, operate and maintain gauges and other equipment for recording hydrometric data.</p>
<ul style="list-style-type: none"> ▪ Groundwaters programmes shall cover monitoring of chemical and quantitative status. 	<ul style="list-style-type: none"> • EPA 	<p>S.I. 722 of 2003 at subarticle (10) requires that the monitoring programme established by the EPA covers in relation to groundwaters, the chemical and quantitative status.</p> <p>S.I. No. 41 of 1999 requires the EPA to carry out or cause to be carried out monitoring of the effects on groundwater in respect of a licence issued under these regulations.</p> <p>S.I. No. 42 of 1999 requires LAs to carry out or cause to be carried out monitoring of effects on groundwater in respect of a licence</p>

ARTICLE 8 - MONITORING OF SURFACE WATER STATUS, GROUNDWATER STATUS AND PROTECTED AREAS		
Requirements	Lead Authority	Existing National Legislation
	<ul style="list-style-type: none"> • Local Authority 	issued under Part IV of the Water pollution Act.
<ul style="list-style-type: none"> ▪ Protected Areas programmes shall cover specifications contained in community legislation under which the individual protected areas have been established. 	<ul style="list-style-type: none"> • EPA 	S.I. No. 722 of 2003, at subarticle (10) requires the EPA to prepare a monitoring programme in accordance with sub-article (1) which shall in relation to protected areas, such additional matters as may be required to meet the requirements of local, national and European Community legislation establishing the protected areas.
<ul style="list-style-type: none"> ▪ Programmes shall be operational by 2006 and will be in accordance with Annex V 	<ul style="list-style-type: none"> • National Government through RBD Competent Authority 	S.I. No. 722 of 2003, at subarticle (10) requires that the EPA publish and send to the Minister of the Environment, Heritage and Local Government a copy of the monitoring programme prepared by the EPA and that the monitoring programme (with possible amendments by the Minister) shall come into effect by the 22 December 2006.
<p>Comments</p> <p>In many cases LAs commission the EPA to carry out their statutory obligations with respect to monitoring of surface waters.</p>		

ARTICLE 9 – RECOVERY OF COSTS FOR WATER SERVICES

Requirements	Lead Authority	Existing National Legislation
<ul style="list-style-type: none"> ▪ Take account of the principle of cost recovery including environmental and resource costs – Ensure that Water Pricing Policies provide adequate incentives to use resources efficiently. – Ensure an adequate distribution of cost recovery 	<ul style="list-style-type: none"> • Local Authorities 	<p>S.I. No. 722 of 2003, at article 11, stipulates that the relevant LA’s in accordance with Article 9 of the Directive take account of the principle of recovery of the costs of water services, including environmental and resource costs, having regard to the economic analysis carried out in subarticle (7), and in accordance with the polluter pays principle, ensure compliance with Article 9 of the Directive by the 31 December 2009. The LA’s must comply with any direction or guidance given by the Minister of the Environment, Heritage and Local Government.</p>
<p>Comments</p> <p>The “established practices” of recovering costs for water services referred to in Article 9.4 of the Directive shall include the provisions of section 12 of the Local Government (Financial Provisions) Act, 1997 (No. 29 of 1997).</p> <p>National Government has adopted the “Polluter Pays Principle” as policy in the Water Services Investment Programme. Non – domestic users are required to pay their share of the costs of water and wastewater infrastructure including the operation and maintenance costs. No charges are presently levied on domestic users.</p>		

ARTICLE 10 – THE COMBINED APPROACH FOR POINT AND DIFFUSE SOURCES

Requirements	Lead Authority	Existing National Legislation
<ul style="list-style-type: none"> ▪ Ensure that all discharges to surface waters are controlled 	<ul style="list-style-type: none"> • National Government through the RBD Competent Authority <hr style="border-top: 1px dashed black;"/> <ul style="list-style-type: none"> • Local Authority <hr style="border-top: 1px dashed black;"/> <ul style="list-style-type: none"> • EPA 	<p>None – See Note 1</p> <hr style="border-top: 1px dashed black;"/> <p>None – See Note 1</p> <p>S.I. No. 117 of 1977 allows LA’s to prepare a Water Quality Management Plan</p> <hr style="border-top: 1px dashed black;"/> <p>None – See Note 1</p> <p>S.I. No. 722 of 2003, at subarticle (6), requires the EPA to take such measures as it considers appropriate to promote and facilitate the co-ordination of activities for the purposes of Article 10 of the Directive.</p> <p>The EPA is required under Section 75 of Part 3 of the EPA Act, 1992 to specify and publish Environmental Quality Objectives (EQO’s) for the purposes of environmental protection.</p> <p>The EPA may, under Section 76 of Part 3 the EPA Act 1992, prepare and publish Codes of Practice for the purposes of environmental protection and to approve codes of practice drawn up by any other body.</p> <p>The EPA has powers under Part IV of the EPA Act to issue IPC licences in respect of certain activities. These powers can be used to reduce or phase out discharges of Priority Substances.</p>

ARTICLE 10 – THE COMBINED APPROACH FOR POINT AND DIFFUSE SOURCES

Requirements	Lead Authority	Existing National Legislation
<ul style="list-style-type: none"> ▪ Establish emission controls based on best available techniques (BAT) or relevant emission limit values or for diffuse impacts controls including best environmental practices set out in the following Directives 	<ul style="list-style-type: none"> ▪ National Government <hr style="border-top: 1px dashed black;"/> <ul style="list-style-type: none"> • EPA 	<p>The EPA Act of 1992 requires that a Minister of the Government shall have regard to information, advice or recommendations given to the Minister by the EPA under Sections 55 and 75 of Part 3 of the Act.</p> <hr style="border-top: 1px dashed black;"/> <p>The EPA may, or if directed to do so by the Minister shall, under Section 55 of Part 3 of the EPA Act, 1992 give information or advice or make recommendations for the purposes of environmental protection.</p> <p>The EPA is required under Section 75 of Part 3 of the EPA Act, 1992 to specify and publish Environmental Quality Objectives (EQO's) for the purposes of environmental protection.</p>
<p>Directive 96/61/EC concerning Integrated Pollution Prevention and Control.</p>	<ul style="list-style-type: none"> • EPA 	<p>The Environmental Protection Agency Act, 1992 provides for a combined approach by licensing by the EPA of emissions of certain activities by way of an Integrated Pollution Control licence.</p> <p>The Waste Management Act, 1996 provides for licensing by the EPA of waste disposal and recovery activities. The waste licence considers all emissions from the activity.</p>
<p>Directive 91/271/EEC concerning Urban Wastewater treatment.</p>	<ul style="list-style-type: none"> • Local Authority 	<p>S.I. No. 254 of 2001 requires LAs to carry out the requirements of the Urban Waste Water Directive.</p>

ARTICLE 10 - THE COMBINED APPROACH FOR POINT AND DIFFUSE SOURCES

Requirements	Lead Authority	Existing National Legislation
<p>Directive 91/676/EEC concerning the protection of waters against pollution caused by Nitrates and agricultural sources.</p>	<ul style="list-style-type: none"> • Local Authority 	<p>A voluntary code of good practice is in place with respect to farming practices. "Code of Good Agricultural Practice to Protect Waters from Pollution by Nitrates", July 1996.</p> <p>A code of good practice is in place with respect to "the Use of Biosolids in Agriculture - Guidelines for Local Authorities and Wastewater Treatment Plant Operators".</p>

ARTICLE 10 - THE COMBINED APPROACH FOR POINT AND DIFFUSE SOURCES		
Requirements	Lead Authority	Existing National Legislation
Directives referenced in Article 16	<ul style="list-style-type: none"> • EPA / Local Authority 	<p>S.I. No. 722 of 2003, at article 17, requires that the EPA shall, in the absence of agreement at European Community level within the period of six years specified in Article 16.8 of the Directive in relation to the establishment of environmental quality standards under Article 16 of the Directive for substances included on the first list of priority substances, make recommendations to the Minister not more than three months after the expiration of that period in relation to the standards which should be established in accordance with that article for all surface waters affected by discharges of such substances and such controls as may be appropriate in relation to the principal sources of such substances.</p> <p>For substances subsequently included in the list of priority substances, the EPA shall, in the absence of agreement at European Community level in relation to standards for such substances within the period of 54 months after the inclusion of such substances on the list of priority substances, make recommendations to the Minister within three months after the expiration of that period in relation to the standards which should be established in accordance Article 16.8 of the Directive</p>
Directives listed in Annex IX of the WFD	<ul style="list-style-type: none"> • Local Authority 	

ARTICLE 10 - THE COMBINED APPROACH FOR POINT AND DIFFUSE SOURCES		
Requirements	Lead Authority	Existing National Legislation
<ul style="list-style-type: none"> • Where stricter conditions than those above are required to achieve quality objectives and standards, more stringent emission controls will be set accordingly. 	<ul style="list-style-type: none"> • National Government through the RBD Competent Authority 	<p>The Minister in exercise of powers conferred on him by Section 3 of the European Communities Act, Section 30 of the Local Government Water Pollution Act 1977 (as amended 1990), and Section 6 and 59 of the Environmental Protection Agency Act 1992, has powers to make regulations to give full effect to EU Directives.</p>
<p>Comments</p> <p>1. Existing legislation deals primarily with point and diffuse sources separately and individually. LAs are responsible for licensing of discharges to waters under Section 4 of the Water Pollution Act. Likewise the EPA has responsibility for licensing of certain activities under Part 4 of the EPA Act. In Column 3 the legislation listed provides for a combined approach to discharges to surface waters, which is the intention of this Article.</p>		

ARTICLE 11 - PROGRAMME OF MEASURES

Requirements	Lead Authority	Existing National Legislation
<ul style="list-style-type: none"> • Establish a programme of Measures for each River Basin District which shall include Basic measures and Supplementary measures where necessary. <p>Required Basic Measures include -</p> <p>The implementation of the following directives that are already in force and listed in Annex VI and the directives listed in Article 10.</p>	<ul style="list-style-type: none"> ▪ National Government <hr style="width: 20%; margin: 10px auto;"/> <ul style="list-style-type: none"> • Local Authority 	<p>S.I. 722 of 2003, European Communities (Water Policy) Regulations 2003, at subarticle (12), enables the Minister for the Environment, Heritage and Local Government to amend the programme of measures submitted by the EPA after consultation with such (if any) Minister of the Government, competent authority in Northern Ireland or other person as the Minister considers appropriate and following consideration of the programme of measures report sent by the EPA.</p> <p>-----</p> <p>S.I. 722 of 2003, at article 12, specifies that the relevant LAs shall establish a programme of measures in accordance with Article 11 of the Directive by 22 June 2009 and shall publish the programme of measures so established.</p>
Bathing Water Directive (76/160/EEC)	<ul style="list-style-type: none"> • Local Authority 	Bathing Water Regulations and Amendments (S.I. No. 155 of 1992, S.I. No 145 of 1994 and S.I No 22 of 2001) includes for measures to be taken by LAs to enforce the Bathing Water Directive (76/160/EEC).
The Birds Directive (79/409/EEC)	<ul style="list-style-type: none"> • National Government • Local Authority 	The Conservation of Wild Birds Regulations (S.I. No. 291 of 1985)

ARTICLE 11 – PROGRAMME OF MEASURES

Requirements	Lead Authority	Existing National Legislation
The Drinking Water Directives (80/778/EEC) and 98/83/EC	<ul style="list-style-type: none"> National Government 	Quality of Water intended for Human Consumption Regulations S.I. No. 81 of 1988 includes for measures to be taken by LAs to enforce the Drinking Water Directive (98/83/EC). The revised Drinking Water Directive (98/83/EC) comes into force in 2004 and Regulations to enforce this directive (S.I. 439 of 2000) come into force at the same time.
The Major Accidents (Seveso) Directive (96/82/EC)	<ul style="list-style-type: none"> National Government 	S.I. No. 292 of 1986 and S.I. 476 of 2000 bringing into force the Control of Major Accidents involving dangerous substances.
The Environmental Impact Assessment Directive (85/337/EEC)	<ul style="list-style-type: none"> Local Authority 	Environmental Impact Assessment Regulations 1989 to 1998 (S.I. No. 351 of 1998) bring into force in Irish Law the requirement of the Environmental Impact Assessment Directive (85/337/EEC).
The Sewage Sludge Directive (86/278/EEC)	<ul style="list-style-type: none"> Local Authority 	Use of Sewage Sludge in Agriculture Regulations (S.I. No. 148 of 1998) as amended by S.I. No. 267 of 2001 include for measures to be taken to enforce the requirements of Council Directive (86/278/EEC).
The Urban Waste water Treatment Directive (91/271/EEC)	<ul style="list-style-type: none"> Local Authority 	Urban Waste Water Treatment Regulation (S.I. No. 254 of 2001) includes measures to be taken by LAs concerning the implementation of the Urban Waste Water Directive (91/271/EEC).
The Plant Protection Directive (91/414/EEC)	<ul style="list-style-type: none"> National Government 	S.I. No. 135 of 1995/ S.I. No 183 of 1995 (Export and Import of certain Dangerous substances)
The Nitrates Directive (91/676/EEC)	<ul style="list-style-type: none"> National Government 	None at present. A draft action plan is presently out for consultation.

ARTICLE 11 – PROGRAMME OF MEASURES

Requirements	Lead Authority	Existing National Legislation
The Habitats Directive (92/43/EEC)	<ul style="list-style-type: none"> National Government Local Authority 	National Habitats Regulations (S.I. No. 94 of 1997) include for measures to be carried out to implement the requirement of the Habitats Directive (92/43/EEC).
The Integrated Pollution Control Directive (96/61/EC)	<ul style="list-style-type: none"> EPA 	The Environmental Protection Agency is responsible for Integrated Pollution Control Licensing of Activities listed in the first Schedule of the EPA Act 1992.
Measures deemed appropriate for the purposes of Article 9 (Recovery of Costs for Water Services)		None
Measures to promote efficient and sustainable water use not compromising the objectives in Article 4 (Environmental Objectives)		None
Measures to meet the requirements of Article 7 (Waters used for the abstraction of Drinking Water).	<ul style="list-style-type: none"> Local Authority 	Water Pollution Act and S.I. No. 439 of 2000 requires Local Authorities to take measures to ensure drinking water meets the requirements of Directives 80/778/EEC & 93/83/EC.
Establish Controls for the abstraction of fresh surface water and groundwater and impoundment of fresh surface water including. <ul style="list-style-type: none"> a register of water abstractions a requirement of prior authorisation for abstraction and impoundment. Review controls periodically and update if necessary. 	<ul style="list-style-type: none"> Local Authority 	Section 9 of the Water Pollution Act 1977 requires Local Authorities to maintain registers of abstractions.

ARTICLE 11 – PROGRAMME OF MEASURES

Requirements	Lead Authority	Existing National Legislation
<p>Establish Controls including a requirement for prior authorisation of artificial recharge or augmentation of groundwater bodies. Review controls periodically and update where necessary.</p>	<ul style="list-style-type: none"> • Local Authority <p>-----</p> <ul style="list-style-type: none"> • EPA 	<p>S.I. No. 42 of 1999 gives LAs responsibility to limit the discharge of harmful substances to groundwater through licensing under the Water Pollution Act.</p> <p>-----</p> <p>S.I. No. 41 of 1999 gives responsibility to the EPA to issue licences in respect of discharges to groundwater by LAs and their agents. The EPA may attach conditions to such licences for environmental protection.</p>
<p>Establish prior regulations for point sources liable to cause pollution.</p> <ul style="list-style-type: none"> – Prohibit entry of pollutants into water or – Establish a requirement for prior authorisation / registration based on general binding rules laying down emission controls for the pollutants concerned including controls in accordance with articles 10 and 16. <p>Review controls periodically and update where necessary.</p>	<ul style="list-style-type: none"> • Local Authority <p>-----</p> <ul style="list-style-type: none"> • EPA 	<p>Section 4 of the Water Pollution Act provides for licensing of discharges to waters by Local Authorities.</p> <p>-----</p> <p>Part 4 of the EPA Act provides for the licensing by the EPA of certain activities listed under the First Schedule.</p>

ARTICLE 11 – PROGRAMME OF MEASURES

Requirements	Lead Authority	Existing National Legislation
<p>Establish measures to prevent/control the input of pollutants from diffuse sources. Controls may:</p> <ul style="list-style-type: none"> – Prohibit entry of pollutants into water or – Establish a requirement for prior authorisation/registration based on general binding rules where such a requirement is not otherwise provided in EU legislation. <p>Review controls periodically and update where necessary.</p>	<ul style="list-style-type: none"> • National Government through RBD Competent Authority <p>-----</p> <ul style="list-style-type: none"> • Local Authority 	<p>None</p> <p>-----</p> <p>SI No. 258 of 1998, Water Quality Standards for Phosphorus Regulations</p>
<p>Establish controls to ensure that the hydromorphological conditions of bodies of water are consistent with the achievement of the required ecological status. Review controls periodically and update where necessary.</p>	<ul style="list-style-type: none"> • National Government through RBD Competent Authority 	<p>None</p>
<p>Prohibit Direct Discharges of Pollutants into groundwater.</p>	<ul style="list-style-type: none"> • Local Authority <p>-----</p> <ul style="list-style-type: none"> • EPA 	<p>S.I. No. 42 of 1999 gives LAs responsibility to limit the discharge of harmful substances to groundwater through licensing under the Water Pollution Act.</p> <p>-----</p> <p>S.I. No. 41 of 1999 gives responsibility to the EPA to issue licences in respect of discharges to groundwater by LAs and their agents. The EPA may attach conditions to such licences for environmental protection.</p>

ARTICLE 11 – PROGRAMME OF MEASURES

Requirements	Lead Authority	Existing National Legislation
<p>Authorise reinjection for certain activities and specify conditions.</p> <ul style="list-style-type: none"> – Activities include: mining, exploration, Building, Construction and maintenance of Civil Works, Injection of Natural or Liquefied Petroleum Gas for storage purposes, Discharges of small quantities for scientific purposes for characterisation. – Discharges must not compromise the achievement of the environmental objectives established for that groundwater body of the groundwater body. <p>Measures</p> <ul style="list-style-type: none"> – to eliminate pollution of surface waters by priority substances (ref. Article 16) – to progressively reduce pollution by other substances which would prevent Member States from achieving their Environmental Objectives (ref. Article 4) 		<p>None specific</p>

ARTICLE 11 – PROGRAMME OF MEASURES

Requirements	Lead Authority	Existing National Legislation
<ul style="list-style-type: none"> • Adopt if necessary Supplementary Measures in addition to the Basic Measures to achieve the required Environmental Objectives (Ref Article 4). <p>The following is a not exhaustive list of Supplementary measures. Ref. (Annex IV)</p> <ul style="list-style-type: none"> i. Legislative Instruments ii. Administrative Instruments iii. Economic or Fiscal Instruments iv. Negotiated Environmental Agreements v. Emission Controls vi. Codes of Good Practice vii. Recreation and Restoration of Wetlands Areas viii. Abstraction Controls ix. Demand Management Measures x. Efficiency and Reuse Measures <p>ERBD39325_T1_PLARpt_Final(3)(V)_040211</p>	<ul style="list-style-type: none"> • National Government <hr/> <ul style="list-style-type: none"> • Local Authority <hr/> <p>EPA</p>	<p><u>Supplementary Measures</u></p> <p>The Minister in exercise of powers conferred on him by Section 3 of the European Communities Act, Section 30 of the Local Government Water Pollution Act 1977 (as amended 1990), and Section 6 and 59 of the Environmental Protection Agency Act 1992, has powers to make regulations to give full effect to EU Directives.</p> <hr/> <p>Under Section 199 of Act 30 of 2000, Local Government (Planning & Development) Act a local authority can make bye-laws in relation to the use, operation, protection, regulation or management of any lands, services or any other matter provided by or under the control or management of the local authority (refer to Appendix C).</p> <hr/> <p>The EPA may, or if directed to do so by the Minister shall, under Section 55 of Part 3 of the EPA Act, 1992 give information or advice or make recommendations for the purposes of environmental protection.</p> <p>The EPA is required under Section 75 of Part 3 of the EPA Act, 1992 to specify and publish Environmental Quality Objectives (EQO's) for the purposes of environmental protection.</p> <p>The EPA may, under Section 76 of Part 3 the EPA Act 1992, prepare and publish Codes of Practice for the purposes of environmental protection and to approved codes of practice drawn up by any other body.</p>

