



STATUTORY INSTRUMENTS.

S.I. No. 50 of 2025

EUROPEAN COMMUNITIES ENVIRONMENTAL OBJECTIVES
(SURFACE WATERS) (AMENDMENT) REGULATIONS 2025

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I, JAMES BROWNE, 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 further effect to Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000¹ establishing a framework for Community action in the field of water policy, as amended, 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 2025.

Interpretation

2. (1) In these Regulations, “Principal Regulations” means the European Communities Environmental Objectives (Surface Waters) Regulations 2009 (S.I. No. 272 of 2009).

(2) A word or expression which is used in these Regulations and which is also used in the Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000¹ has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Directive.

PART 2

AMENDMENT OF PRINCIPAL REGULATIONS

Amendment of Article 49 of Principal Regulations

3. The Principal Regulations are amended by inserting the following Article after Article 49:

“49A. Where more than one of the objectives under paragraph 1 of Article 4 of the Water Framework Directive relates to a given body of water, the most stringent shall apply.”

Amendment of Schedule 2 of the Principal Regulations

4. The 2009 Regulations are amended in Schedule 2 (amended by Regulation 8 of the European Communities Environmental Objectives (Surface

¹ OJ No. L 327, 22.12.2000, p. 1.

Waters) (Amendment) Regulations 2022 (S.I. No. 288 of 2020)) by inserting the following paragraph after paragraph 8:

“8A. The controls, mentioned in paragraph 8, shall also apply to the indirect potential impacts on groundwaters.”.

Insertion of Schedules 7 and 8 into Principal Regulations

5. The Principal Regulations are amended by inserting the following Schedules after Schedule 6:

“SCHEDULE 7

Monitoring of ecological status and chemical status for surface waters

1. The surface water monitoring network shall be established in accordance with the requirements of Article 8 of the Water Framework Directive. The monitoring network shall be designed so as to provide a coherent and comprehensive overview of ecological and chemical status within each river basin and shall permit classification of water bodies into five classes consistent with the normative definitions in section 1.2 of Annex V to the Water Framework Directive. The EPA shall provide a map or maps showing the surface water monitoring network in the river basin management plan.

2. On the basis of the characterisation and impact assessment carried out in accordance with Article 5 and Annex II to the Water Framework Directive, local authorities or relevant public authorities shall for each period to which a river basin management plan applies, establish a surveillance monitoring programme and an operational monitoring programme. The EPA may also need in some cases to establish programmes of investigative monitoring.

3. The EPA shall monitor parameters which are indicative of the status of each relevant quality element. In selecting parameters for biological quality elements the EPA shall identify the appropriate taxonomic level required to achieve adequate confidence and precision in the classification of the quality elements. Estimates of the level of confidence and precision of the results provided by the monitoring programmes shall be given in the plan.

Design of surveillance monitoring

1. Objective

- (a) The EPA shall establish surveillance monitoring programmes to provide information for:
 - (i) supplementing and validating the impact assessment procedure detailed in Annex II to the Water Framework Directive;

- (ii) the efficient and effective design of future monitoring programmes;
 - (iii) the assessment of long-term changes in natural conditions;
 - (iv) the assessment of long-term changes resulting from widespread anthropogenic activity.
- (b) The results of such monitoring referred to in subparagraph (a) shall be reviewed and used, in combination with the impact assessment procedure described in Annex II to the Water Framework Directive, to determine requirements for monitoring programmes in the current and subsequent river basin management plans.

2. Selection of monitoring points

- (a) Surveillance monitoring shall be carried out, by the EPA, of sufficient surface water bodies to provide an assessment of the overall surface water status within each catchment or subcatchments within the river basin district. In selecting these bodies the EPA shall ensure that, where appropriate, monitoring is carried out at points where the following applies:
- (i) the rate of water flow is significant within the river basin district as a whole; including points on large rivers where the catchment area is greater than 2500 km²;
 - (ii) the volume of water present is significant within the river basin district, including large lakes and reservoirs;
 - (iii) significant bodies of water cross a State boundary;
 - (iv) sites formerly identified under the Information Exchange Decision 77/795/EEC;
 - (v) at such other sites as are required to estimate the pollutant load which is transferred across State boundaries, and which is transferred into the marine environment.

