



STATUTORY INSTRUMENTS.

S.I. No. 659 of 2021

EUROPEAN COMMUNITIES ENVIRONMENTAL OBJECTIVES
(SURFACE WATERS) (AMENDMENT) REGULATIONS 2021

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S.I. No. 659 of 2021

EUROPEAN COMMUNITIES ENVIRONMENTAL OBJECTIVES
(SURFACE WATERS) (AMENDMENT) REGULATIONS 2021

I, DARRAGH O'BRIEN, Minister for Housing, Local Government and Heritage, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving full effect to Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, as amended by Directive 2013/39/EU of the European Parliament and of the Council of 12 August 2013 amending Directives 2000/60/EC and 2008/105/EC as regards priority substances in the field of water policy and, for the purpose of transposing Commission Implementing Decision (EU) 2020/1161 of 4 August 2020 establishing a watch list of substances for Union-wide monitoring in the field of water policy pursuant to Directive 2008/105/EC of the European Parliament and of the Council, hereby make the following regulations:

PART 1

PRELIMINARY AND GENERAL

Citation

1. These Regulations may be cited as the European Communities Environmental Objectives (Surface Waters) (Amendment) Regulations 2021.

Interpretation

2.

(1) In these Regulations –

“the 2009 Regulations” mean the European Communities Environmental Objectives (Surface Waters) Regulations 2009 (S.I. No. 272 of 2009);

“the 2015 Regulations” mean the European Union Environmental Objectives (Surface Waters) (Amendment) Regulations 2015 (S.I. No. 386 of 2015).

(2) A word or expression that is used in these Regulations and is also used in Directive 2013/39/EU of the European Parliament and of the Council of 12 August 2013 amending Directives 2000/60/EC and 2008/105/EC as regards priority substances in the field of water policy, and Commission Implementing Decision (EU) 2020/1161 of 4 August 2020 establishing a watch list of substances for Union-wide monitoring in the field of water policy pursuant to Directive 2008/105/EC of the European Parliament and of the Council has,

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 7th December, 2021.*

unless the contrary intention appears, the same meaning in these Regulations as in the Directive and in the Decision concerned.

(3) In these amending regulations, for the purpose of clarification –

“Articles” refer to articles in the 2009 regulations;

“Regulations” refers to regulations in the 2015 regulations.

PART 2

AMENDMENTS TO REGULATIONS

Amendment of Regulation 41(4) of the 2009-Regulations

3. Regulation 41(4) of the 2009 Regulations (as amended by Regulation 9 of the 2015 Regulations) is replaced with the following:

(4) “Where a biota environmental quality standard is established for a substance in Tables 11 and 12 of Schedule 6 of these Regulations, the biota environmental quality standard shall be applied in the first instance by the Agency in determining chemical status of a given surface water body. Where no biota environmental quality standard has been established for a substance, the appropriate water environmental quality standard shall be applied as laid down in part A of Annex I to Directive 2013/39/EU.”

Amendment of Article 52 of the 2009 Regulations

4. Article 52 of the 2009 Regulations is replaced with the following:

“The Agency, in consultation with the relevant co-ordinating local authority for the river basin district, or part of a river basin district lying within the State, shall establish, or cause to be established for the river basin district or part thereof as appropriate, an inventory of emissions, including maps, discharges and losses of priority and priority hazardous substances and other pollutants, including concentrations of the substance in sediment and biota, listed in Tables 11 and 12 of Schedule 6 of these Regulations.”

Amendment of Article 57 of the 2009 Regulations

5. Article 57 of the 2009 Regulations is replaced with the following:

“The Agency shall, in relation to those priority and priority hazardous substances that tend to accumulate in sediment and/or biota, having particular regard to substances numbered 11 and 13 listed in Table 11 of Schedule 6 and 1, 2, 3, 4, 5, 7, 8, 9, 10, 12, 13, 14, 16, 17, 18, 19, 20 and 21 listed in Table 12 of Schedule 6, arrange or cause to have arranged, for the monitoring and long-term trend analysis of the concentrations of the said substances in sediment and/or biota at representative locations deemed appropriate by the Agency. In determining the substances and locations to be so monitored, the Agency shall have regard to the findings of the monitoring programmes prepared under Article 10 of the 2003 Regulations, other relevant information such as the results of analyses undertaken for the purpose of Article 7 of the 2003 Regulations as well as information arising from the preparation of the inventories referred to in Article 52 of these Regulations. The Agency shall determine the extent of locations to be monitored and the manner and frequency of monitoring so as to provide sufficient data for reliable long-term trend analysis. As a general rule, monitoring shall take place every three years unless the Agency determines another interval on the basis of technical knowledge or expert judgement.”

