



STATUTORY INSTRUMENTS.

S.I. No. 52 of 2025



EUROPEAN UNION (WATER POLICY) (AMENDMENT) REGULATIONS
2025

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EUROPEAN UNION (WATER POLICY) (AMENDMENT) REGULATIONS
2025

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 and construction

1. (1) These Regulations may be cited as the European Union (Water Policy) (Amendment) Regulations 2025.

(2) The Principal Regulations, the Regulations of 2022 and these Regulations may be cited together as the European Union (Water Policy) Regulations 2003 to 2025 and shall be construed together as one.

Interpretation

2. (1) In these Regulations—

“Principal Regulations” means the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003);

“Regulations of 2014” means European Union (Water Policy) Regulations 2014 (S.I. No. 350 of 2014);

“Regulations of 2022” means the European Union (Water Policy) (Amendment) Regulations 2022 (S.I. No. 166 of 2022).

(2) A word or expression which is used in these Regulations and which is also used in 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 7 of Principal Regulations

¹ OJ No. L 327, 22.12.2000, p. 1

3. Article 7 (amended by Regulation 6 of the Regulations of 2022) of the Principal Regulations is amended by substituting for subarticles (3) and (4) the following:

“(3) The EPA and the local authority concerned shall not later than each six years occurring after the anniversary of their first being carried out, following consultation with the relevant public authorities and such other persons as they consider appropriate, continue to review and, if necessary, update the mapping, analyses and reviews first carried out in accordance with subarticles (1) and (2).”.

Insertion of articles 7A and 7B into Principal Regulations

4. The Principal Regulations are amended by inserting the following articles after article 7:

“Identification of Pressures

7A The EPA shall collect and maintain information on the type and magnitude of the significant anthropogenic pressures to which the surface water bodies in each river basin district are liable to be subject, in particular the following:

- (a) estimation and identification of significant point source pollution, in particular by substances listed in Annex VIII to the Directive, from urban, industrial, agricultural and other installations and activities, based, amongst other things, on information gathered under the following:
 - (i) articles 15 and 17 of Council Directive 91/271/EEC of 21 May 1991²;
 - (ii) articles 14 and 24 of Directive 2010/75/EU³;
- (b) estimation and identification of significant point source pollution, in particular by substances listed in Annex VIII to the Directive, from urban, industrial, agricultural and other installations and activities, based, amongst other things, on information gathered under the following for the purposes of the initial river basin management plan:
 - (i) Article 11 of Directive 76/464/EEC;
 - (ii) the Directive;
 - (iii) Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006⁴;
- (c) estimation and identification of significant diffuse source pollution, in particular by substances listed in Annex VIII to the

² OJ No. L 135, 30.05.1991, p. 40

³ OJ No. L 334, 17.12.2010, p. 17

⁴ OJ No. L 64, 04.03.2006, p. 37

Directive, from urban, industrial, agricultural and other installations and activities; based, amongst other things, on information gathered under the following:

- (i) Articles 3, 5 and 6 of Council Directive 91/676/EEC of 12 December 1991⁵;
 - (ii) Articles 56 and 68 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009⁶;
 - (iii) Regulation (EU) No 528 of the European Parliament and of the Council of 22 May 2012⁷;
- (d) estimation and identification of significant diffuse source pollution, in particular by substances listed in Annex VIII of the Directive, from urban, industrial, agricultural and other installations and activities; based, amongst other things, on information gathered under the following for the purposes of the first river basin management plan:
- (i) Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006⁸;
 - (ii) the Directive;
 - (iii) estimation and identification of significant water abstraction for urban, industrial, agricultural and other uses, including seasonal variations and total annual demand, and of loss of water in distribution systems;
 - (iv) estimation and identification of the impact of significant water flow regulation, including water transfer and diversion, on overall flow characteristics and water balances;
 - (v) identification of significant morphological alterations to water bodies;
 - (vi) estimation and identification of other significant anthropogenic impacts on the status of surface waters;
 - (vii) estimation of land use patterns, including identification of the main urban, industrial and agricultural areas and, where relevant, fisheries and forests.

Assessment of Impact

7B. (1) The EPA shall carry out an assessment of the susceptibility of the surface water status of bodies to the pressures identified in article 7A.

⁵ OJ No. L 375, 31.12.1991, p. 1

⁶ OJ No. L 309, 24.11.2009, p. 1

⁷ OJ No. L 167, 27.06.2012, p. 1

⁸ OJ No. L 64, 04.03.2006, p. 37

(2) The EPA shall use the information collected under subarticle (1), and any other relevant information including existing environmental monitoring data, to carry out an assessment of the likelihood that surface waters bodies within the river basin district will fail to meet the environmental quality objectives set for the bodies under Article 4 of the Directive.