ARTICLE 11 – PROGRAMME OF MEASURES

Requirements	Lead Authority	Existing National Legislation
<ul style="list-style-type: none"> ▪ Ensure the following when data indicates that the Environmental Objectives (Article 4) are unlikely to be achieved for the body of water. <ul style="list-style-type: none"> -Investigate the causes of possible failure -Review relevant permits/authorisations -Review and adjust monitoring programmes where appropriate. -Establish additional measures to achieve objectives including stricter environmental quality standards. <ul style="list-style-type: none"> • Additional Measures may be deemed unpractical in exceptional natural circumstances that could not have been foreseen – extreme floods, prolonged droughts. 	<ul style="list-style-type: none"> • National Government through RBD Competent Authority 	None
<ul style="list-style-type: none"> ▪ Establish measures to avoid increase in pollution to Marine Waters. 	<ul style="list-style-type: none"> • National Government through RBD Competent Authority 	None
<ul style="list-style-type: none"> ▪ Establish the Programme of Measures by 2009. All the measures should be operational by 2012. ▪ Review Programme of Measures and update by 2015 and every 6 years thereafter. 	<ul style="list-style-type: none"> • National Government through RBD Competent Authority 	None

ARTICLE 11 – PROGRAMME OF MEASURES

Requirements	Lead Authority	Existing National Legislation
<p>Comment</p> <p>1. It will be the responsibility of the Competent Authority to establish a programme of measures under the WFD. Basic measures are mostly in place with regard to the implementation of existing Directives (the exception being the Nitrates Directive). Also, existing legislation is in place to proceed with some supplementary measures identified in Part B, Annex VI of the Directive. However, new legislation may be required to implement some aspects of the programme of measures.</p>		

ARTICLE 12 – ISSUES WHICH CANNOT BE DEALT WITH AT MEMBER STATE LEVEL

Requirements	Lead Authority	Existing National Legislation
<ul style="list-style-type: none"> ▪ Submit a report to the Commission when an issue regarding the management of its waters which cannot be resolved. ▪ Commission to respond to the report within 6 months 	National Government	None

ARTICLE 13 – RIVER BASIN MANAGEMENT PLANS

Requirements	Lead Authority	Existing National Legislation
<ul style="list-style-type: none"> ▪ Produce a River Basin District Management Plan for each river basin district. ▪ Aim to produce a single international river basin management plan for cross border river basin districts. ▪ Include the following information in the River Basin Management Plan. Reference Annex VII) <ul style="list-style-type: none"> - Description of the RBD characteristics, Ref Article 5 and Annex II. - Summary of significant pressures and impact of human Activity on the status of Waters - Identify and map protected areas, Ref. Article 6 and Annex IV. - Map monitoring network and results of monitoring programmes.(Article 8 & Annex 5). - List Environmental Objectives (Article 4) - Provide a summary of the economic analysis of water use (Article 5 and Annex III). - Provide a summary of the programme of measures. (Article 11) - Provide a register of any more detailed programmes and management plan for the RBD. - Provide a summary of Public consultation measures taken. - List competent authorities - Contact Points and Procedures. ▪ Publish River Basin Plan by 2009 ▪ Review and update by 2015 and every 6 years thereafter. 	<ul style="list-style-type: none"> ▪ National Government <p>-----</p> <ul style="list-style-type: none"> • Local Authority 	<p>S.I. 722 of 2003, European Communities (Water Policy) Regulations 2003, at subarticle (13), enables the Minister for the Environment, Heritage and Local Government to amend the river basin management plan submitted to the Minister (by the EPA) after consultation with such (if any) Minister of the Government, competent authority in Northern Ireland or other person as the Minister considers appropriate.</p> <p>-----</p> <p>S.I. 722 of 2003, at article 13, specifies that the relevant LAs within each RBD shall make a river basin management plan in accordance with Article 13 of the Directive by 22 June 2009 and shall publish the river basin management plan so established. The relevant LAs in relation to an international river basin district shall endeavour to produce a single river basin management plan for the whole district in co-ordination with the competent authorities of Northern Ireland and, if not possible, a plan in relation to the part of the international river basin district lying within the state.</p>

ARTICLE 14 - PUBLIC INFORMATION AND CONSULTATION

Requirements	Lead Authority	Existing National Legislation
<ul style="list-style-type: none"> ▪ Encourage the active involvement of all interested parties. Publish and make available to the public :- - Timetable and work programme for the RBMP (3 years before the plan is initiated) - Overview of significant water management issues (2 years before the plan is initiated) - Draft copies of the RBMP (1 year before the plan is initiated) <p>Make available all background information used</p> <p>Allow at least 6 months before commenting on the documents in writing to allow for public consultation.</p>	<ul style="list-style-type: none"> • Local Authority 	<p>S.I. 722 of 2003, European Communities (Water Policy) Regulations 2003, at article 14, requires the relevant LAs to prepare and publish a timetable and work programme for the production of a RBMP at least 3 years before the RBMP is initiated, an overview of significant water management issues at least 2 years before and draft copies of the RBMP at least 1 year before. On publication of such documents the relevant LAs shall invite public consultation on the documents for commenting and allow at least 6 months for the provision of such comments.</p>

ARTICLE 15 - REPORTING

Requirements	Lead Authority	Existing National Legislation
<p>Forward copies of the River Basin Management Plans (RBMP) and updates to the commission and other involved member states within three months of publication.</p> <p>Submit a summary report of the analysis (Article 5) and monitoring programmes undertaken (Article 8) to the commission within 3 months of their completion.</p> <p>Submit an interim progress report to the Commission within 3 years of publicising the RBMP.</p>	<ul style="list-style-type: none"> • Local Authority <hr style="border-top: 1px dashed black;"/> <ul style="list-style-type: none"> • EPA 	<p>S.I. 722 of 2003, at article 15, requires the relevant LAs to send to the EPA, not later than thirty months after a plan or updated plan comes into effect, an interim report describing progress in the implementation of the programme of measures established for that RBD.</p> <hr style="border-top: 1px dashed black;"/> <p>S.I. 722 of 2003, at article 15, requires the EPA within 6 months of receiving the interim report from a RBD to send to the European Commission an interim report describing progress in the implementation of the programme of measures established for that RBD.</p> <hr style="border-top: 1px dashed black;"/>

	<p>-----</p> <ul style="list-style-type: none">• EPA / Local Authority	<p>S.I. 722 of 2003, at article 19, requires the relevant LAs and the EPA to provide a website containing the documents and maps required by these regulations to be produced by the relevant LAs and EPA, including the background documents and information used for the development of a draft RBMP.</p>
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ARTICLE 16 – STRATEGIES AGAINST POLLUTION OF WATER

Requirements	Lead Authority	Existing National Legislation
<ul style="list-style-type: none"> ▪ European Parliament and the Council to adopt specific measures against pollution of water by pollutants presenting a significant risk to or via the aquatic environment including risks to waters used for the abstraction of drinking water. ▪ Submit a proposal setting out a list of priority substances that present a significant risk to the aquatic environment. Substances shall be prioritised for action on the basis of a risk assessment. ▪ Identify the priority hazardous substances (take account of legislation regarding hazardous substances & international agreements). ▪ Review the adopted list of priority substances by 2004 and every 4 years thereafter and prepare proposals where appropriate. ▪ Take account of recommendations from relevant scientific bodies, organisations and member states in preparing proposals. ▪ Submit proposals for the Control of priority substances by 2003. <ul style="list-style-type: none"> - to progressively reduce discharges/emissions of priority substances - to phase out discharges/emissions of priority hazardous substances. ▪ Submit proposals for quality standards applicable to the concentrations of the priority substances in surface water, sediments or biota by 2003. ▪ Review the limit values and quality objectives in the Daughter directives (Annex IX) of the Dangerous Substances Directive 	<p>European Parliament and Council</p> <p>European Commission</p> <p>European Commission</p> <p>European Commission</p> <p>European Commission</p> <p>European Commission / EPA</p> <p>European Commission / EPA</p> <p>European Commission</p>	<p>Decision No. 2455/2001/EC of the European Parliament and of the Council established the list of Priority substances in the field of water policy and amended the Water Framework directive 2000/60/EC –</p> <p>The list of 33 Priority Substances is added to Annex X of the WFD.</p> <p>The list also identified substances as priority hazardous substances.</p> <p>The Commission developed a combined monitoring-based and modelling based priority setting (COMMPS), scheme, in collaboration with experts of interested parties. The 33 Priority substances were selected on the COMMPS procedure.</p> <p>“Annex IX transfers the legal status of the limit values and quality objectives for List I (dangerous substances directive) substances to the WFD” (Peter Chave, 2001)</p> <p>S.I. No. 722 of 2003, at article 17, requires that the EPA shall, in the absence of agreement at European Community level within the period of six years specified in Article 16.8 of the Directive in relation to the establishment of environmental quality standards under Article 16 of the Directive for substances included on the first list of priority substances, make recommendations to the Minister not more than three months after the expiration of that period in relation to the standards which should be established in accordance with that article for all surface waters affected by discharges of such substances and such controls as may be appropriate</p>

ARTICLE 16 – STRATEGIES AGAINST POLLUTION OF WATER

Requirements	Lead Authority	Existing National Legislation
when preparing proposals for controls.		in relation to the principal sources of such substances. For substances subsequently included in the list of priority substances, the EPA shall, in the absence of agreement at European Community level in relation to standards for such substances within the period of 54 months after the inclusion of such substances on the list of priority substances, make recommendations to the Minister within three months after the expiration of that period in relation to the standards which should be established in accordance Article 16.8 of the Directive

ARTICLE 17 STRATEGIES TO PREVENT AND CONTROL POLLUTION OF GROUNDWATER

Requirements	Lead Authority	Existing National Legislation
<ul style="list-style-type: none"> ▪ Adopt measures to prevent and control groundwater pollution and to achieve good groundwater chemical status <p>Include above measures in the Programme of Measures for the RBDs</p>	<p>European Parliament and Council</p> <p>-----</p> <ul style="list-style-type: none"> • EPA 	<p>None.</p> <p>-----</p> <p>S.I. No. 722 of 2003, at article 18, requires that the EPA shall, in the absence of the adoption at the European Community level in relation to groundwater for the purposes of Article 17 of the Directive make recommendations to the Minister for the Environment, Heritage and Local Government regarding the criteria which should be established for that purpose.</p>

ARTICLE 18 – COMMISSION REPORT

Requirements	Lead Authority	Existing National Legislation
<ul style="list-style-type: none"> ▪ Publish a report on the implementation of the Water Framework Directive by 2012 and every 6 years thereafter. Submit to European Parliament and Council. 	Commission	N/A
<ul style="list-style-type: none"> ▪ Publish a report based on the summary reports submitted by member states. (analyses and monitoring programmes for first RBMP) Article 15(2). 	Commission	
<ul style="list-style-type: none"> ▪ Publish an interim report based on the interim reports submitted by member states describing progress on implementation. Article 15(3). Submit to European Parliament and Council. 	Commission	
<ul style="list-style-type: none"> ▪ Organise a conference of interested parties to comment on the Commission’s implementation reports in line with the reporting cycle. Participants should include representatives from the competent authorities, the European Parliament, NGO’s, experts. 	Commission	

ARTICLE 19 PLAN FOR FUTURE COMMUNITY MEASURES

Requirements	Lead Authority	Existing National Legislation
<ul style="list-style-type: none"> ▪ Present to the Regulatory Committee (Article 21), on a yearly basis, a plan indicating measures being considered which may have an impact on Water legislation. The first presentation should be made by 2002. 	Commission	N/A
<ul style="list-style-type: none"> ▪ Review the Water Framework Directive by 2019. 	Commission	

ARTICLE 20 TECHNICAL ADAPPTIONS TO THE DIRECTIVE

Requirements	Lead Authority	Existing National Legislation
<ul style="list-style-type: none"> ▪ Guidelines may be adopted to implement Annexes II and V in accordance with Article 21. ▪ For the purposes of transmission and processing of data technical formats may be adopted in accordance with Article 21. 	Commission	N/A

ARTICLE 21 - REGULATORY COMMITTEE

Requirements	Lead Authority	Existing National Legislation
The Commission shall be assisted by a 'Regulatory Committee'.	Commission	N/A

ARTICLE 22 - REPEALS AND TRANSITIONAL PROVISIONS

Requirements	Lead Authority	Existing National Legislation
<ul style="list-style-type: none"> ▪ Repeal the following Directives in December 2007. <ul style="list-style-type: none"> - Directive 75/440/EEC, concerning surface water for Drinking Water abstraction. - Directive 77/795/EEC establishing a common procedure for the exchange of information on the quality of surface freshwater in the community. <p>Directive 79/869/EEC, concerning the measurement of surface (Drinking) water.</p> ▪ Repeal the following Directives in December 2013. <ul style="list-style-type: none"> - Directive 78/659/EEC Freshwater Fish Directive. - Directive 79/923/EEC Shellfish 	European Commission/National Government	All statutory instruments specifically intended to enforce these EU Directives.

ARTICLE 22 – REPEALS AND TRANSITIONAL PROVISIONS		
Requirements	Lead Authority	Existing National Legislation
<p>Water Directive</p> <ul style="list-style-type: none"> - Directive 80/68/EEC Groundwater Directive. - Directive 76/464/EEC Dangerous Substances Directive. 		
<p>Comment</p> <p>As stated previously in comments on Article 3, new primary legislation is likely to be required to implement the Water Framework Directive. This would result in the making of new regulations, which shall be implemented by new Statutory Instruments.</p>		

ARTICLE 23 – PENALTIES		
Requirements	Lead Authority	Existing National Legislation
<p>Determine Penalties applicable to breaches of the National Provisions adopted pursuant to this Directive. The penalties thus provided shall be effective proportionate and dissuasive.</p>	<p>National Government</p>	<p>Penalties can be imposed by the Courts resulting from actions taken under existing legislation.</p>

ARTICLE 24 - IMPLEMENTATION

Requirements	Lead Authority	Existing National Legislation
Transpose into National Law by December 22 nd 2003 and inform the commission when this is completed.	National Government	S.I. 722 of 2003, European Communities (Water Policy) Regulations 2003 S.I. No. 254 of 2001 S.I. No. 12 of 2001
<p>Comments</p> <p>Related Regulations introduced post the publication of the WFD generally refer to the purpose of the regulations as being for the purposes of giving effect to the WFD (2000/60/EC).</p>		

ARTICLE 25 - ENTRY INTO FORCE

Requirements	Lead Authority	Existing National Legislation
The Water Framework Directive came into force on the 22 nd December 2000 when it was published in the Official Journal of the European Communities.	National Government	The European Communities Act, 1972 requires National Government to implement European Law.

Appendix D

Relevant Irish Legislation and Guidance Documents

Appendix D

Relevant Irish Legislation and Guidance Documents

S.I. No. 722 of 2003. European Communities (Water Policy) Regulations, 2003. The EU Water Framework Directive was fully transposed into Irish Law by the passing of S.I. No. 722 of 2003 and establish a new framework for the management and protection of water quality in Ireland by reference to river basin districts and puts in place competent authorities to provide a combined approach for the implementation of the Water Framework Directive. The Regulations provide for implementation of the Directive across RBDs and IRBDs including:

- Protection of the status of all waters and the achievement of at least “good status” by 22 December 2015 for all waters
- Establishment of “river basin districts” (RBDs) as the administrative areas for implementation of the WFD (including international RBDs in relation to cross-border river basins)
- Co-ordination of actions by all relevant public authorities for water quality management in an RBD including cross-border RBDs
- Characterisation of each RBD
- Establishment of environmental objectives for each RBD
- Development of a “programme of measures” to achieve those environmental objectives and reviewing and updating it every six years
- Development and adoption in each RBD of a river basin management plan (RBMP) and reviewing and updating it every six years

Table A-G-1 below provides a summary of relevant National Water Quality Orientated legislation discussed in this section.

Table A-G-1: Synopsis of Water Quality Oriented Legislation

Legislation
<p><i>Bathing Water</i></p> <p>S.I. No. 84 of 1988. European Communities (Quality of Bathing Waters) Regulations, 1988</p> <p>S.I. No. 99 of 1989. European Communities (Quality of Bathing Waters (Amendment) Regulations, 1989</p> <p>S.I. No. 155 of 1992. Quality of Bathing Waters Regulations, 1992</p> <p>S.I. No. 145 of 1994. Quality of Bathing Waters (Amendment) Regulations, 1994</p> <p>S.I. No. 230 of 1996. Quality of Bathing Waters (Amendment) Regulations, 1996</p> <p>S.I. No. 177 of 1998. Quality of Bathing Waters (Amendment) Regulations, 1998</p> <p>S.I. No. 22 of 2001. Quality of Bathing Waters (Amendment) Regulations, 2001</p>
<p><i>Drinking Water</i></p> <p>S.I. No. 439 of 2000. European Communities (Drinking Water) Regulations, 2000</p> <p>S.I. No. 81 of 1988. European Communities (Quality of Water Intended for Human Consumption) Regulations, 1988</p> <p>S.I. No. 350 of 1999. European Communities (Quality of Water Intended for Human Consumption) (Amendment) Regulations, 1999</p> <p>S.I. No. 177 of 2000. European Communities (Quality of Water Intended for Human Consumption) (Amendment) Regulations, 2000</p> <p>S.I. No 294 of 1989. European Communities (Quality of Surface Water Intended for the Abstraction of Drinking Water) Regulations, 1989</p>
<p><i>Salmonid Waters and Fisheries</i></p> <p>S.I. No. 293 of 1988. European Communities (Quality of Salmonid Waters) Regulations, 1988.</p> <p>S.I. No. 14 of 1959 Fisheries (Consolidation) Act, 1959.</p> <p>S.I. No. 23 of 1997 Fisheries (Amendment) Act, 1997.</p>
<p><i>Shellfish Waters</i></p> <p>S.I. No. 200 of 1994. Quality of Shellfish Waters Regulations, 1994</p> <p>S.I. No. 459 of 2001. Quality of Shellfish Waters (Amendment) Regulations, 2001</p>

Legislation
<p><i>Phosphorus Regulations</i></p> <p>S.I. No. 258 of 1998. Local Government (Water Pollution) Act, 1977 (Water Quality Standards for Phosphorus) regulations, 1998.</p> <p><i>Bye-laws implemented to tackle Phosphate levels in surface waters</i></p> <ul style="list-style-type: none">• Cavan County Council (Water Pollution) (Agriculture) Bye-Laws 2000.• Cork County Council (Regulation of Agricultural Practice in the Catchments of the River Lee the River Gradogue and the River Funshion) Bye-Laws 1999• Tipperary (North Riding) County Council (Water Pollution) (Agriculture) Bye-Laws 2000• Westmeath County Council (Water Pollution) (Agriculture) Bye-Laws 2000• Offaly County Council (Water Pollution) (Agriculture) Bye-Laws 2001• Roscommon County Council Bye Laws for the Control of Agricultural Waste, 2001
<p><i>Dangerous Substances Regulations</i></p> <p>S.I. No. 12 of 2001. Water Quality (Dangerous Substances) Regulations, 2001.</p>

Quality of Bathing Waters

S.I. No. 155 of 1992. Quality of Bathing Waters Regulations, 1992, as amended by S.I. No. 145 of 1994. Quality of Bathing Waters (Amendment) Regulations, 1994, S.I. No. 230 of 1996. Quality of Bathing Waters (Amendment) Regulations, 1996, S.I. No. 177 of 1998. Quality of Bathing Waters (Amendment) Regulations, 1998. These regulations are intended to give effect to Council Directive 76/160/EEC concerning the Quality of Bathing Waters.