3. Selection of quality elements

- (a) Subject to subparagraph (b), surveillance monitoring shall be carried out, by the EPA, for each monitoring site for a period of one year during the period covered by a river basin management plan for the following:
- (i) parameters indicative of all biological quality elements;
 - (ii) parameters indicative of all hydromorphological quality elements;
 - (iii) parameters indicative of all general physico-chemical quality elements;

- (iv) priority list pollutants which are discharged into the river basin or sub-basin;
 - (v) other pollutants discharged in significant quantities in the river basin or sub-basin.
- (b) Where the previous surveillance monitoring exercise showed that the body concerned reached good status and there is no evidence from the review of impact of human activity in Annex II to the Water Framework Directive that the impacts on the body have changed, the monitoring obligations under subparagraph (a) shall not apply.
- (c) In a case to which subparagraph (b) applies, surveillance monitoring shall be carried out once every three river basin management plans.

4. Design of operational monitoring

- (a) Operational monitoring shall be undertaken in respect of the following:
- (i) to establish the status of those bodies identified as being at risk of failing to meet their environmental objectives;
 - (ii) to assess any changes in the status of such bodies resulting from the programmes of measures.
- (b) The programme of operational monitoring may be amended during the period of the river basin management plan in the light of information obtained as part of the requirements of Annex II to the Water Framework Directive or as part of Annex V to that Directive, in particular to allow a reduction in frequency where an impact is found not to be significant or the relevant pressure is removed.

5. Selection of monitoring sites

Operational monitoring shall be carried out for all those bodies of water which on the basis of either the impact assessment carried out in accordance with Annex II to the Water Framework Directive or surveillance monitoring are identified as being at risk of failing to meet their environmental objectives under Article 4 of the Water Framework Directive and for those bodies of water into which priority list substances are discharged. Monitoring points shall be selected for priority list substances as specified in the legislation laying down the relevant environmental quality standard. In all other cases, including for priority list substances where no specific guidance is given in such legislation, monitoring points shall be selected as follows:

- (i) for bodies at risk from significant point source pressures, sufficient monitoring points within each body in order to assess the magnitude and impact of the point source. Where a body is subject to a number of point source pressures monitoring points may be selected to assess the magnitude and impact of these pressures as a whole;

- (ii) for bodies at risk from significant diffuse source pressures, sufficient monitoring points within a selection of the bodies in order to assess the magnitude and impact of the diffuse source pressures. The selection of bodies shall be made such that they are representative of the relative risks of the occurrence of the diffuse source pressures, and of the relative risks of the failure to achieve good surface water status;
- (iii) for bodies at risk from significant hydromorphological pressure, sufficient monitoring points within a selection of the bodies in order to assess the magnitude and impact of the hydromorphological pressures. The selection of bodies shall be indicative of the overall impact of the hydromorphological pressure to which all the bodies are subject.

6. Selection of quality elements

In order to assess the magnitude of the pressure to which bodies of surface water are subject the EPA shall monitor for those quality elements which are indicative of the pressures to which the body or bodies are subject. In order to assess the impact of these pressures, the EPA shall monitor the following as relevant:

- (i) parameters indicative of the biological quality element, or elements, most sensitive to the pressures to which the water bodies are subject;
- (ii) all priority substances discharged, and other pollutants discharged in significant quantities;
- (iii) parameters indicative of the hydromorphological quality element most sensitive to the pressure identified.

Design of investigative monitoring

Objective

- (a) Investigative monitoring shall be carried out by local authorities or relevant public authorities in the following circumstances:
 - (i) where the reason for any exceedances is unknown;
 - (ii) where surveillance monitoring indicates that the objectives set out in Article 4 of the Water Framework Directive for a body of water are not likely to be achieved and operational monitoring has not already been established, in order to ascertain the causes of a water body or water bodies failing to achieve the environmental objectives;
 - (iii) to ascertain the magnitude and impacts of accidental pollution.

- (b) The investigative monitoring under subparagraph (a) shall inform the establishment of a programme of measures, by the EPA, for the achievement of the environmental objectives and specific measures necessary to remedy the effects of accidental pollution.

Frequency of monitoring

- (a) For the surveillance monitoring period, the frequencies for monitoring parameters indicative of physico-chemical quality elements given below should be applied unless greater intervals would be justified on the basis of technical knowledge and expert judgement. For biological or hydromorphological quality elements monitoring shall be carried out at least once during the surveillance monitoring period.
- (b) For operational monitoring, the frequency of monitoring required for any parameter shall be determined by the EPA so as to provide sufficient data for a reliable assessment of the status of the relevant quality element. As a guideline, monitoring should take place at intervals not exceeding those shown in the Table other than where greater intervals would be justified on the basis of technical knowledge and expert judgement.
- (c) Frequencies shall be chosen so as to achieve an acceptable level of confidence and precision. Estimates of the confidence and precision attained by the monitoring system used shall be stated in the river basin management plan.
- (d) Monitoring frequencies shall be selected which take account of the variability in parameters resulting from both natural and anthropogenic conditions. The times at which monitoring is undertaken shall be selected so as to minimise the impact of seasonal variation on the results, and thus ensure that the results reflect changes in the water body as a result of changes due to anthropogenic pressure. Additional monitoring during different seasons of the same year shall be carried out, where necessary, to achieve this objective.