(3) The EPA may utilise modelling techniques to assist in an assessment under subarticle (2).

(4) For those bodies identified as being at risk of failing the environmental quality objectives under this article, further characterisation shall, where relevant, be carried out to optimise the design of both the monitoring programmes required under Article 8 of the Directive, and the programmes of measures required under Article 11 of the Directive.”.

Insertion of articles 10A to 10J into Principal Regulations

5. The Principal Regulations are amended by inserting the following articles after article 10:

“Monitoring of ecological status and chemical status for surface waters

10A(1) The surface water monitoring network shall be established by the EPA in accordance with the requirements of Article 8 of the Directive.

(2) The monitoring network, established under subarticle (1), 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 Directive.

(3) The EPA shall prepare a map or maps showing the surface water monitoring network in the river basin management plan.

(4) On the basis of the characterisation and impact assessment carried out in accordance with Article 5 and Annex II to the Directive, the EPA shall for each period to which a river basin management plan applies, establish a surveillance monitoring programme and an operational monitoring programme.

(5) Local authorities and relevant public authorities may also need in some cases to establish programmes of investigative monitoring.

(6) The EPA shall monitor parameters which are indicative of the status of each relevant quality element.

(7) 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.

(8) Estimates of the level of confidence and precision of the results provided by the monitoring programmes shall be given in the relevant river basin management plan.

Design of surveillance monitoring: objective

10B(1) The EPA shall establish surveillance monitoring programmes to provide information for the following:

- (a) supplementing and validating the impact assessment procedure detailed in Annex II to the Directive;
- (b) the efficient and effective design of future monitoring programmes;
- (c) the assessment of long-term changes in natural conditions;
- (d) the assessment of long-term changes resulting from widespread anthropogenic activity.

(2) The results of the monitoring programmes under subarticle (1) shall be reviewed and used, in combination with the impact assessment procedure described in Annex II to the Directive, to determine requirements for monitoring programmes in the current and subsequent river basin management plans.

Design of surveillance monitoring: selection of monitoring points

10C(1) Surveillance monitoring shall be carried out 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 concerned.

(2) In selecting the bodies, under subarticle (1), the EPA shall ensure that, where appropriate, monitoring is carried out at points where—

- (a) 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,
- (b) the volume of water present is significant within the river basin district, including large lakes and reservoirs,
- (c) significant bodies of water cross a State boundary,
- (d) sites formerly identified under the Information Exchange Decision 77/795/EEC, and
- (e) 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.

Selection of quality elements

10D. (1) Subject to subarticle (2), surveillance monitoring shall be carried out by the relevant public authority for each monitoring site for a period of one year during the period covered by a river basin management plan for the following:

- (a) parameters indicative of all biological quality elements,
- (b) parameters indicative of all hydromorphological quality elements,

- (c) parameters indicative of all general physico-chemical quality elements,
- (d) priority list pollutants which are discharged into the river basin or sub-basin;
- (e) other pollutants discharged in significant quantities in the river basin or sub-basin.

(2) Surveillance monitoring under subarticle (1) shall not be necessary 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 Directive that the impacts on the body have changed and, in such cases, surveillance monitoring shall be carried out once in respect of every three river basin management plans.

Design of operational monitoring

10E. (1) Operational monitoring shall be undertaken by the EPA or relevant public authority in order to—

- (a) establish the status of those bodies identified as being at risk of failing to meet their environmental objectives, and
- (b) assess any changes in the status of such bodies resulting from the programmes of measures.

(2) 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 Directive or as part of Annex V to the Directive, in particular to allow a reduction in frequency where an impact is found not to be significant or the relevant pressure is removed.

Selection of monitoring sites

10F (1) 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 Directive or surveillance monitoring are identified as being at risk of failing to meet their environmental objectives under Article 4 of the Directive and for those bodies of water into which priority list substances are discharged.

(2) Monitoring points, for the purposes of subarticle (1), shall be selected for priority list substances as specified in Part IV of the European Communities Environmental Objectives (Surface Waters) Regulations 2009 (S.I. No. 272 of 2009).

(3) In cases other than under subarticle (2), including for priority list substances where no specific guidance is given in such legislation, monitoring points shall be selected in the following manner:

- (a) 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;

- (b) 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;
- (c) 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;
- (d) 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;
- (e) 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;
- (f) the selection of bodies shall be indicative of the overall impact of the hydromorphological pressure to which all the bodies are subject.

Selection of quality elements

10G(1) In order to assess the magnitude of the pressure to which bodies of surface water are subject, the EPA or relevant public authorities shall monitor for those quality elements which are indicative of the pressures to which the body or bodies are subject.