Specific beaches in the RBD have been designated as bathing areas under various Bathing Waters Statutory Instruments. Local Authorities must monitor the water quality of the bathing water regularly at the point where the daily density of bathers is greatest. A register of the results of the monitoring is kept and subject to review. The designation of the Bathing water is subject to the quality of the water over the monitoring season (May-September). Waters in which bathing is practised at the bathing areas specified shall meet the quality standards specified on the basis of and subject to the conditions so specified in these regulations. In determining conformity with these Regulations deviations from the standards shall not be taken into consideration where the deviations are the result of floods, other natural disasters or abnormal weather conditions.

S.I. No. 22 of 2001. Quality of Bathing Water (Amendment) Regulations, 2001. Amends the list of bathing waters designated by S.I. No. 177 of 1998. These Regulations also assign to the Environmental Protection Agency the function of granting departures under article 5 (Duty of Local Authority to Ensure Compliance with Standards) of the 1992 Regulations.

Drinking Water

S.I. No. 294 of 1989. European Communities (Quality of Surface Water Intended for the Abstraction of Drinking Water) Regulations, 1989. A sanitary authority is required to

classify surface water in their area in accordance with the quality standards specified in the regulations into three categories, A1, A2, A3, which correspond to the standard methods of treatment specified in Part I of the Schedule. Where surface waters have been classified it shall be the duty of the sanitary authority to take the necessary measures to ensure that each of the waters concerned meets the quality standards appropriate to its category, except where a departure is granted. Water that does not meet at least the quality standards specified in Part II of the Schedule in respect of category A3 water may not be used for the abstraction of drinking water (Refer to Appendix B).

S.I. No. 81 of 1988. European Communities (Quality of Water Intended for Human Consumption) Regulations, 1988. Water intended for human consumption shall meet the quality standards specified in the regulations.

S.I. No. 350 of 1999. European Communities (Quality of Water Intended for Human Consumption) (Amendment) Regulations, 1999. These Regulations amend the European Communities (Quality of Water Intended for Human Consumption) Regulations, 1988. They provide for remedial measures to be taken in relation to certain private drinking water schemes which are deficient in quality. Local Authorities shall:

- Warn users of the water supply
- Prepare an action programme
- Notify or serve notice on the person responsible for the supply

S.I. No. 177 of 2000. European Communities (Quality of Water Intended for Human Consumption) (Amendment) Regulations, 2000. These regulations amend article 8 of the European Communities (Quality of Water intended for Human Consumption) Regulations, 1988. Article 8 relates to the remedial measures to be taken in relation to certain private drinking water schemes that are deficient in quality.

S.I. No. 439 of 2000. European Communities (Drinking Water) Regulations, 2000. These regulations shall come into force on 1st January 2004. It shall be the duty of the sanitary authority to take the necessary measures to ensure that water intended for human consumption is wholesome and clean and meets the requirements of these Regulations, except where a departure is granted. Water will be regarded as wholesome and clean if

- it is free from micro-organisms and from any substances which in numbers or concentrations, constitutes a potential danger to public health and
- it meets the quality standards specified in these regulations (Refer to Appendix B).

Salmonid Water and Fisheries

In Ireland, specified rivers and lakes have been designated as salmonid fisheries. However, in many water quality management plans the objective is of compliance with salmonid water quality conditions. Specific legislation relating to the protection and ultimately the improvement of salmonid water is in force under the European Communities (Quality of Salmonid Waters) Regulations (S.I. No. 293 of 1988). Sampling regimes are also implemented under these regulations.

S.I. No. 293 of 1988. European Communities (Quality of Salmonid Waters) Regulations, 1988. The fresh waters specified in these regulations capable of supporting salmon (*Salmo salar*), trout (*Salmo trutta*), char (*Salvelinus*) and whitefish (*Coregonus*), are designated as salmonid waters for the purposes of these Regulations. Salmonid waters shall meet the quality standards specified in these regulations on the basis of and subject to the conditions so specified. Deviations from the standard shall not be taken into consideration in determining conformity with these Regulations where the deviations are the result of floods or other natural disasters.

S.I. No. 14 of 1959. Fisheries (Consolidation) Act, 1959. Important measures relating to water quality control are also contained in the Fisheries (Consolidation) Acts 1959-2001. The 1959 Act provides that it is an offence to deposit "deleterious matter" in "waters". The definition of "deleterious matter" is narrower than the subject of the Water Pollution Acts; being any substance (including any explosive, liquid or gas) the entry or discharge of which into any waters is liable to render those or any other waters poisonous or injurious to fish, spawning grounds or the food of any fish or to injure in their value as human food, or to impair the usefulness of the bed and soil of any waters as spawning grounds or their capacity to produce the food of fish. This Act applies to any river, lake, watercourse, estuary or any part of the sea.

S.I. No. 23 of 1997. Fisheries (Amendment) Act, 1997. This Act amends and extends the laws relating to fisheries, prohibiting persons from engaging in aquaculture except with and in accordance with a licence. The Act establishes a procedure for the granting, renewal, amendment and revocation of licences, to allow for appeals against decision relating to licenses, and for continued purposes.

Shellfish Waters

S.I. No. 200 of 1994. Quality of Shellfish Waters Regulations, 1994 as amended by S.I. No. 459 of 2001. Quality of Shellfish Waters (Amendment) Regulations, 2001. These regulations prescribe quality standards for shellfish waters and designate the waters to which they apply, together with sampling and analysis procedures to be used to determine compliance with the standards. The designated shellfish waters are listed in the first schedule of the regulations, which are made by the Minister for the Environment and Local Government following consultation with the Minister of Communications, Marine & Natural Resources.

Designated Shellfish waters shall conform to the quality standards specified on the basis of, and subject to, the conditions specified (Refer to Appendix B), not later than the 31st day of December, 1999. Where sampling frequency is reduced, the quality standard concerned shall be conformed to by all samples. Deviations from the quality standards specified shall not be taken into consideration in determining conformity with these Regulations when such deviations are the result of a disaster.

The Amendment Regulations of the Quality of Shellfish Waters Regulations, 1994 (S.I. No. 459 of 2001) require the preparation and implementation of action programmes in respect of all designated shellfish waters.

Water Quality Standards for Phosphorus

S.I. No. 258 of 1998. Local Government (Water Pollution) Act, 1977 (Water Quality Standards for Phosphorus) Regulations, 1998. These regulations provide for specified

improvements in water quality conditions in rivers and lakes based on phosphorus concentrations or related water quality classifications and provide for periodic reporting in relation to progress in implementing the requirements of the regulations. The Regulations give effect to certain requirements arising under the Dangerous Substances Directive 76/464/EEC in relation to pollution caused by dangerous substances discharged into the aquatic environment of the Community.

Article 3 of the Regulations requires that the existing biological quality rating for any part of a river and the existing trophic status for any part of a lake shall be maintained. Existing biological quality ratings and existing trophic status are defined as the rating or status assigned by the Environmental Protection Agency based on monitoring during the period 1995-1997. Where monitoring has not been carried out during that period the rating or status shall be that first assigned by the Agency post 1997.

Article 3 also requires that the existing quality rating or trophic status shall be improved in certain circumstances. The required quality standards are set out in the Third Schedule of the Regulations. Improvements must be made where the quality standards stipulated in the Third Schedule require higher standards than existing standards.

Rating of water quality for any part of a river is based principally on the composition of macro-invertebrate communities/faunal groups present and their general sensitivity to organic pollution, as used by the Environmental Protection Agency and described in the First Schedule of the Regulations. Median concentrations for Molybdate-Reactive Phosphate (MRP) are referenced to the corresponding target biological water quality rating. Annual median levels of MRP (expressed as $\mu\text{g P/l}$) are defined for each Q rating. The maximum allowable value corresponding with a minimum Q rating of 3 (moderately polluted) is $70 \mu\text{g P/l}$, with $50 \mu\text{g P/l}$ corresponding to Q3-4 and $30 \mu\text{g P/l}$ corresponding to Q4.

In relation to lakes two parameters have been set as follows:-

- Trophic Status: based on Annual Maximum Chlorophyll concentrations as determined by the EPA.
- Annual Average Concentration of Total Phosphorus.

Where water quality is satisfactory at present (Q rating 5, 4-5 and 4), the objective is conservation and maintenance of that rating. Where the waters are slightly, moderately or seriously polluted, the objective is an improvement in the Q rating.

In accordance with the requirements of Article 7 of the original Council Directive, the timescale for the implementation of these improvements is stipulated in the Regulations. Where existing quality ratings or trophic status have been assigned, improvements must be met by 31st December 2007. Where quality ratings or trophic status have not been assigned the improvements must be implemented not later than 10 years after the EPA first assigns a rating or status.

The Regulations make allowance for an extension to the period stipulated for compliance with the Regulations. This extension is only allowable under certain defined circumstances and shall not exceed six years.

Under Article 4 of the Regulations, Local Authorities are charged with responsibility to take appropriate steps under the Principal Act (i.e. Water Pollution Act) to secure compliance with the required quality standards. Likewise the Environmental Protection Agency is similarly charged to take appropriate steps to secure compliance under the Environmental Protection Agency Act.

Article 4 of the Regulation also requires Local Authorities and the EPA to carry out certain reporting functions. Local Authorities must submit a report to the EPA setting out the measures that it proposes to take to comply with the Regulations. The deadline for submission of this report was 31st July 1999. Every two years the Local Authorities must submit progress reports to the Agency. The first of these was due by 31st July 2000.

For its part, the EPA must prepare and publish reports on the implementation of the Regulations within 9 months of the deadlines given to Local Authorities.

The reporting provisions of the Regulations are intended to comply with the reporting requirements of the Directive.

The Environmental Protection Agency has produced a "Guidance Note to Local Authorities on Preparation and Submission of Measuring Report". This guidance note provides information on the measures available to Local Authorities for the implementation of the Regulations.

Dangerous Substances

S.I. No. 12 of 2001. Water Quality (Dangerous Substances) Regulations, 2001. These Regulations give further effect to the EU Council Directive 76/464/EC (Dangerous Substances Directive) and give effect to certain provisions of the Water Framework Directive (2000/60/EC).

The regulations require that, where the existing condition of a water body does not meet a specified standard in relation to a substance, there shall be no disimprovement in the condition of the water body in relation to that substance. Standards are prescribed for dangerous substances in waters (excluding groundwater) which must be complied with not later than the 31st of December 2010 (Standards are given in Appendix B). A local authority must report to the EPA setting out the measures to be taken to achieve compliance. The Local Authority must also issue reports on progress in implementing measures to achieve compliance at prescribed deadlines, the first of which was due on the 31st July 2002.

Local Authorities must identify, in consultation with the EPA, water bodies that are so affected by naturally occurring conditions or by past human activity that compliance with the specified standard would not be possible or disproportionately expensive

Emission Control Legislation

Table A-G-2 below provides a summary of relevant National Emission Control Oriented Legislation discussed in this section.

Table A-G-2. - Summary of Emission Control Oriented legislation

Legislation
<p><i>Water Pollution</i></p> <p>Act No. 1, 1977. The Local Government (Water Pollution) Act, 1977.</p> <p>Act No. 21 of 1990. Local Government (Water Pollution) (Amendment) Act, 1990.</p> <p>S.I. No. 184 of 1996. Local Government (Water Pollution) (Amendment) Regulations.</p> <p>S.I. No. 42 of 1999. Local Government (Water Pollution) Amendment Regulations.</p>
<p><i>Urban Waste Water Treatment</i></p> <p>S.I. No 254 of 2001. Urban Waste Water Treatment Regulations, 2001.</p>
<p><i>Nitrates</i></p> <p><i>There is as yet no nitrates legislation in Ireland in compliance with Council Directive 91/676/EEC (Nitrates Directive). The following are published guidelines which are in practice but which are not incorporated into existing legislation.</i></p> <ul style="list-style-type: none"> - <i>Code of Good Agricultural Practice to Protect Waters from Pollution by Nitrates, 1996*</i> - <i>Good Farming Practice, 2001*.</i> <p>The government is committed to compliance with the Nitrates Directive 91/676/EEC and on 29 May, 2003 passed the European Communities (Protection of Waters Against Pollution from Agricultural Sources) Regulations, 2003 (S.I. No. 213 of 2003) which formally identified the whole country as the area to which an action programme under the Nitrate. A draft action programme under the EU Nitrates Directive was prepared on December 19, 2003 and is currently out for consultation.</p>
<p><i>Groundwater Pollution</i></p> <p>S.I. No. 41 of 1999. Protection of Groundwater Regulations, 1999.</p> <p>S.I. No. 42 of 1999. Local Government (Water Pollution) (Amendment) Regulations, 1999.</p>
<p><i>Dangerous Substances</i></p> <p>S.I. No. 31 of 1990. European Communities (Control of Water Pollution by Asbestos) Regulations, 1990.</p> <p>S.I. No. 245 of 1994. Local Government (Water Pollution) Act 1977 and 1990 (Control of ECD, TRI, PER, and TCB Discharges) Regulations, 1994.</p> <p>S.I. No. 43 of 1994. Local Government (Water Pollution) Acts 1977 and 1990 (Control of Carbon Tetrachloride, DDT, and Pentachlorophenol Discharges) Regulations, 1994</p> <p>S.I. No. 348 of 1993 Local Government (Water Pollution) Acts 1977 and 1990 (Control of Aldrin Dieldrin, Endrin, Isodrin, HCB, HCBD and CHCl₃ Discharges) Regulations, 1994.</p>

Legislation
S.I. No. 55 of 1986. Local Government (Water Pollution) Act 1977 (Control of Hexachlorocyclohexane and Mercury Discharges) Regulations, 1986
S.I. No. 294 of 1985. Local Government (Water Pollution) (Control of Cadmium Discharges) Regulations, 1985.
<i>Waste Management</i>
Act 10 of 1996. Waste Management Act, 1996.
S.I. No. 165 of 1998. Waste Management (Permit) Regulations
<i>S.I. No. 185 of 2000. Waste Management Licensing Regulations.</i>
S.I. No. 148 of 1998. Waste Management (Use of Sewage Sludge in Agriculture) Regulations, 1998
S.I. No. 267 of 2001. Waste Management (Use of Sewage Sludge in Agriculture) (Amendment) Regulations, 2001

Water Pollution

The Local Government (Water Pollution) Act, 1977. The Local Government (Water Pollution) Act, 1977, describes itself as “an Act to provide for the control of water pollution and for other matters connected with water pollution”.

Under this Act, Local Authorities have been assigned the primary responsibility for the control of pollution to waters. The provisions of the act also extend to the planning and implementation of measures for the protection and improvement of water quality.

In the first instance, Section 3 of the Act provides that “a person shall not cause or permit any polluting matter to enter waters”.

Local Authorities are assigned responsibility to issue licences for the discharge of trade effluent or sewage effluent. Section 4 of the Act provides that a person shall not discharge or cause or permit the discharge of any trade effluent or sewage to any waters, except under and in accordance with a licence under the section. A similar wording is used in respect of discharges to sewer, which are provided for in Section 16 of the Act. Sections 4 and 16 requiring the licensing of discharges to waters and sewers came into effect on 1st October, 1978, and 1st January, 1979 respectively (S.I. No. 16 of 1978).

Section 15 of the Act provides for the preparation of Water Quality Management plans. Local Authorities may make such plans or shall make such plans if directed to do so by the Minister. Water Quality Management plans shall contain objectives for the prevention and abatement of pollution to waters.

Provisions are included in the Act for the monitoring, recording and enforcement by Local Authorities relating to licences issued under Section 4 and 16 of the Act.

Section 26 of the Act provides powers to the Minister to prescribe quality standards for waters, trade effluent and sewage effluent and standards in relation to methods of

treatment of such effluents. Also, Section 30 empowers the Minister to make regulations generally with regard to any matter referred to in the Act. It is in accordance with the powers conferred on the Minister by Section 26 and 30 of the Act that many of the subsequent regulations on water pollution and related matters have been introduced.

Local Government (Water Pollution) (Amendment) Act, 1990. This Act contains provisions for pollution caused by agricultural effluents. The Water Pollution Act prohibits the pollution of waters through the disposal of agricultural inputs and waste products, including chemical fertilisers, animal slurries, manures, silage effluent or other organic fertilisers. It also enables local authorities to issue bye-laws which prohibit, restrict, control and regulate the manner in which certain functions are carried out, including:

- the collection, storage, treatment, and disposal of any polluting matter used in connection with, or arising from any operation, activity, practice or use of land or other premises carried on for the purposes of agriculture, horticulture or forestry;
- any activity that involves the application to land or to growing crops, or the injection into land, of any silage effluent, animal slurry, manure, fertiliser, pesticide or other polluting matter; and
- any other operation, activity, practice or use of land or other premises for the purposes of agriculture, horticulture or forestry.

Local authorities may regulate or restrict any activity involving the holding of polluting matter where there is a risk of water pollution, e.g. silage making and slurry spreading. This Act amends and extends the Local Government (Water Pollution) (Amendment) Act, 1977, and (in so far as it relates to water pollution) the Fisheries (Consolidation) Act, 1959.

Local Government (Water Pollution) Regulations Amendment 1996 S.I. 184 of 1996 These Regulations amend provisions of the Local Government (Water Pollution) Regulations, 1978 (S.I. No. 108 of 1978), concerning the application of the standard two month period allowed for the determination of license applications for effluent discharges to sewers in circumstances where discharges are made to combined drains declared to be sewers for the purposes of the Local Government (Water Pollution) Acts 1977 and 1992. The Regulations also amend provisions of the Local Government (Water Pollution) Regulations, 1992 (S.I. No. 271 of 1992), on the control of discharges to aquifers in situations where harmful substances are present in discharges, materials being disposed, etc. in such small quantities as to pose no risk to the quality of groundwaters.

Local Government (Water Pollution) (Amendment) Regulations 1992 S.I. 42 of 1999 These Regulations amend Part VI of the Local Government (Water Pollution) Regulations, 1992. The purpose is to extend the application of certain water quality standards under those Regulations to a wider range of functions performed by local authorities, the Environmental Protection Agency and An Bord Pleanála under the Local Government (Water Pollution) Acts, the Environmental Protection Agency Act, 1992 and the Waste Management Act, 1996.

Urban Waste Water Treatment

S.I. No. 254 of 2001. Urban Waste Water Treatment Regulations, 2001. These regulations are intended to give effect to the Water Framework Directive 2000/60/EC, but principally to give effect to the Urban Wastewater Directive (91/271/EEC).

