

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waters needing protection or improvement in order to support fish life (codified version) (Text with EEA relevance) (repealed)

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

(codified version)

(Text with EEA relevance) (repealed)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<sup>(1)</sup>,

Having consulted the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>(2)</sup>,

Whereas:

- (1) Council Directive 78/659/EEC of 18 July 1978 on the quality of fresh waters needing protection or improvement in order to support fish life<sup>(3)</sup> has been significantly amended on several occasions<sup>(4)</sup>. In the interests of clarity and rationality that Directive should be codified.
- (2) The protection and improvement of the environment necessitates concrete measures to protect waters against pollution, including fresh waters capable of supporting fish life.
- (3) It is necessary from the ecological and economic viewpoint to safeguard fish populations from various harmful consequences resulting from the discharge of pollutant substances into the waters, such as, in particular, the reduction in number of fish belonging to a certain species and even in some cases the disappearance of a number of these species.
- (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>(5)</sup> is designed to achieve levels of surface water quality that do not give rise to significant impacts on, and risks to, the environment.
- (5) Discrepancies between the provisions applicable in the various Member States with regard to the quality of fresh water capable of supporting fish life may give rise to

unequal conditions of competition and thus have a direct bearing on the functioning of the internal market.

- (6) In order to attain the objectives of this Directive, Member States should designate the waters to which it will apply and set limit values corresponding to certain parameters. The waters so designated should be brought into conformity with these values within five years of this designation.
- (7) Provision should be made that fresh waters capable of supporting fish life will, under certain conditions, be deemed to conform to the relevant parametric values even if a certain percentage of samples taken does not comply with the limits specified.
- (8) To ensure that the quality of fresh waters capable of supporting fish life is checked, a minimum number of samples should be taken and the measurements relating to specified parameters, as annexed hereto, should be carried out. Such sampling may be reduced or discontinued in the light of the quality of the water.
- (9) Member States are unable to control certain natural circumstances and it is therefore necessary to provide for the possibility of derogating from this Directive in certain cases.
- (10) Technical and scientific progress may call for the rapid adaptation of certain 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 whereby close cooperation would be established between Member States and the Commission in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>(6)</sup>.
- (11) 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 set out in Part B of Annex III,

HAVE ADOPTED THIS DIRECTIVE:

- (1) [OJ C 117, 30.4.2004, p. 11.](#)
- (2) Opinion of the European Parliament of 21 April 2004 ([OJ C 104 E, 30.4.2004, p. 545](#)) and Council Decision of 25 April 2006.
- (3) [OJ L 222, 14.8.1978, p. 1.](#) Directive as last amended by Regulation (EC) No 807/2003 ([OJ L 122, 16.5.2003, p. 36](#)).
- (4) See Part A of Annex III.
- (5) [OJ L 242, 10.9.2002, p. 1.](#)
- (6) [OJ L 184, 17.7.1999, p. 23.](#)