Amendment of Schedule 6 of the 2009 Regulations

6. Schedule 6, Table 12, footnote no. 7 (as inserted by the 2015 Regulations) is replaced with the following:

7 “For the group of priority substances covered by brominated diphenylethers listed in Decision 2455/2001/EC, an EQS is established and refers to the sum of concentrations of the specified congeners for numbers 28, 47, 99, 100, 153 and 154.”

Amendment of Schedule 6, Table 13 of the 2009 Regulations

7. The 2009 Regulations are amended in Schedule 6 by the replacement of Table 13 (as inserted by the 2015 Regulations) with the following updated Table 13:

Table 13
Watch list of substances for Union-wide monitoring as set out in Article 8b
of Directive 2008/105/EC

Name of substance/group of substances	CAS number(1)	EU number(2)	Indicative analytical Method (3),(4)	Maximum acceptable method detection limit (ng/l)
Metaflumizone	139968-49-3	604-167-6	LLE-LC-MS-MS or SPE-LC-MS-MS	65
Amoxicillin	26787-78-0	248-003-8	SPE-LC-MS-MS	78
Ciprofloxacin	85721-33-1	617-751-0	SPE-LC-MS-MS	89
Sulfamethoxazole (5)	723-46-6	211-963-3	SPE-LC-MS-MS	100
Trimethoprim (5)	738-70-5	212-006-2	SPE-LC-MS-MS	100
Venlafaxine and O-desmethylvenlafaxine (6)	93413-69-5 93413-62-8	618-944-2 700-516-2	SPE-LC-MS-MS	6
<i>Azole compounds (7)</i>			SPE-LC-MS-MS	
Clotrimazole	23593-75-1	245-764-8		20
Fluconazole	86386-73-4	627-806-0		250
Imazalil	35554-44-0	252-615-0		800
Ipconazole	125225-28-7	603-038-1		44
Metconazole	125116-23-6	603-031-3		29
Miconazole	22916-47-8	245-324-5		200
Penconazole	66246-88-6	266-275-6		1 700
Prochloraz	67747-09-5	266-994-5		161
Tebuconazole	107534-96-3	403-640-2		240
Tetraconazole	112281-77-3	407-760-6		1 900
Dimoxystrobin	149961-52-4	604-712-8	SPE-LC-MS-MS	32
Famoxadone	131807-57-3	603-520-1	SPE-LC-MS-MS	8,5

(1) Chemical Abstracts Service

(2) European Union number.

(3) To ensure comparability of results from different Member States, all substances shall be monitored in whole water samples.

(4) Extraction methods: LLE – liquid liquid extraction SPE – solid-phase extraction Analytical methods: LC-MS-MS – Liquid chromatography (tandem) triple quadrupole mass spectrometry.

(5) Sulfamethoxazole and trimethoprim shall be analysed together in the same samples but reported as individual concentrations.

(6) Venlafaxine and O-desmethylvenlafaxine shall be analysed together in the same samples but reported as individual concentrations.

(7) The azole compounds shall be analysed together in the same samples but reported as individual concentrations



GIVEN under my Official Seal,
2 December, 2021.

DARRAGH O'BRIEN,
Minister for Housing, Local Government and Heritage.

EXPLANATORY NOTE

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

These amendments are being brought in to ensure that the full requirements of Directives 2008/105/EU and 2013/39/EU are met. Amendments of the current watch list Table 13 is being replaced by updated Table 13 for the purpose of transposing Commission Implementing Decision (EU) 2020/1161 of 4 August 2020 establishing a watch list of substances for Union-wide monitoring in the field of water policy pursuant to Directive 2008/105/EC of the European Parliament and of the Council.

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