(2) In order to assess the impact of the pressures referred to in subarticle (1), the EPA shall monitor the following as relevant:

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

Design of investigative monitoring: objective

10H. Investigative monitoring shall be carried out—

- (a) where the reason for any exceedances is unknown,
- (b) where surveillance monitoring indicates that the objectives set out in Article 4 of the 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, or
- (c) to ascertain the magnitude and impacts of accidental pollution,

and shall inform the establishment of a programme of measures for the achievement of the environmental objectives and specific measures necessary to remedy the effects of accidental pollution.

Frequency of investigative monitoring

10I (1) For the surveillance monitoring period, the frequencies for monitoring parameters indicative of physico-chemical quality elements in the Table shall be applied unless greater intervals would be justified on the basis of technical knowledge and expert judgement.

(2) For biological or hydromorphological quality elements monitoring shall be carried out at least once during the surveillance monitoring period.

(3) 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.

(4) As a guideline, monitoring shall take place at intervals not exceeding those shown in the Table unless greater intervals would be justified on the basis of technical knowledge and expert judgement.

(5) The frequency of monitoring shall—

- (a) be chosen so as to achieve an acceptable level of confidence and precision, and
- (b) be selected which take account of the variability in parameters resulting from both natural and anthropogenic conditions.

(6) Estimates of the confidence and precision attained by the monitoring system used shall be stated in the river basin management plan.

(7) 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.

(8) Additional monitoring during different seasons of the same year shall be carried out, where necessary, to achieve the objective set out in subarticle (7).

<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

10J (1) The monitoring programmes required in articles 10G to 10I shall be supplemented in order to fulfil the requirements set out in the Eleventh Schedule.

Amendment of article 11 of Principal Regulations

6. Article 11, as amended by Regulation 6 of the Regulations of 2014, of the Principal Regulations is amended—

- (a) in paragraph (b), by substituting “objectives;” for “objectives; and”;
- (b) in paragraph (c), by substituting “programme; and” for “programme.” and
- (c) by inserting the following paragraph after paragraph (c):

“(d) ensure an adequate contribution of the different water uses, (disaggregated into, at a minimum, the categories of industry, households and agriculture) to the recovery of the costs of water services, based on the economic analysis conducted according to Annex III of the Directive while taking account of the polluter pays principle.”.

Amendment of article 12 of Principal Regulations

7. Article 12 (as amended by Regulation 12 of the Regulations of 2022) of the Principal Regulations is amended by inserting the following subarticle after subarticle (12):

“(13) For the purposes of this article, “basic measures” are the minimum requirements to be complied with and shall consist of the following:

- (a) those measures required to implement Community legislation for the protection of water, including measures required under the legislation specified in Article 10 of the Directive and in part A of Annex VI of the Directive;
- (b) measures deemed appropriate for the purposes of Article 9 of the Directive;
- (c) measures to promote an efficient and sustainable water use in order to avoid compromising the achievement of the objectives specified in Article 4 of the Directive
- (d) measures to meet the requirements of Article 7 of the Directive, including measures to safeguard water quality in order to reduce the level of purification treatment required for the production of drinking water;”.

Insertion of article 18A into Principal Regulations

8. The Principal Regulations are amended by inserting the following article after article 18:

“Interpretation and presentation of groundwater chemical status

18A(1) In assessing chemical status, the results of individual monitoring points within a groundwater body shall be aggregated by the EPA for the body as a whole.

(2) 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—

- (a) the mean value of the results of monitoring at each point in the groundwater body or group of bodies shall be calculated, and
- (b) in accordance with Article 17 of the Directive these mean values shall be used to demonstrate compliance with good groundwater chemical status.

(3) Subject to point 2.5 of Annex V of the Directive, the EPA shall provide a map of groundwater chemical status, colour-coded as indicated in the Table to this article.

Status	Colour
Good	Green
Poor	Red

(4) The EPA shall indicate by a black dot on the map concerned, 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.

(5) Reversal of a trend, mentioned in subarticle (4), shall be indicated by a blue dot on the map concerned.

(6) The maps, mentioned in subarticle (4), shall be included in the river basin management plan.”.

Insertion of Eleventh Schedule to Principal Regulations

9. The Principal Regulations are amended by inserting after the Tenth Schedule the schedules set out in the Schedule to these Regulations.

SCHEDULE

“Eleventh Schedule

*Article 10J***Drinking water abstraction points**

1. Bodies of surface water designated in Article 7 of the 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.

2. 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 Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020⁹.

3. 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

Habitat and species protection areas

1. Bodies of water forming these areas shall be included within the operational monitoring programme referred to above 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 Directive.

2. 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.

3. 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 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

⁹ OJ No. L 435, 23.12.2020, p. 1

standards which will 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



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) give further effect to 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.

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