The 2001 Urban Waste Water Treatment Regulations are the most current regulations giving effect to the Urban Waste Water Directive. Previous regulations, S.I. No. 419 of 1994 and previous amendment regulations S.I. No. 208 of 1999 were revoked by these regulations.

The main requirements of these regulations include:-

- Provision of collection and treatment of urban waste water by specified dates depending upon the population equivalent of agglomerations
- Requirements for secondary treatment where this is required by the regulations. (Second Schedule –Part 1).
- Requirements for more stringent treatment where waters have be designated as sensitive. (Second Schedule – Part 2)
- Minimum requirement in respect of monitoring of discharges. (Fifth Schedule).

Sensitive waters are designated in Parts 1 and 2 of the Third Schedule. Discharges to Sensitive Waters listed in Part 1 must receive more stringent treatment on the commencement of the regulations. Discharges to Sensitive Waters listed in Part 2 must receive more stringent treatment by 31st May 2008.

These regulations introduce new provisions which were not included in previous regulations. Article 4(4)(b) permits that, the reduction of nutrients in discharges to estuaries, bays or coastal waters need not apply where the sanitary authority is satisfied that such a reduction will have no effect on the level of eutrophication in the receiving waters.

Nitrates

The Nitrates Directive has generally been implemented in Ireland in terms of monitoring of waters, the establishment of a code of Good Agricultural Practice and the implementation of a range of measures to protect water from pollution by agriculture. However, to date there is as yet no legislation in Ireland in compliance with Council Directive 91/676/EEC (Nitrates Directive). There are however 'Codes of Practice' in Ireland and the government is committed to compliance with the nitrates directive.

Voluntary measures include the REPS and the Farm Waste Management Scheme (previously the control of Farmyard Pollution Scheme). Guidelines for Good Agricultural Practice have been established with the agreement of the main farming organisations. The established guidelines include-

- The Code of Good Agricultural Practice to Protect Waters from Pollution by Nitrates (CGAP). This Code was issued in 1996 jointly by the Department of the Environment

and Local Government (DELG) and the Department of Agriculture, Food and Rural Development (DAFRD)

- Booklet on Good Farming Practice issued by the DAFRD in 2001 in the context of the CAP Rural Development Plan and Direct Aid Schemes.
- A Protocol on Roles and Responsibilities of Fisheries Board Staff and Farmers was established in 2001.

Compliance with these guidelines would effectively prevent water pollution and other adverse effects on the environment. Compliance is not legally enforceable and non-compliance is not an offence. However, where a farmer does not comply with mandatory legislative or regulatory requirements, and is penalised by the courts or by the responsible authority (such as a local authority, a health board or a Government Department), the DAFRD is also required to apply a penalty under all of the Schemes covered by Good Farming Practice (DAFRD, 2001).

The Code of Good Agricultural Practice (CGAP) is designed to protect the quality of all surface waters and groundwater. It contains advice and recommendations on farm practices in relation to:

- the storage of organic fertilisers;
- standards and specifications for the construction of storage facilities;
- when to apply organic and chemical fertilisers to land;
- the appropriate rates of application; and
- precautions to be taken to avoid causing water pollution.

Although the provisions contained in the Code of Good Agricultural Practice are voluntary, they may evolve as standards of conduct. For example, in cases where pollution has occurred and the cause is examined, the CGAP may provide persuasive authority as to whether the polluter exercised reasonable care. Further, the Code (CGAP) warns that extensive monitoring of nitrate levels in surface waters and groundwater is intended. In cases where nitrate levels exceed acceptable levels, farmers may be required by local authorities to prepare management plans which may contain more stringent requirements than the Code (CGAP).

The Nitrate Directive requires that action programmes be implemented in relation to the whole territory of a Member State or to areas designated by the Member states as vulnerable zones. Where a Member State opts for the vulnerable zones approach the zones must be designated by reference to

- Waters which are, or may become, eutrophic due to enrichment by nitrogen compounds
or
- Waters which contain, or could contain, more than 50mg/l nitrates unless appropriate action programmes are implemented.

Obligatory measures include Local Authority bye-laws, “section 12 notices”, appropriate planning permission conditions set by Local authorities / An Bord Pleanála and IPC licensing of intensive pig and poultry rearing units. The DAFRD rules of Good Farming Practice are binding on Farmers who are claiming aid under the direct payments scheme. Advisory measures include farm advisory services and nutrient management advice (Teagasc). There is a need to formalise and extend these measures in the context of an action programme under the Nitrates Directive and to complement them with enforceable rules (Regulations).

On 29 May, 2003 the Minister for the Environment, Heritage and Local Government made the European Communities (Protection of Waters Against Pollution from Agricultural Sources) Regulations, 2003 (S.I. No. 213 of 2003), formally identifying the whole country as the area to which an action programme under the Nitrate Directive will be applied and thereby designating the entire country as a nitrate vulnerable zone. A draft action programme under the EU Nitrates Directive was prepared on December 19, 2003. The draft action programme would limit land application of livestock manure by Irish farmers to 210 kg N/ha per annum, under the first four years of the programme followed by further reductions (170 kg N/ha per annum is the limit imposed by the Directive). The land application of fertilisers shall be consistent with good agricultural practice as set out in ‘Nutrient and Trace Element Advice for Grassland, Tillage, Vegetable and Fruit Crops’ by Teagasc, 2004 or any published amendment to that document. Ireland is to seek a derogation from the EU for amounts up to 250 kg N/ha per annum to be allowed in certain circumstances. The National Action Programme will be the subject of a consultation process with the main farming organisations and other stakeholders. The legislation (Regulations) to give legal effect to this Action Programme will include penalties in respect of breaches of the legislation. In addition sanctions may/will apply under the cross-compliance checks of Council Regulation (EC) No 1782/2003.

Past pollution control measures have relied upon preventative remedies, including financial incentives to upgrade existing waste collection and storage areas, provided by the Rural Environment Protection Scheme (REPS) and the Operational Programme for the Control of Farmyard Pollution, 1989-1993, the Operational Programme for Agriculture, Rural Development and Forestry, 1994-1999 and Partnership 2000. Provisions contained in recent legislation may lead to a more aggressive enforcement of control measures. The Waste Management (Use of Sewage Sludge in Agriculture) Regulations, 1998 (S.I. No. 148 of 1998) as amended by S.I. No. 267 of 2001 state that a Local Authority must ensure sludge is used and supplied in accordance with the regulations and with regard to nutrient needs, landuse, soil analysis, etc. Notice may be served under Section 56 of the Waste Management Act (10 of 1996) (Refer to Appendix C).

Groundwater

S.I. No. 41 of 1999. Protection of Groundwater Regulations, 1999. These Regulations are intended to give further effect to the EU Council Directive 80/68/EEC on the protection of groundwater against pollution caused by certain dangerous substances. The Regulations require that a sanitary authority shall not cause or permit the direct discharge by or on behalf of the sanitary authority to an aquifer of an element which contains a harmful substance save under and in accordance with a licence issued by the Environmental Protection Agency. The Agency shall not grant a licence in relation to the discharge of an effluent which contains a harmful substance specified in the First Schedule.

Any application for a licence to discharge sewage or trade effluents containing harmful substances must be accompanied by the results of a prior investigation into the alternative methods of disposal of the harmful substance and an examination of the aquifer to determine the quality and volume of water present and any risk to the aquifer as a result of the entry of the substance.

The EPA is required to carry out or cause to be carried out monitoring in relation to the effects on groundwaters of a discharge.

S.I. No. 42 of 1999. Local Government (Water Pollution) (Amendment) Regulations, 1999

These Regulations are intended to give further effect to the EU Council Directive 80/68/EEC, on the protection of groundwater against pollution caused by certain dangerous substances.

These regulations concern the licensing by a local authority in respect of sewage effluent or trade effluent containing a harmful substance which is discharged to an aquifer. The regulations require a quality standard of zero milligrams per litre for sewage effluent and trade effluent discharged to an aquifer in respect of a harmful substance specified in the First Schedule. A local authority is required to carry out or cause to be carried out monitoring to determine the effects of a discharge on water in an aquifer.

Dangerous Substances

S.I. No. 31 of 1990. European Communities (Control of Water Pollution by Asbestos) Regulations, 1990.

These Regulations give effect to the water pollution control provisions of Council Directive 87/217/EEC on the prevention and reduction of environmental pollution by asbestos. The Regulations impose a general obligation to prevent the entry of asbestos to waters and specify the measures applied to certain industrial plant using asbestos. They also provide for the monitoring of effluent discharges from industrial plant.

S.I. No. 245 of 1994. Local Government (Water Pollution) Act 1977 and 1990 (Control of ECD, TRI, PER, and TCB Discharges) Regulations, 1994

The Regulations give effect to Council Directive 90/415/EEC on limit values and quality objectives for discharges of certain dangerous substances included in List I of the Annex to Council Directive 76/464/EEC. The Regulations prescribe quality standards to be applied by local and sanitary authorities when licensing discharges of effluents containing EDC, TRI, PER, and TBC to waters or to sewers under the provisions of the Local Government (Water Pollution) Act, 1977 as amended by the Local Government (Water Pollution) (Amendment) Act, 1990.

S.I. No. 43 of 1994. Local Government (Water Pollution) Acts 1977 and 1990 (Control of Carbon Tetrachloride, DDT, and Pentachlorophenol Discharges) Regulations, 1994

The Regulations give effect to Council Directive No. 86/280/EEC on limit values and quality objectives for discharges of certain dangerous substances included in List I of the Annex to Council Directive 76/464/EEC. The Regulations prescribe quality standards to be applied by local and sanitary authorities when licensing discharges of effluents containing carbon tetrachloride (CCl₄), DDT and pentachlorophenol to waters or to sewers under the provisions of the Local Government (Water Pollution) Act, 1977 as amended by the Local Government (Water Pollution) (Amendment) Act, 1990.

S.I. No. 348 of 1993 Local Government (Water Pollution) Acts 1977 and 1990 (Control of Aldrin Dieldrin, Endrin, Isodrin, HCB, HCBD and CHCl₃ Discharges) Regulations, 1994

The Regulations give effect to Council Directive 88/347/EEC on limit values and quality objectives for discharges of certain dangerous substances included in List I of the Annex to Council Directive 76/464/EEC. The Regulations prescribe quality standards to be applied by local and sanitary authorities when licensing discharges of effluent containing aldrin, dieldrin, endrin, isodrin, HCB, HCBd, and CHCl₃ to waters or sewers under the provisions of the Local Government (Water Pollution) Act, 1977 as amended by the Local Government (Water Pollution) (Amendment) Act, 1990.

S.I. No. 55 of 1986. Local Government (Water Pollution) Act 1977 (Control of Hexachlorocyclohexane and Mercury Discharges) Regulations, 1986 The Regulations give effect to Council Directive No. 84/5491/EEC on mercury discharges by sectors other than the chlor-alkali electrolysis industry. The Regulations prescribe quality standards to be applied by local and sanitary authorities when licensing discharges of effluents containing hexachlorocyclohexane or mercury to waters and to sewers under Section 4 of the Local Government (Water Pollution) Act, 1977.

S.I. No. 294 of 1985. Local Government (Water Pollution) (Control of Cadmium Discharges) Regulations, 1985 The Regulations give effect to Council Directive No. 83/513/EEC on cadmium discharges to the aquatic environment. The Regulations prescribe quality standards to be applied by local and sanitary authorities when licensing discharges of effluents containing cadmium to waters and to sewers under Section 4 of the Local Government (Water Pollution) Act, 1977.

Waste Management

Act 10 of 1996. Waste Management Act, 1996 The Waste Management Act was enacted to give effect to 16 stated EU Directives pertaining principally to waste materials including liquid and solid wastes.

The Act provides a framework for the prevention, management and control of waste. It prohibits the holding, transport, recovery or disposal of waste in a manner that causes or is likely to cause environmental pollution. The definition of "waste" is very broad and specifically includes, most importantly in terms of water quality control, sludge and agricultural waste. The Act applies to any (or any part of any) river, stream, lake, canal, reservoir, aquifer, pond, watercourse or other inland waters, whether natural or artificial; any tidal waters, and any beach, river bank, and salt marsh or other area which is contiguous to the above which is for the time being dry, but does not include a sewer.

The Act is centred on the production of management plans, and the licensing, monitoring and enforcement of waste licences for holders, transporters, and disposers of waste. The Act distinguishes between hazardous and non-hazardous waste, the former to be managed by the EPA. Toxic waste inventories will be established and administered by the EPA. The EPA must assemble a national hazardous waste management plan. A list of hazardous substances is provided in the Second Schedule. Included in the Schedule are many of the substances which are the subject of several EU Directives relating to water quality standards, including cadmium, mercury and asbestos. The appropriate authorities must implement any relevant recommendations contained in the national plan.

The Act is important in terms of water quality control because it contains a framework for regulating the recovery of non-hazardous agricultural waste, including manure and slurry spreading. The recovery of sewage and water treatment sludge and specified agricultural

waste, waste disposal or recovery activities are not required to be licensed, however, they are subject to alternative controls to be issued.

Section 7 of the Act empowers the Minister to make regulations for the purposes of giving full effect to the Act. Sections 55, 56 and 59 relate to the powers of a Local Authority in relation to holding, recovery and disposal of waste, measures which they can take to prevent or limit environmental pollution and functions of the Local Authority with regard to waste. Section 64 empowers the Minister to make regulations requiring the provision of information in relation to certain specified substances. Section 66 of the Act also amends Section 26 of the Local Government (Water Pollution) Act 1977, to prohibit the production, use, storage of any specified substance. Section 3 of the 1977 Act is also amended to allow that it is a defence for a defendant to show that any pollution was a result of activities carried out in accordance with a Nutrient Management Plan. Section 21 of the Local Government (Water Pollution) (Amendment) Act 1990 is amended to allow Local Authority to serve notice requiring the submission of a NMP to prevent pollution of waters.

S.I. No. 165 of 1998. Waste Management (Permit) Regulations, 1998 These regulations provide for the granting of waste permits by Local Authorities in respect of specified waste disposal and recovery activities in lieu of a licence by the Environmental Protection Agency under Section 39 (1) of the Waste Management Act. The regulations also provide for the registration by the EPA of certain waste recovery activities carried out by local authorities.

Waste permits are required for activities described in the First Schedule of the regulations which include the disposal of waste, other than hazardous waste, where the annual intake does not exceed 5,000 tonnes per annum. Local Authorities are required to attach conditions to a waste permit issued under the regulations to ensure compliance with stated EU Directives including Directive 80/68/EEC on the protection of groundwater against pollution caused by certain dangerous substances.

S.I. No. 185 of 2000. Waste Management (Licensing) Regulations These regulations provide for the licensing by the Environmental Protection Agency of waste recovery and disposal activities under Part V of the Waste Management Act, 1996.

The regulations provide requirements for waste licences for activities listed in the First Schedule of the regulations. The EPA are required to attach conditions to a licence issued under the regulations to ensure compliance with stated EU Directives including Directive 80/68/EEC on the protection of groundwater against pollution caused by certain dangerous substances.

S.I. No. 148 of 1998. Waste Management (Use of Sewage Sludge in Agriculture) Regulations, 1998 These Regulations prescribe standards for the use of sewage sludge in agriculture. The Regulations give effect to Directive 86/278/EEC on the protection of the environment, and in particular of the soil when sewage sludge is used in agriculture. These Regulations revoke S.I. No 183 of 1991.

S.I. No. 267 of 2001. Waste Management (Use of Sewage Sludge in Agriculture) (Amendment) Regulations, 2001 These Regulations prescribe standards for the use of sewage sludge in agriculture. The Regulations also require that sludge is used in accordance with a Nutrient Management Plan and sets limits on the amount of matter

added to soil with limits based on absolute quantities of specified heavy metals. These Regulations amend S.I. No. 148 of 1998 Waste Management (Use of Sewage Sludge in Agriculture) Regulations, 1998 by including additional technical parameters to be entered in the sludge register provided for in the 1998 Regulations

Related Water Sector Legislation

Table A-G-3 below provides a summary of Related Water Sector Legislation.

Table A-G-3. Synopsis of Related Water Sector Legislation

Legislation	Relevance
<i>Industrial Pollution Control</i>	
Act 7 of 1992. Environmental Protection Agency Act, 1992 S.I. No. 79 of 1996. Environmental Protection Agency (Licensing) (Amendment) Regulations, 1996. S.I. No. 240 of 1996. Environmental Protection Agency (Licensing) (Amendment) (No. 2) Regulations, 1996. S.I. No. 59 of 1995. Environmental Protection Agency (Licensing) (Amendment) Regulations, 1995.	
<i>Sewage Sludge</i>	
S.I. No. 148 of 1998. Waste Management (Use of Sewage Sludge in Agriculture) Regulations, 1998. S.I. No. 267 of 2001. Waste Management (Use of Sewage Sludge in Agriculture) (Amendment) Regulations, 2001.	These Regulations prescribe standards for the use of sewage sludge in agriculture and require that sludge is used in accordance with a Nutrient Management Plan and sets limits on the amount of matter added to soil, including technical parameters to be entered in the sludge register.
<i>Habitats Directive - Regulations</i>	

Legislation	Relevance
S.I. No 94 of 1997. European Communities (Natural Habitats) Regulations, 1997. S.I. No. 233 of 1998. European Communities (Amendment) Regulations, 1998. Act 39 of 1976. Wildlife Act, 1976. S.I. No. 254 of 1986. European Communities (Wildlife Act, 1976) (Amendment) Regulations. S.I. No. 397 of 1985. European Communities (Wildlife Act, 1976) (Amendment) Regulations. S.I. 271 of 2001. Wildlife Amendment Act, 2001. S.I. No. 94 of 1999 Flora Protection Order. S.I. No. 274 of 1987. Flora Protection Order. S.I. No. 338. Flora Protection Order.	The Minister shall identify sites of Community importance based on the criteria set out in Annex III (Stage I) to the Habitats Directive and relevant scientific information. And shall prepare a list of sites indicating in respect of each such site the natural habitat type in Annex I to the Habitats Directive which the site hosts, and the species in Annex II to the Habitats Directive that are native to the State which the site hosts.
<i>Others</i>	
Act 27 of 1991. Sea Pollution Act, 1991 Act 18 of 1999. Sea Pollution (Amendment) Act, 1999. Act 37 of 2001. Local Government Act. Act 8 of 1994. Local Government Act. Act 30 of 2000. Local Government (Planning and Development) Act, 2000	

Environmental Protection Agency

The Environmental Protection Agency Act, 1992 The Environmental Protection Agency Act, 1992, was enacted on 23 April, 1992, and under this legislation the Agency was formally established on 26th July, 1993.

The establishment of the Environmental Protection Agency under the Act of 1992 created an additional tier of responsibility with regard to Environmental Protection. The general functions of the EPA are described in Section 52 of Part III of the Act. The Agency has a wide range of statutory duties and powers under the Act. The main responsibilities of the Agency include the following:

- The licensing and regulation of large/complex industrial and other processes with significant polluting potential, on the basis of integrated pollution control (IPC) and the application of Best Available Technologies Not Entailing Excessive Cost (BATNEEC);
- The monitoring of environmental quality, including the establishment of databases to which the public will have access, and the publication of periodic reports on the state of the environment;
- Advising public authorities in respect of environmental functions and assisting local authorities in the performance of their environmental protection functions;

- The promotion of environmentally sound practices through, for example, the encouragement of the use of environmental audits, the setting of environmental quality objectives and the issuing of codes of practice on matters affecting the environment;
- The promotion and co-ordination of environmental research;
- The licensing and regulation of all significant waste disposal and recovery activities, including landfills and the preparation and periodic updating of a national hazardous waste management plan for implementation by other bodies;
- Preparation and implementation of a national hydrometric programme for the collection, analysis and publication of information on the levels, volumes and flows of water in rivers, lakes and groundwaters, and
- Generally overseeing the performance by local authorities of their statutory environmental protection functions

Section 100 of Part V of the Act refers to the powers of the Minister to make orders to extend any of the provisions of the Local Government (Water Pollution) Act, 1977, to the Agency. In particular, such orders may provide that a function conferred on a local authority or Sanitary Authority may be exercised by the Agency in addition to or in lieu of that authority.