<i>Quality element</i>	<i>Rivers</i>	<i>Lakes</i>	<i>Transitional</i>	<i>Coastal</i>
Biological				
Phytoplankton	6 months	6 months	6 months	6 months
Other aquatic flora	3 years	3 years	3 years	3 years
Macro invertebrates	3 years	3 years	3 years	3 years
Fish	3 years	3 years	3 years	
Hydromorphological				

Continuity	6 years			
Hydrology	continuous	1 month		
Morphology	6 years	6 years	6 years	6 years
Physico-chemical				
Thermal conditions	3 months	3 months	3 months	3 months
Oxygenation	3 months	3 months	3 months	3 months
Salinity	3 months	3 months	3 months	3 months
Nutrient status	3 months	3 months	3 months	3 months
Acidification	3 months	3 months	3 months	3 months
Other pollutants	3 months	3 months	3 months	3 months
Priority substances	1 month	1 month	1 month	1 month

Additional monitoring requirements for protected areas

The monitoring programmes required in this Schedule shall be supplemented in order to fulfil the following requirements:

(a) Drinking water abstraction points

Bodies of surface water designated in Article 7 of the Water Framework Directive which provide more than 100 m³ a day as an average shall be designated as monitoring sites and shall be subject to such additional monitoring as may be necessary to meet the requirements of that Article. Such bodies shall be monitored for all priority substances discharged and all other substances discharged in significant quantities which could affect the status of the body of water and which are controlled under the provisions of the Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020². Monitoring shall be carried out in accordance with the frequencies set out below:

Community served	Frequency
< 10,000 persons	4 per year
10,000 to 30,000 persons	8 per year
➤ 30,000 persons	12 per year

(b) Habitat and species protection areas

² OJ No. L 435, 23.12.2020, p. 1

Bodies of water forming habitat and species protection areas shall be included within the operational monitoring programme referred to in paragraph (a) where, on the basis of the impact assessment and the surveillance monitoring, they are identified as being at risk of failing to meet their environmental objectives under Article 4 of the Water Framework Directive. Monitoring shall be carried out to assess the magnitude and impact of all relevant significant pressures on these bodies and, where necessary, to assess changes in the status of such bodies resulting from the programmes of measures. Monitoring shall continue until the areas satisfy the water-related requirements of the legislation under which they are designated and meet their objectives under Article 4 of the Water Framework Directive.

Standards for monitoring of quality elements

Methods used for the monitoring of type parameters shall conform to the international standards listed below or such other national or international standards which ensure the provision of data of an equivalent scientific quality and comparability.

- (a) Macroinvertebrate sampling:
All relevant CEN/ISO standards.
- (b) Macrophyte sampling:
All relevant CEN/ISO standards
- (c) Fish sampling:
All relevant CEN/ISO standards
- (d) Diatom sampling:
All relevant CEN/ISO standards
- (e) Standards for physico-chemical parameters:
All relevant CEN/ISO standards
- (f) Standards for hydromorphological parameters:
All relevant CEN/ISO standards

SCHEDULE 8

Interpretation and presentation of groundwater chemical status

- (a) In assessing status, the results of individual monitoring points within a groundwater body shall be aggregated for the body as a whole. Without prejudice to the Directives concerned, for good status to be achieved for a groundwater body, for those chemical parameters for which environmental quality standards have been set in Community legislation as follows:
- (i) the mean value of the results of monitoring at each point in the groundwater body or group of bodies shall be calculated, and
- (ii) in accordance with Article 17 of the Water Framework Directive these mean values shall be used to demonstrate compliance with good groundwater chemical status.
- (b) Subject to point 2.5 of Annex V to the Water Framework Directive, the EPA shall provide a map of groundwater chemical status, colour-coded as indicated below:

Good	Green
Poor	Red

- (c) The EPA shall also indicate by a black dot on the map, those groundwater bodies which are subject to a significant and sustained upward trend in the concentrations of any pollutant resulting from the impact of human activity. Reversal of a trend shall be indicated by a blue dot on the map.
- (d) The maps, referred to in subparagraph (c), shall be included in the river basin management plan.”.



GIVEN under my Official Seal,
27 February, 2025.

JAMES BROWNE,
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 Regulations, made under section 3 of the European Communities Act 1972 (No. 27 of 1972), are for the purpose of giving further effect to Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000.

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