

Directive 2006/113/EC of the European Parliament  
and of the Council of 12 December 2006 on the quality  
required of shellfish waters (codified version) (repealed)

DIRECTIVE 2006/113/EC OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL

of 12 December 2006

on the quality required of shellfish waters

(codified version) (repealed)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular  
Article 175(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Economic and Social Committee,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>(1)</sup>,

Whereas:

- (1) Council Directive 79/923/EEC of 30 October 1979 on the quality required of shellfish waters<sup>(2)</sup> has been substantially amended<sup>(3)</sup>. In the interests of clarity and rationality the said Directive should be codified.
- (2) The protection and improvement of the environment necessitate concrete measures to protect waters, including shellfish waters, against pollution.
- (3) It is necessary to safeguard certain shellfish populations from various harmful consequences, resulting from the discharge of pollutant substances into the sea.
- (4) Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme<sup>(4)</sup> provides that quality objectives are to be jointly drawn up fixing the various requirements which an environment must meet, *inter alia* the definition of parameters for water, including shellfish waters.
- (5) Differences between the provisions in force in the various Member States as regards the quality required of shellfish waters may create unequal conditions of competition and thus directly affect the functioning of the internal market.
- (6) In order to attain the objectives of this Directive, the Member States must designate the waters to which it will apply and set limit values corresponding to certain parameters. The waters so designated will have to conform to these values within six years of designation.

- (7) For the purpose of checking the quality required of shellfish waters, a minimum number of samples should be taken and the measurements relating to parameters set out in Annex I should be carried out. Such sampling may be reduced or discontinued in the light of the results of the measurements.
- (8) Certain natural circumstances are beyond the control of the Member States and it is therefore necessary to provide for the possibility of derogating from this Directive in certain cases.
- (9) Technical and scientific progress may make necessary the rapid adaptation of some of the requirements laid down in Annex I. In order to facilitate the introduction of the measures required for this purpose, a procedure should be laid down establishing close cooperation between the Member States and the Commission. Such cooperation should take place in the Committee on Adaptation to Technical and Scientific Progress set up by Article 13(1) of Directive 2006/44/EC of the European Parliament and of the Council of 6 September 2006 on the quality of fresh waters needing protection or improvement in order to support fish life<sup>(5)</sup>.
- (10) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the Directives, as set out in Part B of Annex II,

HAVE ADOPTED THIS DIRECTIVE:

- (1) Opinion of the European Parliament delivered on 12 October 2006 (not yet published in the Official Journal) and Council Decision delivered on 30. November 2006.
- (2) [OJ L 281, 10.11.1979, p. 47](#). Directive as amended by Directive 91/692/EEC ([OJ L 377, 31.12.1991, p. 48](#)).
- (3) See Annex II, Part A.
- (4) [OJ L 242, 10.9.2002, p. 1](#).
- (5) [OJ L 264, 25.9.2006, p. 20](#).