The EPA Act of 1992 also makes specific reference to water quality management plans and the setting of quality standards. Section 102 of the Act refers to the powers of the Minister to require the EPA to prepare a water quality management plan under Section 15 of the Water Pollution Act. Section 103 refers to the Agency's role in making recommendations to the Minister in respect of prescribing quality standards for waters, trade effluents and sewage effluents and standards in relation to methods of treatment of such effluents under Section 26 of the Water Pollution Act, 1977.

Under the Act, the EPA may prepare and publish Environmental Quality Objectives (EQOs) with respect to any medium. These objectives must be taken into account in formulating policy, establishing standards, or exercising any of their responsibilities.

Transposition of the Council Directive 96/61/EC on Integrated Pollution Prevention and Control (IPPC) into Irish law will entail amendment of the EPA Act. While the general principles of the IPPC Directive are broadly in line with the IPC licensing system currently operated under the EPA Act changes are required to give full effect to the Directive. The changes to national legislation will include an extension of the range of activities to be licensed and a greater emphasis on energy efficiency, residual management and reducing natural resource consumption (EPA 2002).

The European Communities (Water Policy) Regulations, 2003 (S.I. No. 722 of 2003) gives the EPA a lead role in promoting and facilitating the co-ordination of activities by Local Authorities for the purposes of implementation of the WFD especially in terms of technical and reporting measures. The EPA's powers have been extended as a result of this new legislation. The new function of developing classification systems for water status and establishing a programme of monitoring of water status is an extension of the existing powers of the EPA under section 65 of the EPA Act, 1992. The task of supervising the environmental protection functions of public authorities insofar as they relate to the

implementation of the Directive and these Regulations represents an extension of the functions of the EPA under section 63 of the EPA Act, 1992 but relates solely to the implementation of the Water Framework Directive and the transposing Regulations.

Natural Habitats

S.I. No. 94 of 1997. European Communities (Natural Habitats) Regulations, 1997 These Regulations bring Council Directive 92/43/EEC (Habitats Directive) into force in Irish Law. Programmes for wildlife protection are provided in EU Directives, most notably Council Directive No. 79/409/EEC, which provides for the conservation of wild birds by, among other things, classifying important ornithological sites as Special Protection Areas. Also, Council Directive 92/43/EEC (Habitats Directive) provides for the conservation of natural habitats and of wild fauna and flora, through the designation of Special Areas of Conservation. The Special Protected Areas in the ERBD area are listed in Appendix E. Designated species and habitats must be monitored, and reports made regularly by Member States to the EU.

The Minister shall, for the purpose of identifying as sites of Community importance and based on the criteria set out in Annex III (Stage I) to the Habitats Directive and relevant scientific information, prepare a list of sites indicating in respect of each such site either or both –

- the natural habitat type or types in Annex I to the Habitats Directive which the site hosts, and
- the species in Annex II to the Habitats Directive that are native to the State which the site hosts.

Sea Pollution

Act 27 of 1991. Sea Pollution Act, 1991 as amended by No. 18 of 1999. Sea Pollution (Amendment) Act, 1999 This Act makes provision for the prevention of pollution of the sea by oil and other substances, and to give effect to the international convention for the prevention of pollution from ships, and to provide for the repeal of the Oil Pollution of the Sea Acts, 1956 to 1973.

The main objective of the Amendment Act is to prevent or limit the damage caused as a result of an oil pollution incident. Each harbour authority, operator or local authority must submit an oil pollution emergency plan to the Minister for Communications, Marine and Natural Resources if requested to do so. Failure to devise such a plan or have it in place is considered to be an offence.

Planning and Development

Act 30 of 2000. Local Government (Planning and Development) Act, 2000 Provisions contained in this Act are utilised to control the location of potential sources of water pollution, including the discharge of domestic and industrial effluent. Planning authorities may refuse, or permit subject to conditions, the location of developments likely to cause pollution. Conditions likely to be imposed on all developments by planning authorities are those providing for the treatment and/or disposal of domestic effluent.

The relevance of these conditions is particularly important in unserved areas where discharges of domestic effluent from single homes are generally not required to be licensed.

Discharges into an aquifer from septic tanks or other disposal systems of a certain maximum value are exempt from the provisions of the Water Pollution Acts. The standard recommendations for septic tank drainage arrangements are contained in the IIRS Recommendations for Septic Tank Drainage Systems Suitable for Single Homes (S.R. 6:1991).

Under Section 199 of this Act a local authority can make bye-laws in relation to the use, operation, protection, regulation or management of any lands, services, or any other matter provided by or under the control or management of the local authority (refer to Appendix C).

Act 37 of 2001. Local Government Act, 2001 Under Section 199 of this Act a Local Authority can make a bye-law for or in relation to the use, operation, protection, regulation or management of any land, services or any other matter provided by or under the control or management of the Local Authority whether within or without its functional area. This Act confers power on Local Authorities to amend or revoke bye-laws made by it. The Act includes the power to make bye-laws in relation to the foreshore and coastal waters adjoining the functional area (refer to Appendix C).

Irish Guidance Documents

A full range of documents has been produced by the various stakeholders and concerned parties in Ireland, including documents produced by the DEHLG, the EPA, Local Authorities, other River Basin District Management Plans, as well as the documents to which Ireland contributed as part of the common implementation strategy for the WFD. Examples of these documents include:

- Groundwater Working Group- Technical Requirements for Groundwater and Related Aspects
- DELG (2000) - Guidelines for the Establishment of River Basin Management Systems
- Characterisation and Reporting Working Group - Pressures and Impacts Assessment methodology (draft)
- Managing our Shared Waters - a joint North/South consultation paper (DEHLG/DOENI)
- EPA - Review of Monitoring and Research to meet the needs of the EU WFD
- EPA/Compass - Guidance on Information Management and Data Interchange between River Basin Management Systems and National Organisations
- Note the EPA have also commissioned a series of technical studies under the ERTDI programme which address WFD / RBD issues.
- EPA revised monitoring programmes
- Groundwater Monitoring programme
- National Rivers Monitoring Programme

- National Environmental Monitoring Programme for Transitional, Coastal and Marine Waters
- National Lake Water Monitoring Programme
- National Hydrometric programme
- World Wildlife Fund for Nature - Elements of Good Practice in River Basin Management Planning - a Practical Resource for Implementing the EU WFD
- Seeking your Views on Water Quality - Heritage Council Consultative document

Appendix E Natura 2000 Sites

Appendix E

Natura 2000 Sites

Natura 2000 sites within the ERBD including Special Protection Areas (SPA) and Special Areas of Conservation (cSAC) protected by the European Union (Natural Habitats) Regulations, 1997. [23891/02]

CAVAN
KILLYCONNYBOG (CLOGHBALLY) cSAC 6
DUBLIN
HOWTH HEAD COAST SPA 4113
BALDOYLE BAY cSAC 199
BALDOYLE SPA 4016
BROADMEADOW/SWORDS ESTUARY SPA 4025
GLENASMOLE VALLEY cSAC 1209
HOWTH HEAD cSAC 202
IRELANDS EYE cSAC 2193
IRELANDS EYE SPA 4117
KNOCKSINK WOOD cSAC 725
LAMBAY ISLAND cSAC 204
LAMBAY ISLAND SPA 4069
MALAHIDE ESTUARY cSAC 205
NORTH BULL ISLAND SPA 4006
NORTH DUBLIN BAY cSAC 206
ROCKABILL SPA 4014
ROGERSTOWN SPA 4015
ROGERSTOWN ESTUARY cSAC 208

DUBLIN continued
SANDYMOUNT STRAND/TOLKA ESTUARY SPA 4024
SOUTH DUBLIN BAY cSAC 210
SKERRIES ISLANDS SPA 4122
WICKLOW MOUNTAINS cSAC 2122
KILDARE
RED BOG cSAC 397
POLLARDSTOWN FEN cSAC 396
RYE WATER VALLEY/CARTON cSAC 1398
LOUTH
BOYNE COAST AND ESTUARY cSAC 1957
BOYNE RIVER ISLANDS cSAC 1862
BOYNE ESTUARY SPA 4080
KILLYCONNY BOG (CLOGHBALLY) cSAC 6
MEATH
BOYNE COAST AND ESTUARY cSAC 1957
BOYNE ESTUARY SPA 4080
BOYNE RIVER ISLANDS cSAC 1862
KILLYCONNY BOG (CLOGHBALLY) cSAC 6
LOUGH BANE AND LOUGH GLASS cSAC 2120
RYE WATER VALLEY/CARTON cSAC 1398
WHITE LOUGH, BEN LOUGHS AND LOUGH DOO cSAC 1810
OFFALY
THE LONG DERRIES, EDENDERRY cSAC 925
WESTMEATH

LOUGH BANE AND LOUGH GLASS cSAC 2120
LOUGH LENE Csac 2121
WHITE LOUGH, BEN LOUGHS AND LOUGH DOO cSAC 1810
WICKLOW
BRAY HEAD cSAC 714
BROAD LOUGH SPA 4128
BUCKRONEY-BRITTAS DUNES AND FEN cSAC 729
DEPUTY'S PASS NATURE RESERVE (IN GLENEALY WOODS) cSAC 717
GLEN OF THE DOWNS cSAC 719
KILCOOLE MARSHES SPA 4085
KNOCKSINK WOOD cSAC 725
MAGHERABEG DUNES cSAC 1766
POULAPHOUCA RESERVOIR SPA 4063
THE MURROUGH WETLANDS (formerly The Murrough 730) cSAC 2249
VALE OF CLARA cSAC 733
WICKLOW MOUNTAINS cSAC 2122
WICKLOW MOUNTAINS SPA 4040
WICKLOW REEF cSAC 2274
WICKLOW HEAD SPA 4127

Appendix F Water Quality Orientated Legislation in Ireland

Appendix F: Water Quality Orientated Legislation in Ireland					
Legislation	Who is responsible for its implementation?		What has to be monitored?	Legislation Deadlines?	Notes
	Authority	Under what Act, Section Etc & what is the responsibility			
<i>Water Policy</i>					
S.I. No. 722 of 2003. European Communities (Water Policy) Regulations, 2003	DEHLG	The Minister has the task of co-ordination, assistance and guidance in relation to implementation of the WFD across RBDs and IRBDs	Monitoring Programmes established shall involve monitoring of surface waters, groundwaters and protected areas. Surface water monitoring shall cover the ecological and chemical status / ecological potential and the volume, level/rate of flow to the extent relevant for ecological and chemical and ecological potential. Groundwaters monitoring programme shall cover chemical and quantitative status and protected areas shall cover specifications contained in community legislation under which the individual protected areas have been established.	EPA 22 June 2004 - send to the EC a list of the competent authorities in Ireland 22 June 2004 - map in GIS format the boundaries of RBDs and identifying RBDs 22 Dec 2004 - map in GIS format the location and boundaries of water bodies 22 Dec 2004 - typology for differentiating surface water bodies and establishing type-specific reference conditions 22 Dec 2004 - develop and maintain a register of protected areas 22 Mar 2005 - send to the EC a summary report of the analyses and review carried out 22 Sep 2005 - recommendations to the Minister regarding criteria for the assessment of groundwater in the absence of EC adopted criteria 22 June 2006 - classification systems for water status 22 June 2006 - programme of monitoring of water status 22 June 2006 - publish and send to the Minister and each relevant LA a copy and a summary report of the monitoring programme EPA / LA's 22 Dec 2013 review requirements of A5 of WFD (every 6 years thereafter)	LA's 22 Dec 2004 - analysis of the characteristics of each RBD 22 Dec 2004 - review of the impact of human activity on the status of waters in each RBD 22 Dec 2004 - economic analysis of water use in each RBD 22 Dec 2004 - establish a River Basin District Advisory Council in each RBD 22 June 2006 - a timetable and work programme 22 Dec 2006 - establish monitoring systems 22 June 2007 - an overview of water management issues 22 June 2008 - draft programme of measures and a draft RBMP 22 June 2009 - establishment of a programme of measures and the making of a RBMP 31 Dec 2009 - economic analysis of water use per Article 9 of the WFD
	EPA	Lead role of promoting and facilitating the co-ordination of activities by LAs for the purposes of implementation of the WFD especially technical and reporting measures			
	Local Authorities	Primary responsibility, acting jointly, is to prepare river basin management plans. One of the local authorities will act as the co-ordinating authority in each RBD			

Appendix F: Water Quality Orientated Legislation in Ireland					
Legislation	Who is responsible for its implementation?		What has to be monitored?	Legislation Deadlines?	Notes
	Authority	Under what Act, Section Etc & what is the responsibility			
				22 June 2015 review/update programme of measures (every 6 years thereafter) 22 Dec 2015 - full compliance with the WFD	
Water Pollution					
Local Government (Water Pollution) Act, 1977	Local Authorities	Monitoring according to Section 22 of the Regulations. This Act is the main framework for the prevention of water pollution.	Monitoring of waters & discharges of trade effluents & sewage effluents & other matter to waters and sewers.		Each Local Authority must establish and maintain a register of all licences it has issued under Section 4 & 16 and water abstractions. This is to be available to the public. LA's have the power to prevent and abate pollution in certain circumstances.
Dangerous Substances Regulations (applies to all waters other than groundwater)					
S.I. No. 12 of 2001. Water Quality (Dangerous Substances) Regulations, 2001.	Local Authorities	License applications under Sections 4 & 16 of the Local Government (Water Pollution) Act, 1977.	Pesticides & Solvents (Atrazone, Dichloromethane, Simazone, Toluene, Tributyltin, Xylenes) and Metals & other substances (Arsenic, Chromium, Copper, Cyanide, Fluoride, Lead, Nickel, Zinc).	* Each LA must submit a report to the EPA by 31 July 2004 on the implementation of measures taken or to be taken by the LA in accordance with Section 8. * EPA & LA's must secure compliance with the specified standards by 31	These regulations give further effect to EU Council Directive 76/464/EC (Dangerous Substances) and also to certain provisions of the Council Directive 2000/60/EC (Water Framework Directive). The EU

Appendix F: Water Quality Orientated Legislation in Ireland					
Legislation	Who is responsible for its implementation?		What has to be monitored?	Legislation Deadlines?	Notes
	Authority	Under what Act, Section Etc & what is the responsibility			
	EPA	Licence applications under Section 83 of the EPA Act, 1992. The EPA is responsible for preparing & publishing reports on the progress made in relation to the implementation of these Regulations.	May monitor on behalf of a Local Authority under the Environmental Protection Agency Act, 1992.	December 2010 (Specified standards are listed in Tables 1 & 2 of 'Schedule Standards'.	Dangerous Substances Directive lays down a framework for the control of water pollution by certain dangerous substances which are grouped into List I and List II. Under this Directive, Member States must implement measures to eliminate List I substances and reduce pollution occurring from List II substances.
	An Bord Pleanála	The determination of an appeal under Sections 8 or 20 of the Local Government (Water Pollution) Act, 1977.			
Phosphorus Regulations					
S.I. No. 258 of 1998. Local Government (Water Pollution) Act, 1977 (Water Quality Standards for	EPA	Under the Environmental Protection Agency Act, 1992. Implementation of Regulations.	Biological Quality Rating System, using key taxa as indicator groups.	*Water quality must be met/improved under the requirements of sub-article (2) and (6) by the 31st December 2007, for any part of a river/lake with an	These Regulations give further effect to EU Council Directive 76/464/EC (Dangerous Substances).

Appendix F: Water Quality Orientated Legislation in Ireland					
Legislation	Who is responsible for its implementation?		What has to be monitored?	Legislation Deadlines?	Notes
	Authority	Under what Act, Section Etc & what is the responsibility			
Phosphorus) Regulations, 1998.	Local Authorities	Under the Local Government (Water Pollution) Act, 1977. Implementation of Regulations and reporting to the EPA.		existing biological quality rating based on monitoring carried out in the period 1995-1997. *For any part of a river/lake other than previously referred, the requirements shall be met no later than 10 years after the EPA's first assignment of biological quality rating for the concerned river stretch/lake based on the monitoring carried out after 1997. *Time for compliance may be extended for no more than 6 years in certain circumstances (Section 9). *Local Authorities must submit to the EPA a report on progress in relation to the implementation of the requirements of the Regulations at intervals not exceeding 2 years until 31st July 2008 and the EPA must publish a report 9 months after this date on the progress made in the implementation of these Regulations.	
<i>Detergents</i>					

Appendix F: Water Quality Orientated Legislation in Ireland

Legislation	Who is responsible for its implementation?		What has to be monitored?	Legislation Deadlines?	Notes
	Authority	Under what Act, Section Etc & what is the responsibility			
S.I. No. 43/1984 European Communities (Detergents) Regulations, 1984. S.I. No. 7/1988 European Communities (Detergents) (Amendment) Regulations, 1988.	Unclear - "authorised person" appointed by the Minister.	Section 6 of the Regulations.	"Authorises person" may enter, inspect a premises (excluding private residence) and take samples where there is grounds for believing that a detergent that defies the Regulations is being produced and put on the market.		These Regulations give further effect to Council Directives 73/404/EEC (Detergents) that has been amended by Directive 82/242/EEC . These Directives relate to the biodegradability of detergents.
Quality of Salmonid Waters Regulations					
S.I. No. 293 of 1988. European Communities (Quality of Salmonid Waters) Regulations, 1988.	Local Authorities	Monitors in respect of parameters specified in the Second Schedule. Sample location & depth of sampling is at the discretion of individual LA's. Sampling protocol and frequency is in the Third Schedule.	Parameters: Temp, DO, pH, SS, BOD ₅ , Nitrites, Phenolic Cmps, Petroleum Hydrocarbons, Non-ionised Ammonia, Total Ammonium, Total Residual Chlorine, Total Zinc & Dissolved Copper.		Each Local Authority must establish and maintain a Register of results carried out under the Regulations and these must be made available at the LA offices. These Regulations give further effect to Council Directive 78/659/EEC (Quality of freshwaters needing protection or improvement in order to support fish life) .
Use of Sewage Sludge in Agriculture Regulations					

Appendix F: Water Quality Orientated Legislation in Ireland					
Legislation	Who is responsible for its implementation?		What has to be monitored?	Legislation Deadlines?	Notes
	Authority	Under what Act, Section Etc & what is the responsibility			
S.I. No. 183/1991: European Communities (Use of Sewage Sludge in Agriculture) Regulations, 1991.	Local Authorities	Section 2: Each LA is to maintain "the sludge register". Section 10: Each LA is responsible for supervising the supply & use of sludge in agriculture.	It is up to a facility to carry out monitoring. LA can inspect any facility. The regulations state monitoring frequencies and conditions in which these may be reduced but the LAs must approve the reduction on monitoring frequencies in accordance with the Regulations.		These Regulations give effect to Council Directive 86/278/EEC (Sludge to Land Directive) , which sets restrictions on the application of sewage sludge to agricultural land in terms of the conc. of certain heavy metals allowed in the sludge and receiving soil. There are also limits on the amount of heavy metals that can be applied to soils over 10 years.
Nitrates					
No Nitrates Legislation in Ireland. EU Legislation: Council Directive 91/676/EEC (Nitrates Directive) . There are however 'Codes of Practice' etc in Ireland.					
Groundwater Regulations					
S.I. No. 41 of 1999. Protection of Groundwater Regulations, 1999.	Local Authorities	May monitor on behalf of the EPA.	(List 1) Individual substances belonging to the following families & groups of substances:		A Register must be maintained at the EPA or by any LA that applies for a licence. These

Appendix F: Water Quality Orientated Legislation in Ireland

Legislation	Who is responsible for its implementation?		What has to be monitored?	Legislation Deadlines?	Notes
	Authority	Under what Act, Section Etc & what is the responsibility			
S.I. No. 42 of 1999. Local Government (Water Pollution) Amendment Regulations.	EPA	The EPA is responsible for monitoring groundwater in relation to (1) the effects of a discharge on groundwater when a licence has been granted, (2) compliance with the conditions attached to a licence.	1. Organohalogen cmps & substances that may form such cmps in the aquatic envir. 2. Organophosphorous cmps 3. Organotin cmps 4. Substances which have carcinogenic, mutagenic or teratogenic properties 5. Mercury & its cmps 6. cadmium & its cmps 7. Mineral oils & hydrocarbons 8. Cyanides. (List 2) Individual substances belonging to the following families & groups of substances: Zinc, Copper, Nickel, Chrome, Lead, Selenium, Arsenic, Antimony, Molybdenum, Titanium, Tin, Barium, Beryllium, Boron, Uranium, Vanadium, Cobalt, Thallium, Tellurium, Silver.		Regulations give further effect to Council Directive 80/68/EEC (Groundwater) .
Wastewater					
S.I. No. 254 of 2001. Environmental Protection Agency Act, 1992 (Urban Waste Water Treatment) Regulations.	Sanitary Authorities/ Local Authorities	Monitoring according to Section 10 of the Regulations.	Discharges from UWWTP's according to procedures in the Fifth Schedule & where it is expected that receiving waters will be affected. The Fifth Schedule has reference methods for monitoring and evaluation of results. Parameters include BOD, COD, TSS, TP & Total Nitrogen.	There are a number of deadlines & conditions for which a sanitary authority shall provide collection systems & treatment plants. The first deadline is on the commencement of the Regulations & the next on the 31st December 2005.	These Regulations set requirements for UWWTP's (collection systems, treatment standards and monitoring requirements) in general as well as in sensitive areas. Sensitive areas listed in the Third Schedule that are situated in the ERBD: River Boyne (Co. Meath) & River Liffey (Co. Kildare). These

Appendix F: Water Quality Orientated Legislation in Ireland					
Legislation	Who is responsible for its implementation?		What has to be monitored?	Legislation Deadlines?	Notes
	Authority	Under what Act, Section Etc & what is the responsibility			
	EPA	Collection of Local Authorities Data.	May monitor on behalf of a Local Authority under the Environmental Protection Agency Act, 1992.		Regulations give effect to Council Directive 91/271/EEC (Urban Waste Water Treatment). The objective of this Directive is to protect the environment from adverse effects which may arise from effluent discharge from WWIP's and certain industrial practices. The Directive lays down standards for the collection and treatment of effluent discharge along with deadlines for this to be achieved.
<i>Control of Water Pollution by Asbestos Regulations</i>					

Appendix F: Water Quality Orientated Legislation in Ireland					
Legislation	Who is responsible for its implementation?		What has to be monitored?	Legislation Deadlines?	Notes
	Authority	Under what Act, Section Etc & what is the responsibility			
S.I. No. 31/1990: European Communities (Control of Water Pollution by Asbestos) Regulations, 1990.	Local Authorities/ Sanitary Authorities	Section 6 & 10 of the Regulations.	Must monitor effluent discharges at regular intervals (to represent discharges over 24 hours) from industrial plants that manufacture asbestos cement or asbestos paper & board. Reference method laid out in the Regulations. Plants must use BAT. For industrial plants manufacturing asbestos cement all aqueous effluent is to be recycled. In all other cases the LA sets out limit values & conditions attached to Licence 4 and 16s: limit value not to exceed 30g of total suspended matter/m ³ of aqueous effluent discharge, and the vol. of effluent discharge or the total quantity of suspended matter discharged/tonne of product.		Regulations concern industrial plants which handle >100 kg of raw asbestos/yr. These regulations give further effect to Council Directive 87/217EEC (Asbestos) .
Drinking Water Regulations					
S.I. No. 81/1988 (Quality of Water Intended for Human Consumption) Regulations 1988.	Local Authorities/ Sanitary Authorities	Duty of sanitary authority to take necessary action to ensure that water intended for human consumption is wholesome and clean and meets the requirements of the Regulations (unless	These Regulations will be revoked on the 01/01/04 by S.I. No. 439 of 2000.	This is to be replaced by S.I. No. 439 of 2000. European Communities (Drinking Water) Regulations, 2000 on the 1st January 2004.	Must have regular monitoring of the quality of water intended for human consumption at the point where it is made available to the user (Monitoring programmes). Parameters in red must be analysed as part of check

Appendix F: Water Quality Orientated Legislation in Ireland					
Legislation	Who is responsible for its implementation?		What has to be monitored?	Legislation Deadlines?	Notes
	Authority	Under what Act, Section Etc & what is the responsibility			
S.I. No. 439 of 2000. European Communities (Drinking Water) Regulations, 2000. S.I. No. 177 of 2000. European Communities (Quality of Water Intended for Human Consumption) (Amendment) Regulations, 2000.	Local Authorities/ Sanitary Authorities	granted a departure).	<i>Microbial parameters:</i> 1. <i>Escherichia coli</i> 2. Enterococci. <i>Chemical parameters:</i> 3. Acrylamide 4. Antimony 5. Arsenic 6. Benzene 7. Benzo(a)pyrene 8. Boron 9. Bromate 10. Cadmium 11. Chromium 12. Copper 13. Cyanide 14. 1,2-dichloroethane 15. Epichlorohydrin 16. Fluoride 17. Lead 18. Mercury 19. Nickel 20. Nitrate 21. Nitrite 22. Pesticides 23. Pesticides-Total 24. PAH's 25. Selenium 26. Tetrachloroethene & trichloroethene 27. Trihalomethanes-Total 28. Vinyl chloride. <i>Indicator Parameters:</i> 29. Aluminium 30. Ammonium 31. Chloride 32. Clostridium perfringens 33. Colour 34. Conductivity 35. Hydrogen ion concentration 36. Iron 37. Manganese 38. Odour 39. Oxidisability 40. Sulphate 41. Sodium 42. Taste 43. Colony Count 22o 44. Coliform bacteria 45. TOC 46. Turbidity. <i>Radioactivity:</i> 47. Tritium 48. Total indicative dose.		monitoring. Must take action where quality standards are not met. Must notify population that is affected by a departure of the conditions etc of this. These regulations give effect to Council Directive 80/778/EEC (Quality of Water Intended for Human Consumption) which will be replaced by 98/83/EEC (Quality of Water Intended for Human Consumption) at the end of this year.
	EPA	Publishes reports and grants departures from standards.			If a second departure is granted the EPA must notify the Minister.

Appendix F: Water Quality Orientated Legislation in Ireland					
Legislation	Who is responsible for its implementation?		What has to be monitored?	Legislation Deadlines?	Notes
	Authority	Under what Act, Section Etc & what is the responsibility			
S.I. No. 294 of 1989. European Communities (Quality of Surface Water Intended for the Abstraction of Drinking Water) Regulations, 1989.	Sanitary Authority/ Local Authorities	Duty of sanitary authority to take necessary action to ensure that water intended for human consumption is wholesome and clean and meets the requirements of the Regulations (unless granted a departure).	In Part II of the Schedule there are 39 parameters to be monitored which are similar to the parameters to be monitored in S.I. No. 439 of 2000.		These regulations prescribe quality standards, methods and frequencies of analysis for surface freshwaters intended for drinking water. These regulations also give further effect to EU Council Directive 75/440/EC (Surface Water Abstraction Directive) and also to certain provisions of the Council Directive 79/869/EEC. The Council Directive 75/440/EC plays an important part in the control of water pollution. It ensures that surface water being abstracted for potable water is of a specific quality and receives sufficient treatment before entering the public water supply.
	The Minister (EPA?)	Grant departures from standards under specific conditions.			
<i>Marine Institute Act</i>					
Marine Institute Act, No. 2 of 1991.	The Minister for the Marine	Under this Act the Minister established the Marine Institute (MI).	Section 4 sets out the general functions of the MI. The MI carries out monitoring under other Directives & Regulations in Irish Legislation (for example the Shellfish Legislation below).		This Act makes provisions for the carrying out of marine research & development & related matters, to secure the co-ordination of resources of the State used for marine research. The Act establishes the MI and defines its functions.

Appendix F: Water Quality Orientated Legislation in Ireland					
Legislation	Who is responsible for its implementation?		What has to be monitored?	Legislation Deadlines?	Notes
	Authority	Under what Act, Section Etc & what is the responsibility			
<i>Bathing Waters Regulations</i>					
Quality of Bathing Waters Regulations, 1992 S.I. No. 22 of 2001. [Quality of Bathing Waters (Amendment) Regulations, 2001]	Local Authorities	Monitoring, standards, investigation & sampling of bathing waters under Articles 1 through 6 of the Regulations.	First schedule contains a list of bathing areas that must be monitored. Second schedule contains bathing water quality standards for: Total coliforms, faecal coliforms, colour, mineral oils, surface active substances reacting with methylene blue, phenols, transparency, faecal streptococci, salmonella, enteroviruses, pH, dissolved oxygen. Parameters to be monitored in certain circumstances: pesticides (parathion, HCH, dieldrin), cyanides, nitrates, phosphates, ammonia and nitrogen kjeldahl.		The responsible LA must conduct and repeat periodically investigations of conditions which may affect the quality of water and also carry out sampling of designated bathing water in accordance with the regulations. The Second Schedule has a list of parameters that must be measured and the Forth Schedule contains methods of analysis. These Regulations give effect to Council Directives 76/160/EEC (Quality of Bathing Water) which has the objectives of maintaining & improving the quality of bathing waters for amenity use as well as protecting public health. Under this EU Directive 19 parameters have been set.
	EPA	Publication of reports. Granting of a departure from the standards to LA's.	May monitor on behalf of a Local Authority under the Environmental Protection Agency Act, 1992.		
<i>Quality of Shellfish Waters Regulations</i>					

Appendix F: Water Quality Orientated Legislation in Ireland					
Legislation	Who is responsible for its implementation?		What has to be monitored?	Legislation Deadlines?	Notes
	Authority	Under what Act, Section Etc & what is the responsibility			
S.I. No. 200 of 1994. Quality of Shellfish Waters. S.I. No. 459 of 2001. Quality of Shellfish Waters (Amendment) Regulations, 2001.	The Marine Institute sample and monitor shellfish waters on behalf of the Minister	Shellfish waters listed in the First Schedule must comply with the standards set out in Third Schedule.	Parameters: Temp, pH, Coloration, SS, Salinity, DO, Petroleum Hydrocarbons, Organohalogenated substances, Metals (Silver, Arsenic, Cadmium, Chromium, Copper, Mercury, Nickel, lead, Zinc), Faecal Coliforms, Substances affecting, taste of shellfish.		These Regulations establish quality standards for shellfish waters and designation of these waters. Also contains sampling and analysis procedures to determine compliance with the Regulations. These Regulations give further effect to Council Directive 79/923/EEC (Quality required of Shellfish Waters) . This EU Directive sets a number of standards for water identified as requiring protection or improvement in order to provide a satisfactory environment for shellfish quality for human consumption.
<i>Quality of Shellfish Waters Regulations</i>					

Appendix F: Water Quality Orientated Legislation in Ireland					
Legislation	Who is responsible for its implementation?		What has to be monitored?	Legislation Deadlines?	Notes
	Authority	Under what Act, Section Etc & what is the responsibility			
Fisheries Acts 1959 - 2001	The Minister of the Department of the Marine Communications & Natural Resources & the Central Fisheries Board	(1) To protect fish and (2) To protect the fishes' environment (examples are Article 171 'Penalty for steeping flax or hemp in waters or throwing etc. deleterious matter into Waters and Article 172 'Protection of waters from pollution').	There is no monitoring under this Act, however the principal functions of the CFB are to advise the Minister on policy relating to the conservation, protection, management, development and improvement of inland fisheries and sea angling, to support, coordinate and provide specialist support services to the Regional Fisheries Boards (www.cfb.ie).		

Light Yellow = Water Pollution

Tan = Effluent

Light Green = Drinking Water

Light Blue = Marine & Fisheries

Red writing = Important EU Council Directives for which Irish Legislation is giving effect to.

Appendix G

Matrix of Organisations, Roles and Responsibilities in Relation to the Implementation of the Water Framework Directive

Appendix G

Matrix of Organisations, Roles and Responsibilities in Relation to the Implementation of the Water Framework Directive

Organisation	General Functions	Function/Role in relation to the WFD	Requirements of the WFD
<p>Department of the Environment, Heritage and Local Government & Local Authorities</p>	<p>DEHLG</p> <ul style="list-style-type: none"> Primary responsibility for the policy and legislation for the quality of water in Ireland 	<ul style="list-style-type: none"> Promoting the co-ordinated implementation of the WFD across river basin districts and, together with competent authorities in the State and in Northern Ireland, implementation of the Directive across international river basin districts (IRBD) Provide assistance, including financial assistance, to the relevant public authorities in relation to the discharge of their functions under these Regulations Issue guidance and general policy directions in relation to the implementation of these Regulations. The Minister has reserve powers to amend certain measures established by local authorities and/or the EPA i.e. monitoring programme, programme of measures and river basin management plan (RBMP). 	<ul style="list-style-type: none"> Transpose the WFD into National Law by December 22nd 2003 and to make regulations to give full effect to EU Directives Identify Competent River Basin Authorities by 2003 and provide the EC with a list (ref Annex I) of competent authorities by 22nd June 2004. Ensure appropriate administration arrangements within IRBD's including identification of an appropriate competent authority. Ensure that the requirements of the WFD e.g. Environmental Objectives, Programme of Measures are coordinated for the whole of the RBD Amend any proposed monitoring programmes, programmes of measures and RBMPs submitted by the EPA. Determine penalties applicable to breaches of the National Provisions adopted pursuant to the WFD

Organisation	General Functions	Function/Role in relation to the WFD	Requirements of the WFD
<p>Environmental Protection Asssgency</p>	<ul style="list-style-type: none"> ▪ the licensing and regulation of industrial and other processes with significant polluting potential ▪ the monitoring of environmental quality ▪ advising public authorities in respect of environmental functions ▪ the promotion of environmentally sound practices ▪ the promotion and co-ordination of environmental research ▪ The licensing and regulation of all significant waste disposal and recovery activities ▪ Implementing a system of permitting for the control of VOC emissions ▪ Preparation and implementation of a national hydrometric programme for the collection analysis and publication of information. ▪ Overseeing the performance by local authorities in respect of their statutory environmental protection functions 	<p>Primary responsibility of implementation of the WFD in Ireland rests with the EPA, promoting and facilitating the co-ordination of activities by Local Authorities as well as:</p> <ul style="list-style-type: none"> ▪ Identifying and mapping RBDs, IRBDs and the location and boundaries of water bodies ▪ Providing the typology for differentiating surface water bodies and establishing type-specific reference conditions for such water bodies ▪ Making recommendations to the Minister in relation to environmental quality standards for priority substances and in relation to criteria for assessment of groundwater ▪ Developing and maintaining a register of protected areas ▪ Developing classification systems for water status ▪ establishing a programme of monitoring of water status ▪ Providing a report to the Minister in relation to a “programme of measures” and a RBMP adopted by local authorities ▪ Supervising the environmental protection functions of public authorities insofar as it relates to the WFD ▪ Providing reports on a wide range of matters to the European Commission 	<p>In relation to each RBD and IRBD the EPA has several functions in meeting the requirements of the WFD</p> <ul style="list-style-type: none"> ▪ Co-ordination of administration arrangements within RBD’s ▪ promote co-ordination of activities by LA’s for the purposes of meeting their environmental objectives as set out in Article 4 of the WFD ▪ Provide an analysis of its characteristics in accordance with Annex II by 2004 and to review and update ▪ Establish a register of Protected Areas within each RBD by 2004. ▪ Identify all bodies of water intended for human consumption (existing and future) providing more than 10 m³ a day as an average or serving more than 50 persons ▪ Establish Monitoring Programmes for monitoring water status ▪ the control of direct and diffuse discharges to water ▪ the licensing of direct and diffuse discharges to water ▪ provide interim reports to the EC ▪ Adopt measures to prevent and control groundwater pollution and to achieve good groundwater chemical status

Organisation	General Functions	Function/Role in relation to the WFD	Requirements of the WFD
<p>Relevant Local Authorities</p>	<ul style="list-style-type: none"> ▪ primary responsibility for the control of pollution to waters ▪ the making of water quality management plans ▪ the granting, or refusal of licenses to discharge effluent to waters or sewer ▪ the making of by-laws to prohibit or regulate farming practices in the interests of eliminating or preventing water pollution ▪ the monitoring of water quality ▪ the provision of supplies of drinking water 	<p>LA's, acting jointly, will have the primary role in promoting, establishing and implementing the River Basin Management Projects required to ensure compliance with WFD including:</p> <ul style="list-style-type: none"> ▪ Performing an analysis of the characteristics of each RBD ▪ Carrying out a review of the impact of human activity on the status of waters in each RBD ▪ Carrying out an economic analysis of water use in each RBD ▪ Establishing in each RBD a River Basin District Advisory Council ▪ Establishing monitoring systems in accordance with the established monitoring programmes ▪ Establishing environmental objectives and a "programme of measures" to achieve those environmental ▪ Facilitating public participation by the publication by specified dates of various documents leading up to the development of an RBMP ▪ Developing and adopting a RBMP ▪ Preparing and publishing progress reports on implementation of the programme of measures ▪ Displaying information on websites 	<ul style="list-style-type: none"> ▪ the determination of the characteristics of the waters within each RBD ▪ a review of the impact of human activity on the status of surface waters and of groundwater ▪ an economic analysis of water use in accordance with Annex III of the Directive ▪ to establish and maintain registers of abstractions Areas designated for human consumption ▪ the operation of monitoring programmes in respect of water quality ▪ the carrying out of an economic analysis of water use ▪ the control of direct and diffuse discharges to water ▪ the establishment of environmental objectives aimed to achieve quality targets ▪ the drawing up and implementation of a programme of measures to achieve the established environmental objectives ▪ Produce and implement a RBMP for each RBD and aim to produce a single IRBMP for cross border RBDs ▪ Facilitate public participation

Organisation	General Functions	Function/Role in relation to the WFD	Requirements of the WFD
<p>Central & Regional Fisheries Boards</p>	<ul style="list-style-type: none"> ▪ manage, protect, conserve, develop & improve fish life relating to all aspects of the aquatic environment ▪ sustainable development of inland fisheries resources ▪ maintenance of fish habitats 	<ul style="list-style-type: none"> ▪ lead role in fish stock management and development including habitat protection ▪ role within the scope of the Directive to contribute to policies and developments in land use management strategies likely to impact on aquatic habitats ▪ provide guidance on analyses of pressures and impacts particularly in the identification of anthropogenic pressures ▪ lead role regarding the assessment of the status of fish stocks in rivers, lakes and estuaries, to monitor these as additional indicators of ecological quality and to report back to the EU on a three yearly cycle in conjunction with DCMNR & MI. 	<p>None given</p>

Organisation	General Functions	Function/Role in relation to the WFD	Requirements of the WFD
<p>Geological Survey of Ireland</p> <p>ERBD39325_T1_PLARpt_Final(3)(V)_040211</p>	<ul style="list-style-type: none"> ▪ to acquire, interpret and provide the best geological information relating to Ireland's earth resources and physical environment 	<ul style="list-style-type: none"> ▪ compilation of geological and hydrogeological data ▪ aquifer/groundwater body mapping ▪ characterisation of the overlying strata 	<ul style="list-style-type: none"> ▪ River Basin District Characterisation – <u>Requirements</u> <ul style="list-style-type: none"> • Location and boundaries of the groundwater body or bodies • A description of the groundwater bodies ▪ Groundwater Qualitative Status <u>Requirements</u> <ul style="list-style-type: none"> • 'good status' • characterisations of the chemical composition for RBD characterisation • information on trends and trend reversal • groundwater monitoring network • review of impact of pollution on groundwater quality • information on construction of sampled well • information on the pressures on groundwater bodies ▪ Groundwater Quantitative Status <u>Requirements</u> <ul style="list-style-type: none"> • Ensure a balance between abstraction and recharge

Organisation	General Functions	Function/Role in relation to the WFD	Requirements of the WFD
<p>Teagasc</p>	<ul style="list-style-type: none"> ▪ Teagasc is a semi-state body which provides integrated research, advisory and training services for the agriculture and food industry in Ireland. It operates in partnership with all sectors of the agriculture and food industry and with rural development agencies. 	<ul style="list-style-type: none"> ▪ Production of soils map and subsoils map. 	<p>None given</p>
<p>Radiological Protection Institute of Ireland</p>	<ul style="list-style-type: none"> ▪ The Radiological Protection Institute of Ireland is the national organisation with regulatory, monitoring and advisory responsibilities in matters pertaining to ionising radiation. In particular the Institute concerns itself with hazards to health associated with ionising radiation and with radioactive contamination in the environment. 	<ul style="list-style-type: none"> ▪ 	<p>None given</p>

Organisation	General Functions	Function/Role in relation to the WFD	Requirements of the WFD
<p>Marine Institute</p>	<p>MI is recognised by the EU Commission as the National Reference Lab in Ireland for marine biotoxins in shellfish (Directive 91/492), fish health (Directive 91/64), monitor residues in farmed fish (Directive 96/23)</p> <ul style="list-style-type: none"> ▪ marine licences vetting committee - regulate dumping at sea, placement of pipe and dumping of dredge spoil ▪ aquaculture licence advisory committee - regulate aquaculture industry ▪ co-ordinate, promote and assist in marine research and development which will promote economic development, create employment and protect the marine environment 	<ul style="list-style-type: none"> ▪ primary role in monitoring programmes for transitional and coastal waters (it is likely that EU monitoring will be based on methodologies under JAMP/CEMP & HELCOM programmes of OSPAR of which MI is the main contributor to these groups for Ireland) ▪ lead role in issues relating to priority hazardous substances in coastal and transitional waters and for nutrients in marine waters 	<p>Requirements of the WFD</p>

Organisation	General Functions	Function/Role in relation to the WFD	Requirements of the WFD
<p>Electric Supply Board (ESB)</p>	<ul style="list-style-type: none"> ▪ Ireland's leading energy company 95% owned by the Government of Ireland. In addition to generation, ESB is responsible for the management and operations of the electricity distribution network. It also owns the transmission system. ▪ Is also involved in developing other alternative renewable energy sources including harnessing wind energy through windfarms. Its impact on land-use and potential impacts on water quality are extensive. 		<p>None given</p>
<p>Waterways Ireland</p>	<ul style="list-style-type: none"> ▪ Statutory Remit to manage, maintain, develop and restore the inland navigable waterways principally for recreational purposes 	<ul style="list-style-type: none"> ▪ Administration of the waterways within ERBD 	<p>None given</p>

Organisation	General Functions	Function/Role in relation to the WFD	Requirements of the WFD
Tourism Ireland	<ul style="list-style-type: none"> ▪ Established in 1998 to promote increased tourism to the island of Ireland ▪ Carries out strategic all-Ireland destination marketing in all markets outside the island of Ireland ▪ Undertakes regional/product marketing and promotional activities ▪ Owns and manages Tourism Brand Ireland and its associated communications materials. 		None given
Department of Agriculture and Food	<ul style="list-style-type: none"> ▪ provision of grant assistance for animal housing and waste storage facilities to better manage farm wastes etc ▪ promoting good farming practice as part of a number of DAFF schemes ▪ promoting farmers to join REPS where they must comply with nutrient management plans and other measures 	<ul style="list-style-type: none"> ▪ involvement at both the planning and preparation phases of RBMP – technical skills regarding soil characteristics e.g. nature of topsoil, thickness, permeability etc. ▪ identification of land uses/management as well as nutrient inputs ▪ indication of how farming systems combined with soil types impact on leaching losses to ground/surface waters 	<ul style="list-style-type: none"> ▪ flood management ▪ making hydrological data available to all interested parties

Organisation	General Functions	Function/Role in relation to the WFD	Requirements of the WFD
<p>The Heritage Council</p>	<ul style="list-style-type: none"> ▪ Independent statutory body with responsibility to propose policies and priorities for the identification, protection, preservation and enhancement of the national heritage including archaeological objects, heritage objects, architectural heritage, flora, fauna, wildlife habitats, landscapes, seascapes, wrecks, geology, heritage gardens and parks and inland waterways. 	<ul style="list-style-type: none"> ▪ to make recommendations to the government about the implementation of the WFD, about other necessary measures to improve and conserve water supplies, and about the management of human activities that affect water resources. 	<p>None given</p>

Organisation	General Functions	Function/Role in relation to the WFD	Requirements of the WFD
<p>Health and Safety Authority</p>	<ul style="list-style-type: none"> ▪ overall responsibility for the administration and enforcement of health and safety at work in Ireland ▪ monitors compliance with legislation at the workplace and can take enforcement action (including prosecutions) ▪ Hazardous Substances Assessment Unit is responsible for implementation of chemical safety legislation which aims to protect man and the environment from the harmful effects of dangerous chemicals e.g. EC 304/2003 (Import/Export of Dangerous Chemicals) Regulations, S.I. 116/ 2003 EC Regulations ▪ promotes education, training and research in the field. ▪ investigates accidents and causes of ill health, carries out research, publishes guidance notes and advice, develops new laws and standards. 		<p>None given</p>

Organisation	General Functions	Function/Role in relation to the WFD	Requirements of the WFD
<p>Local Government Computer Services Board</p>	<ul style="list-style-type: none"> ▪ provides LA's with solutions to meet their information and communication needs ▪ helps LA's develop strategies to underpin their business needs and implement appropriate information and communication solutions ▪ is currently exploring the most extensive use possible of emerging technologies in terms of Intranet-based delivery solutions, WebGIS, Mobile computing and e-procurement opportunities etc 	<ul style="list-style-type: none"> ▪ LGCSB is extending its remit to include participation in the Information Society Implementation Agenda and of working both within the local government sector and with other sectors to achieve cohesive delivery of all electronic public services to all the users of such services. As such it is a significant element in the provision of information through GIS thereby assisting the public participation process of the WFD. 	<p>None given</p>

Organisation	General Functions	Function/Role in relation to the WFD	Requirements of the WFD
<p>Office of Public Works</p>	<ul style="list-style-type: none"> ▪ the OPW is recognised as the body through which Central Government exercises its statutory responsibilities in respect of river drainage and flood relief. ▪ reducing risk to life and damage to property from fluvial and tidal flooding within scheme catchments ▪ preserving the productive potential of the agricultural land served by drainage schemes ▪ providing a Hydrometric service and a flood relief Design service 	<ul style="list-style-type: none"> ▪ primary role in arterial drainage and flood relief ▪ a role to play in considering the issue of water management (of which flood management is one aspect) when River Basin Management Plans are being prepared. ▪ Making available hydrological data to all interested parties. 	<ul style="list-style-type: none"> ▪ Monitoring of the chemical and quantitative status ▪ Review of impact of changes in groundwater levels ▪ A monitoring network ▪ Interpretation and presentation of groundwater quantitative status ▪ Protected Areas - <ul style="list-style-type: none"> <u>Requirements</u> • Register of protected areas including water abstraction points, NVZs & areas designated for the protection of species - Surface Water Characterisations: Geological/Hydrogeological Aspects - <ul style="list-style-type: none"> <u>Requirements</u> • For describing surface water body types - descriptors (calcareous, siliceous, organic etc) • Information on the hydrogeology and groundwater - Monitoring of groundwater status - largely responsibility of EPA - Integration of Hydrogeological Aspects - many tasks are interrelated
<p>ERBD39325_T1_PLARpt_Final(3)(V)_040211</p>		<p style="text-align: center;">169</p>	

Organisation	General Functions	Function/Role in relation to the WFD	Requirements of the WFD
Department of Enterprise, Trade and Employment	<ul style="list-style-type: none"> promotes the sustainable development of a modern competitive enterprise economy based on quality employment, social inclusion and enhanced working and living standards. 		None given
Department of Communications, Marine & Natural Resources	<ul style="list-style-type: none"> promote and protect the quality of the Marine Environment to bring into force laws, regulations and administrative provisions necessary to implement marine environment directives 	<ul style="list-style-type: none"> to bring into force laws, regulations and administrative provisions necessary to comply with the WFD to co-ordinate the activities, in relation to the WFD, of the marine institute, the fisheries boards and other relevant organisations under the aegis of the department 	See Marine Institute & Fisheries Boards
Department of Agriculture and Food	<ul style="list-style-type: none"> provision of grant assistance for animal housing and waste storage facilities to better manage farm wastes etc promoting good farming practice as part of a number of DAFF schemes promoting farmers to join REPS where they must comply with nutrient management plans and other measures 	<ul style="list-style-type: none"> involvement at both the planning and preparation phases of RBMP – technical skills regarding soil characteristics e.g. nature of topsoil, thickness, permeability etc. identification of land uses/management as well as nutrient inputs indication of how farming systems combined with soil types impact on leaching losses to ground/surface waters 	<ul style="list-style-type: none"> flood management making hydrological data available to all interested parties

Organisation	General Functions	Function/Role in relation to the WFD	Requirements of the WFD
<p>Department of Community, Rural and Gaeltacht Affairs</p>	<ul style="list-style-type: none"> ▪ specific responsibility for community and local development ▪ retains the responsibilities previously held by the former Department of Arts, Heritage, Gaeltacht and the Islands for both the Irish language and the Gaeltacht, and the development of the off-shore islands. ▪ The North-South body, Waterways Ireland is under the aegis of DoCRGA 	<p>Co-ordination of activities of Waterways Ireland, which falls under the aegis of DoCRGA</p>	<p>Register of protected areas especially relating to rivers, lakes, estuaries, groundwater, transitional and coastal waters</p>
<p>Bord na Móna</p>	<ul style="list-style-type: none"> ▪ is an international supplier of products and services based principally on peat. ▪ It operates in horticulture, peat-based fuels, coal and oil for residential and industrial heating, odour Monitoring & Control, Wastewater Treatment Systems, Environmental Consultancy Services, Accredited Laboratory, peat fuel for the generation of electricity 		<p>None given</p>

Organisation	General Functions	Function/Role in relation to the WFD	Requirements of the WFD
Coillte	<ul style="list-style-type: none"> ▪ Coillte Teoranta (The Irish Forestry Board) operates in forestry and related businesses. ▪ operates in forestry and related activities on a commercial basis ▪ establishes and carries on woodland industries ▪ consults with the Minister for Finance concerning forestry development in areas of scientific interest 		None given

There may be some overlapping of responsibilities with regard to:

- DAFF and Teagasc regarding fertiliser recommendations
- FB & MI in some aspects of transitional and coastal waters fish stock monitoring

Appendix H

European Communities (Water Policy) Regulations, 2003 (S.I. No. 722 of 2003)

STATUTORY INSTRUMENTS

S.I. No. 722 of 2003

European Communities (Water Policy) Regulations 2003

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European Communities (Water Policy) Regulations, 2003

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9. Classification systems.
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First Schedule Relevant public authorities
Second Schedule River basin districts

S.I. No. 722 of 2003

European Communities (Water Policy) Regulations 2003

The Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on him by section 3 of the European Communities Act, 1972 (No. 27 of 1972) and for the purpose of giving further effect to Directive 2000/60/EC⁽¹⁾ of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy hereby makes the following Regulations:

Citation

1. These Regulations may be cited as the European Communities (Water Policy) Regulations, 2003.

Interpretation

2. (1) Any reference to an article or Schedule is a reference to an article or Schedule of these Regulations and any reference to a subarticle, paragraph or subparagraph is a reference to a subarticle, paragraph or subparagraph of the provision in which the reference occurs.
- (2) Any word or expression which is used in these Regulations and is also used in the Directive has the same meaning as in the Directive except where these Regulations provide otherwise.

(1) OJ No.L327, 22. 12. 2000, P.1.

(3) In these Regulations, save where the context otherwise requires -

“the Act of 1992” means the Environmental Protection Agency Act, 1992 (No. 7 of 1992);

“the co-ordinating authority”, in relation to a river basin district, has the meaning assigned by article 6;

“the Directive” means Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy;

“the EPA” means the Environmental Protection Agency established under the Act of 1992;

“the European Commission” means the Commission of the European Communities;

“interested parties”, in relation to a river basin district includes persons who –

- (a) are carrying on any business which relies upon the water environment in the district, or
- (b) are carrying on any activities which have or are likely to have an impact on water status in the district, or
- (c) have an interest in the protection of the water environment in the district whether as users of the water environment or otherwise;

“international river basin” means a river basin lying partly in the State and partly in Northern Ireland;

“international river basin district” means the combined river basin district areas in the State and in Northern Ireland in relation to an international river basin;

“local authority” means a city council or a county council;

“the Minister” means the Minister for the Environment, Heritage and Local Government;

“the relevant local authorities”, in relation to a river basin district, means the local authorities whose functional areas lie wholly or partly within that river basin district;

“the relevant public authorities”, in relation to a river basin district, means the authorities and other bodies specified in the First Schedule, and

“river basin district”, in relation to an international river basin district, means that part of the international river basin district which lies within the State.

General duty of public authorities

3. (1) It shall be the duty of every public authority to –
 - (a) exercise its functions in a manner which is consistent with the provisions of the Directive and which achieves or promotes compliance with the requirements of the Directive;
 - (b) take such actions as may be appropriate in the context of its functions to secure compliance with the Directive and with the provisions of any river basin management plan made, and any programme of measures established, in accordance with these Regulations;
 - (c) consult, co-operate and liaise with other public authorities and with the competent authorities in Northern Ireland in such a manner and to such extent as is necessary to ensure co-ordination of the requirements of the Directive for achievement of the environmental objectives in relation to the whole of each river basin district and international river basin district including requirements as to the analysis of its characteristics, the review of the impact of human activity on the status of surface waters and on groundwater, the monitoring of water status, the preparation of river basin management plans and the implementation of programmes of measures;
 - (d) provide such information appropriate to its functions as may be reasonably required by any other public authority for the purpose of compliance with the Directive and, insofar as is practicable, provide such information, where so requested, in a form disaggregated by reference to river basin districts, river basins, sub-basins or such other areas as may be specified;
 - (e) encourage the active involvement of all interested parties in relation to the measures being taken by the authority for implementation of the Directive, and
 - (f) provide access to background documents and information used for the development of a draft river basin management plan.
- (2) Without prejudice to the generality of subarticle (1), each of the public authorities specified in the First Schedule shall, if so requested by the EPA, send to the EPA within such period (being not less than one month) as may be specified by the EPA –
 - (a) the documents and information specified in paragraphs (i), (iii), (iv) and (v) of Annex I of the Directive in relation to the authority, and
 - (b) information as to the contact points and procedures by which interested persons may gain access to background documents and information used for the development of a draft river basin management plan.

Co-ordination, assistance and guidance by Minister

4. (1) The Minister shall promote the co-ordinated implementation of the Directive across river basin districts and, together with the competent authorities in the State and in Northern Ireland, in relation to international river basin districts.
- (2) The Minister may provide such assistance, including financial assistance, to the relevant public authorities as the Minister considers appropriate in relation to the discharge of their functions under these Regulations.
- (3) The Minister may, following consultation with such (if any) authorities or other persons as the Minister considers appropriate, issue guidance and general policy directions in relation to the implementation of these Regulations and, subject to subarticle (4), the relevant public authorities shall have regard to any such guidance and directions.

- (4) Subarticle (3) shall not be construed as enabling the Minister to exercise any power or control in relation to the performance in particular circumstances by a public authority of its statutory functions.

River basin districts

5. (1) For the purposes of the Directive the State shall have areas known as river basin districts which shall be the areas set out in the Second Schedule.
- (2) The EPA shall, not later than 22 June 2004, in relation to each river basin district:-
- (a) prepare a precise description of the boundaries of the district;
 - (b) prepare a list of the main rivers in the district, and
 - (c) identify the individual river basins in the district.
- (3) The information to be prepared for the purposes of subarticle (2)(a) is to be prepared in a form which is available for introduction into a geographical information system (GIS) and/or the geographical information system of the European Commission (GISCO).
- (4) A description prepared by the EPA of the boundaries of a river basin district shall, unless the contrary is shown, be deemed to be a true and accurate description of those boundaries and shall be accepted as such in all proceedings.
- (5) The EPA shall consult and co-operate with the competent authorities in Northern Ireland for the purposes of subarticle (2) in relation to the preparation of descriptions and mapping of international river basin districts.
- (6) The information prepared for the purposes of subarticle (2) in relation to a river basin district shall be sent not later than 22 June 2004 by the EPA to the Minister, the co-ordinating authority and the European Commission.

Competent authorities

6. (1) The competent authorities specified in Article 3 of the Directive in relation to a river basin district are –
- (a) the relevant local authorities acting jointly for the purposes of the establishment of environmental objectives and programmes of measures and the making of river basin management plans in accordance with articles 12 and 13, respectively, and
 - (b) the EPA for the purposes of reporting to the European Commission and for such other functions as are assigned to the EPA by these Regulations.
- (2) The EPA shall take such measures as it considers appropriate to promote and facilitate the co-ordination of activities for the purposes of Articles 4, 5, 7, 10, 11 and 13 of the Directive.
- (3) The EPA shall to send to the European Commission not later than 22 June 2004 the information required by Article 3(8) of the Directive in relation to competent authorities.
- (4) A local authority specified in the Table to this subarticle in relation to a river basin district shall act as the co-ordinator for all the relevant local authorities unless the Minister has, following consultation with those authorities and such

other persons as the Minister considers appropriate, by order under subarticle (5) appointed another authority to act as co-ordinating authority.

TABLE

Co-ordinating local authority	River basin district
Dublin City Council	Eastern
Galway County Council	Western
Carlow County Council	South Eastern
Cork County Council	South Western
Donegal County Council	North Western
Monaghan County Council	Neagh Bann
Limerick County Council	Shannon

- (5) The Minister may make, or revoke, an order for the purposes of this article and any such order shall have effect in accordance with its terms.

Characterisation of river basin district

7. (1) The EPA shall, not later than 22 December 2004, for the purposes of Article 5 of the Directive following consultation with such persons as it considers appropriate –
- (a) map the location and boundaries of groundwater bodies and surface water bodies,
 - (b) identify each surface water body as –
 - (i) belonging to one of the following categories namely rivers, lakes, transitional waters or coastal waters, or
 - (ii) an artificial surface water body or a heavily modified surface water body,
 - (c) provide the typology for differentiating all surface waters within a river basin district,
 - (d) establish type-specific reference conditions for each surface water body type, and
 - (e) prepare the information specified at paragraphs (a) to (d) in a form which is available for introduction into a geographical information system (GIS) and/or the geographical information system of the European Commission (GISCO).
- (2) The relevant local authorities shall, not later than 22 December 2004, carry out in accordance with Article 5 of the Directive in relation to a river basin district –

- (a) an analysis of its characteristics,
 - (b) a review of the impact of human activity on the status of surface waters and of groundwater, and
 - (c) an economic analysis of water use.
- (3) The relevant local authorities shall not later than 22 December 2004 send to the EPA a summary report of the analyses and review carried out in accordance with subarticle (2).
- (5) The EPA shall, not later than 22 March 2005, publish and send to the Minister and the European Commission a summary report of the analyses and review carried out in accordance with subarticle (2).
- (6) The EPA and the relevant local authorities shall, not later than 22 December 2013 and every six years thereafter, following consultation with the relevant public authorities and such other persons as they consider appropriate, review and, if necessary, update the mapping, information, analyses and reviews first carried out in accordance with subarticles (1) and (2).

Register of protected areas

8. The EPA shall establish, not later than 22 December 2004, a register of protected areas in accordance with Article 6 of the Directive and subsequently keep the register under review and up to date.

Classification systems

9. The EPA shall, not later than 22 June 2006, following consultation with the relevant public authorities and such other persons as it considers appropriate, establish systems for –
- (a) estimating the values of the biological quality elements specified for each surface water category, heavily modified water body and artificial water body,
 - (b) the classification and presentation of the ecological status and chemical status of surface waters, and
 - (c) the classification and presentation of the chemical status and quantitative status of groundwater.

Monitoring programmes

10. (1) The EPA shall prepare not later than 22 June 2006, following consultation with the relevant public authorities and such other persons as it considers appropriate, a programme of monitoring of water status in order to provide a coherent and comprehensive overview of water status within each river basin district in accordance with Articles 7(1) and 8 of the Directive.
- (2) The programme prepared by the EPA in accordance with sub-article (1) shall –
- (a) specify the nature, frequency and extent of monitoring to be carried out by public authorities,

- (b) specify the public authority or authorities by whom the monitoring is to be carried out,
 - (c) provide that all monitoring measures necessary for compliance with Articles 7(1) and 8 of the Directive are established and operational not later than 22 December 2006, and
 - (d) cover –
 - (i) in relation to surface waters –
 - the ecological and chemical status and ecological potential
 - the volume and level or rate of flow to the extent relevant for ecological and chemical status and ecological potential,
 - (ii) in relation to groundwaters, the chemical and quantitative status, and
 - (iii) in relation to protected areas, such additional matters as may be required to meet the requirements of local, national and European Community legislation establishing the protected areas.
- (3) The EPA shall, not later than 22 June 2006, –
- (a) publish, and
 - (b) send to the Minister and to each authority to which a duty of monitoring is assigned by a programme
- a copy of the programme and a summary report of the programme, together with a notice indicating that comments in relation to the programme may be sent to the Minister within one month of the date of its publication.
- (4) The Minister may, following consultation with such (if any) Minister of the Government or other person as he considers appropriate and following consideration of any objections or proposed amendments, amend a monitoring programme by notice issued to the EPA within three months after the publication of a programme under subarticle (3).
- (5) Where the Minister amends a monitoring programme in accordance with subarticle (4) the EPA shall, within one month of receipt of a notice under subarticle (4), publish the programme as so amended and send a copy of the programme and a summary report of it to each authority to which a duty of monitoring is assigned by the programme.
- (6) A monitoring programme shall, with such amendments (if any) as have been made by the Minister, come into effect six months after the programme has been published in accordance with subarticle (3).
- (7) The EPA shall send to the European Commission a summary report of a monitoring programme prepared (and, where appropriate, amended) in accordance with this article and such a report shall be sent by the EPA not later than –
- (a) in case where the Minister has not amended the programme, six months after the programme has been published under subarticle (3), and
 - (b) in case where the programme has been amended by the Minister, three months after the programme has been published under subarticle (5).

- (8). A duty of monitoring assigned to a public authority by a programme under this article shall be carried out by that authority in accordance with the provisions of the programme.

Cost Recovery

11. (1) The relevant local authorities shall –
- (a) in accordance with Article 9 of the Directive, take account of the principle of recovery of the costs of water services, including environmental and resource costs, having regard to the economic analysis carried out according to article 7, and in accordance in particular with the polluter pays principle,
 - (b) ensure that water-pricing policies and practices are in place in compliance with Article 9 of the Directive, not later than 31 December 2009, and
 - (c) comply with any direction or guidance which may be given by the Minister for the purposes of this article.
- (2) For the purposes of this article, “established practices” referred to in Article 9.4 of the Directive shall include the provisions of section 12 of the Local Government (Financial Provisions) Act, 1997 (No. 29 of 1997).

Environmental objectives and programme of measures

12. (1) The relevant local authorities shall, not later than 22 June 2009, following consultation with the relevant public authorities and such other persons as the relevant local authorities consider appropriate –
- (a) establish environmental objectives in relation to each river basin district in accordance with Article 4 of the Directive,
 - (b) establish a programme of measures in accordance with Article 11 of the Directive in order to achieve those objectives, and
 - (c) publish the programme of measures so established and send a copy of the programme to the relevant public authorities accompanied by a notice indicating that comments in relation to the programme may be sent to the Minister within one month of the date of publication of the programme.
- (2) A programme of measures shall include the basic measures specified in Article 11(3) of the Directive and such supplementary measures specified in Article 11(4) of the Directive as the relevant authorities consider appropriate.
- (3) In preparing a programme of measures the relevant local authorities shall –
- (a) take account of the results of the analyses and reviews carried out in accordance with article 7,
 - (b) not later than 22 June 2008 publish the draft programme and make it available for comments to be provided in writing by any person for a period not less than six months, and
 - (c) have regard to any comments received.

- (4) The EPA shall give a report to the Minister in relation to a programme of measures within three months of the publication of the programme in accordance with subarticle (1) and the report is to indicate the amendments (if any) which the EPA consider ought to be made to the programme of measures.
- (5) The Minister may, after consultation with such (if any) Minister of the Government, competent authority in Northern Ireland or other person as he considers appropriate and following consideration of a report sent by the EPA in accordance with subarticle (4), amend a programme of measures by notice issued to the co-ordinating authority within five months of the publication of the programme in accordance with subarticle (1) and, where such a notice is issued by the Minister, the co-ordinating authority shall send a copy of the notice to the relevant public authorities and publish it.
- (6) A programme of measures will, with such amendments (if any) as have been made by the Minister, come into effect six months after it has been published in accordance with subarticle (1).
- (7) The measures specified in a programme established in accordance with subarticle (1) shall be made operational not later than three years after the programme has come into effect.
- (8) The relevant public authorities are to ensure that the application of measures taken pursuant to a programme of measures established in accordance with this article will on no account lead, either directly or indirectly, to increased pollution of surface waters (except where this requirement would result in increased pollution of the environment as a whole).
- (9) The establishment of a programme of measures in accordance with subarticle (1) shall, subject to subarticles (5), (10) and (11) be a reserved function.
- (10) Where the relevant local authorities in relation to a river basin district have not jointly established and published a programme of measures by 22 June 2009, the establishment of a programme of measures in relation to that district shall cease to be a reserved function and, accordingly, the establishment of such a programme shall be an executive function and shall be carried out by the managers of the relevant authorities.
- (11) Where the establishment of a programme of measures is an executive function in accordance with subarticle (10), the programme shall be established and published, and notices shall be issued for the purposes of subarticle (1)(c), not later than 22 July 2009 and the periods of time specified in subarticles (1) to (7) shall apply as if the programme had been published on 22 June 2009.
- (12) The relevant local authorities shall, not later than 22 June 2015 and every six years thereafter, review and if necessary update a programme of measures and subarticles (1) to (11) shall apply with appropriate modifications to any new or updated programme of measures.

River basin management plan

- 13 (1) The relevant local authorities in relation to each river basin district shall, not later than 22 June 2009, following consultation with the relevant public authorities and such other persons as the relevant local authorities consider appropriate –
 - (b) make a river basin management plan in accordance with Article 13 of the Directive, and
 - (c) publish the plan and send a copy of it to the relevant public authorities accompanied by a notice indicating that comments in relation to the plan may be sent to the Minister within one month of the date of publication of the plan.
- (2) In the implementation of subarticle (1) in relation to an international river basin district –
 - (a) the relevant local authorities shall endeavour to produce a single river basin management plan in relation to the whole district in accordance with Article 13 of the Directive in co-ordination with the competent authorities in Northern Ireland, and

- (b) where production of a single plan is not possible, the relevant local authorities shall produce a plan in relation to that part of the international river basin district lying within the State.
- (3) A river basin management plan shall include the information set out in Annex VII of the Directive and may be supplemented by the production of such additional detailed programmes and management plans for sub-basin, sector, issue or water type to deal with particular aspects of water management as the relevant authorities consider appropriate.
- (4) In making, reviewing or updating a river basin management plan the relevant local authorities shall consult with the relevant public authorities and such other persons as the relevant local authorities consider appropriate and comply with the requirements of article 14 in relation to public information and consultation.
- (5) The EPA shall give a report to the Minister in relation to a river basin management plan within three months of the publication of the plan in accordance with subarticle (1) and the report shall indicate the amendments (if any) which the EPA consider ought to be made to the plan.
- (6) The Minister may, following consideration of a report sent by the EPA and after consultation with such (if any) Minister of the Government, competent authority in Northern Ireland or other person as he considers appropriate, amend a river basin management plan by notice issued to the co-ordinating authority within five months of the publication of the plan in accordance with subarticle (1) and where a plan is so amended by the Minister the co-ordinating authority shall send a copy of the notice to the relevant public authorities and publish it.
- (7) A river basin management plan shall, with such amendments (if any) as have been made by the Minister, come into effect six months after it has been published in accordance with sub-article (1).
- (8) The EPA shall, in accordance with Article 15 of the Directive, send a copy of all river basin management plans and their updates to the European Commission and to the competent authorities in Northern Ireland within three months of the plan or update of the plan coming into effect.
- (9) The making and updating of a river basin management plan is, subject to subarticles (6), (10) and (11) a reserved function within the meaning of section 131 of the Local Government Act, 2001 (No. 37 of 2001).
- (10) Where the relevant local authorities in relation to a river basin district have not jointly made a river basin management plan by 22 June 2009, the making of such a plan in relation to that district shall cease to be a reserved function and, accordingly, the making of the plan shall be an executive function and shall be carried out by the managers of the relevant authorities.
- (11) Where the making of a river basin management plan is an executive function in accordance with subarticle (10), the plan shall be made and published, and notices issued for the purposes of subarticle (1)(b), not later than 22 July 2009 and the periods of time specified in subarticles (1) to (8) shall apply as if the plan had been published on 22 June 2009.
- (12) The relevant local authorities shall, not later than 22 June 2015 and every six years thereafter, review and, if necessary, update their river basin management plan and subarticles (1) to (11) shall apply with appropriate modifications to any new or updated plan.

Public information and consultation on plan

14. (1) The relevant local authorities shall prepare and publish –
- (a) not later than 22 June 2006 (and not less than three years before the period to which a river basin management plan relates) a timetable and work programme for the production of a river basin management plan in accordance with article 13, including a statement as to the consultation measures to be taken;

- (b) not later than 22 June 2007 (and not less than two years before the period to which a river basin management plan relates) an overview of the significant water management issues identified in the river basin district, and
 - (c) not later than 22 June 2008 (and not less than one year before the period to which a river basin management plan relates) draft copies of the river basin management plan.
- (2) On publication of the documents specified in article (1) the relevant local authorities shall, by notice published in a daily newspaper circulating in the river basin district, invite the provision of comments in writing by any person and shall allow a period of at least six months for the provision of such comments.
 - (3) The requirements of this article shall, with appropriate modifications, apply to the updating of a river basin management plan.
 - (4) A copy of the documents specified in article (1) shall be sent by the relevant local authorities to all the relevant public authorities

Progress reports

- 15. (1) The relevant local authorities shall, not later than thirty months after a plan or updated plan comes into effect, send to the EPA an interim report describing progress in the implementation of the programme of measures established for that river basin district.
- (2) The EPA shall, within six months of receipt of a report in accordance with subarticle (1) in relation to a river basin district, send to the European Commission an interim report describing progress in the implementation of the programme of measures established for that river basin district.

River basin district advisory council

- 16. (1) The relevant local authorities shall establish in relation to each river basin district a river basin district advisory council (subsequently referred in this Article as "a council") to consider matters relating to the preparation of river basin management plans and other matters relevant to the protection and use of the aquatic environment and water resources in the district and to advise and make recommendations on these matters to the relevant public authorities.
- (2) A council shall be established not later than 22 December 2004 for a period ending not later than 22 December 2009 and a new council is to be established for the period of five years commencing on 22 December 2009 and for every subsequent period of five years.
- (3) Subject to this article, the membership and procedures of a council shall be determined by the relevant local authorities.
- (4) The chairperson of a council shall be a member of a relevant local authority.
- (5) A council shall consist of persons who are members of the relevant local authorities (at the time of their appointment as members of the council) together with, insofar as is practicable, representatives of interested parties and such other persons as may be determined by the relevant local authorities.
- (6) The membership of a council is to be not less than 20 persons and not more than 50 persons.

- (7) The number of members of the council who are members of the relevant local authorities shall not exceed one quarter of the total membership of the council.
- (8) The proceedings of a council shall not be invalidated solely by reason of the fact that there is not any member of the council (including the chairperson) who is a member of a relevant local authority.
- (9) A council shall meet at least twice per annum.
- (10) An employee of a local authority shall be assigned the duties of secretary of the council.
- (11) In the discharge of their duties under these Regulations in relation to a river basin district the relevant public authorities shall have regard to the advice and recommendations of the council for the district.
- (12) A relevant public authority may provide such assistance, including financial assistance, as the authority considers appropriate in relation to the activities of a council.

Environmental quality standards for priority substances

- 17 (1) The EPA shall, in the absence of agreement at European Community level within the period of six years specified in Article 16.8 of the Directive in relation to the establishment of environmental quality standards under Article 16 of the Directive for substances included on the first list of priority substances, make recommendations to the Minister not more than three months after the expiration of that period in relation to the standards which should be established in accordance with that article for all surface waters affected by discharges of such substances and such controls as may be appropriate in relation to the principal sources of such substances.
- (2) For substances subsequently included in the list of priority substances, the EPA shall, in the absence of agreement at European Community level in relation to standards for such substances within the period of 54 months after the inclusion of such substances on the list of priority substances, make recommendations to the Minister within three months after the expiration of that period in relation to the standards which should be established in accordance Article 16.8 of the Directive.

Criteria for assessment of groundwater

- 18. The EPA shall, in the absence of the adoption at European Community of criteria in relation to groundwater for the purposes of Article 17 of the Directive, make recommendations to the Minister not later than 22 September 2005 as to the criteria which should be established for that purpose.

Websites

- 19. The relevant local authorities and the EPA shall, as far as is practicable, provide for display on a website of the documents and maps required by these Regulations to be produced by, respectively, the relevant local authorities and the EPA, including the background documents and information used for the development of a draft river basin management plan.

Supervision of public authorities by EPA

- 20. The powers conferred on the EPA by section 63 of the Act of 1992 in relation to local authorities shall be exercisable by the EPA in relation to any public authority (other than a Minister of the Government) to which a duty is assigned by a monitoring programme prepared in accordance with article 10 or by a programme of measures prepared in accordance with article 12.

First Schedule

Relevant public authorities

The relevant public authorities to which article 2 refers in relation to a river basin district are –

- the Environmental Protection Agency
- the relevant local authorities
- the regional authorities in the area
- the regional fisheries boards in the area
- the Geological Survey of Ireland
- Teagasc
- the Radiological Protection Institute of Ireland
- the Marine Institute
- the Central Fisheries Board
- the Electricity Supply Board
- Waterways Ireland
- Tourism Ireland
- the Heritage Council
- the Health and Safety Authority
- the Local Government Computer Services Board
- the Commissioners of Public Works
- the Minister for Enterprise, Trade and Employment
- the Minister for Communications, Marine and Natural Resources
- the Minister for Agriculture and Food

Second Schedule

River basin districts

1. The river basin districts to which article 5 refers are -

the Eastern River Basin District comprising the river basins lying within Hydrometric Areas 7 to 10, and the groundwaters, coastal waters and offshore islands associated with all these areas

the Western River Basin District comprising the river basins lying within Hydrometric Areas 29 to 35 (excluding the part of Hydrometric Area 35 from which surface run-off flows through the river Bradoge, Drowes, Duff or Glenaniff or Lough Melvin), and the groundwaters, coastal waters and offshore islands associated with all these areas

the South Eastern River Basin District comprising the river basins lying within Hydrometric Areas 11 to 17 (excluding the part of Hydrometric Area 17 from which surface run-off flows into Youghal Bay), and the groundwaters, coastal waters and offshore islands associated with all these areas

the South Western River Basin District comprising the river basins lying within Hydrometric Areas 18 to 22, the part of Hydrometric Area 17 from which surface run-off flows into Youghal Bay, and the groundwaters, coastal waters and offshore islands associated with all these areas

the North Western River Basin District comprising, insofar as they lie within the State, the river basins lying within Hydrometric Areas 1, 2 and 36 to 40, the part of Hydrometric Area 35 from which surface run-off flows through the river Bradoge, Drowes, Duff or Glenaniff or Lough Melvin, and the groundwaters, coastal waters and offshore islands associated with all these areas

the Neagh Bann River Basin District comprising, insofar as they lie within the State, the river basins lying within Hydrometric Areas 3 and 6 (excluding the part of Hydrometric Area 6 from which surface run-off flows to the coastal waters lying north of Carlingford Lough) and the groundwaters, coastal waters and offshore islands associated with all these areas

the Shannon River Basin District comprising, insofar as they lie within the State, the river basins lying within Hydrometric Areas 23 to 28, and the groundwaters, coastal waters and offshore islands associated with all these areas.

2. In this Schedule, the expression "Hydrometric Area" means the area delineated on maps prepared by the EPA for the purpose of identifying areas known as Water Resource Regions and Hydrometric Areas.

*Given under the Official Seal of the Minister for the Environment, Heritage and
Local Government this 22nd day of December, 2003*

L.S.

MARTIN CULLEN

Minister for the Environment, Heritage and Local
Government

Explanatory Note

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations provide for the transposition into Irish national law of the provisions of the EU Water Framework Directive. For this purpose the Regulations, *inter alia*, –

- establish seven areas in the State as “river basin districts” (RBDs) of which three relate to cross-border river basins shared with Northern Ireland
- require local authorities, acting jointly in relation to each RBD, to establish environmental objectives, to establish programmes of measures for the achievement of these objectives, to make river basin management plans and to establish river basin district advisory councils
- provide for co-ordination and guidance at national level by the Minister and the EPA
- require all public authorities to take measures appropriate to their functions to promote or achieve implementation of the Directive / Regulations, to co-ordinate, co-operate and liaise with other authorities including authorities in Northern Ireland for this purpose and to encourage the active involvement of all interested parties.

