



STATUTORY INSTRUMENTS.

**S.I. No. 77 of 2019**

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EUROPEAN UNION ENVIRONMENTAL OBJECTIVES (SURFACE  
WATERS) (AMENDMENT) REGULATIONS 2019

S.I. No. 77 of 2019

European Union Environmental Objectives (Surface Waters) (Amendment)  
Regulations 2019

I, EOGHAN MURPHY, Minister for Housing, Planning and Local Government, 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 effect to Directive 2013/39 EU<sup>1</sup> 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; Commission Implementing Decision (EU) 2018/229<sup>2</sup> of 12 February 2018 establishing, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, the values of the Member State monitoring system classifications as a result of the intercalibration exercise and repealing Commission Decision 2013/480/EU, and Commission Implementing Decision (EU) 2018/840<sup>3</sup> of 5 June 2018 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 and repealing Commission Implementing Decision (EU) 2015/495, hereby make the following Regulations:

1. These Regulations may be cited as the European Union Environmental Objectives (Surface Waters) (Amendment) Regulations 2019.

2. In these Regulations –

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

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

3. The 2009 Regulations are amended in Schedule 5 by the substitution of the following Tables for Tables 8 and 9:

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<sup>1</sup> O.J. No. L226/1, 24 August 2013

<sup>2</sup> O.J. No. L47/1, 20 February 2018

<sup>3</sup> O.J. No. L141/9, 7 June 2018

“Table 8 – Biological quality elements

**RIVERS (All types)**

Biological Quality Element	Classification System	River Type	Ecological Quality Ratio	
			High-good boundary	Good - moderate boundary
Macroinvertebrates	Quality Rating System (Q-value)	All	0.85	0.75
Phytobenthos	Revised form of Trophic Diatom Index (TDI)*		0.93	0.78
Fish	Fish Classification Scheme 2 Ireland (FCS2)	All	0.845	0.540

Note: \*To be used only in rivers with alkalinity less than 150mg/l CaCO<sub>3</sub>

**LAKES**

Biological Quality Element	Classification System	Lake Type	Ecological Quality Ratio	
			High-good boundary	Good-moderate boundary
Phytoplankton	IE Lake Phytoplankton Index	All	0.80	0.60
	Phytoplankton biomass <sup>(1)</sup> (Chlorophyll)	Type 1, 2, 3, 4, 13 <sup>(2)</sup>	0.50	0.29
	Phytoplankton biomass <sup>(1)</sup> (Chlorophyll)	Type 5, 6, 7, 8, 9, 10, 11, 12 <sup>(2)</sup>	0.55	0.32
Fish	FIL2	All	0.76	0.53
Phytobenthos	Lake Trophic Diatom Index (IE)	High and moderate alkalinity <sup>(3)</sup>	0.90	0.63
	Lake Trophic Diatom Index (IE)	Low alkalinity <sup>(3)</sup>	0.90	0.66
Macrophytes	Free Macrophyte Index	All	0.90	0.68

- (1) Phytoplankton biomass can be used with caution for assessing lake ecological and trophic status when zebra mussels are present
- (2) Type 1: Low altitude, low alkalinity, shallow and small lakes  
 Type 2: Low altitude, low alkalinity, shallow and large lakes  
 Type 3: Low altitude, low alkalinity, deep and small lakes  
 Type 4: Low altitude, low alkalinity, deep and large lakes  
 Type 5: Low altitude, moderate alkalinity, shallow and small lakes  
 Type 6: Low altitude, moderate alkalinity, shallow and large lakes  
 Type 7: Low altitude, moderate alkalinity, deep and small lakes  
 Type 8: Low altitude, moderate alkalinity, deep and large lakes  
 Type 9: Low altitude, high alkalinity, shallow and small lakes  
 Type 10: Low altitude, high alkalinity, shallow and large lakes  
 Type 11: Low altitude, high alkalinity, deep and small lakes  
 Type 12: Low altitude, high alkalinity, deep and large lakes  
 Type 13: Lakes >200m altitude

Where

Low altitude: ≤200m  
 High altitude: >200m

Low alkalinity lakes: ≤20 mg/l CaCO<sub>3</sub>  
 Moderate alkalinity lakes: 20-100 mg/l CaCO<sub>3</sub>

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High alkalinity lakes:  $\geq 100$  mg/l CaCO<sub>3</sub>

Shallow lakes: <4 metres mean depth

Deep lakes:  $\geq 4$  metres mean depth

Small lakes: <50 hectares

Large lakes:  $\geq 50$  hectares

- (3) Specific to the Phytobenthos BQE  
 Low alkalinity lakes <10 mg/l CaCO<sub>3</sub>  
 Moderate alkalinity lakes 10-50 mg/l CaCO<sub>3</sub>  
 High alkalinity lakes >50 mg/l CaCO<sub>3</sub>

### COASTAL WATERS (All types with the exception of coastal water lagoons)

Biological Quality Element	Classification System	Ecological Quality Ratio	
		High-good boundary	Good-moderate boundary
Macroalgae	RSL - Rocky shore reduced species list	0.80	0.60
	OGA Tool - Opportunistic Green Macroalgal Abundance	0.80	0.60
Angiosperms	Intertidal Seagrass tool	0.80	0.61
	SMAATIE - Saltmarsh Angiosperm Assessment Tool for Ireland	0.80	0.60
Phytoplankton	Phytoplankton biomass <sup>(1)</sup> (Chlorophyll)	0.82	0.60
	Phytoplankton composition	0.80	0.60
Benthic invertebrate fauna	IQI — Infaunal Quality Index	0.75	0.64

(1) Growing season March to September

### TRANSITIONAL WATERS (All types with the exception of transitional water lagoons)

Biological Quality Element	Classification System	Ecological Quality Ratio	
		High-good boundary	Good-moderate boundary
Macroalgae	OGA Tool — Opportunistic Green Macroalgal Abundance	0.80	0.60
Angiosperms	Intertidal Seagrass tool	0.80	0.61

Phytoplankton	Phytoplankton biomass <sup>(1)</sup> (Chlorophyll)	0.80	0.60
	Phytoplankton composition	0.80	0.60
Fish	TFCI — Transitional Fish Classification Index	0.81	0.58
	EMFI — Estuarine Multi- Metric Fish Index	0.92	0.65
Benthic invertebrate fauna	IQI — Infaunal Quality Index	0.75	0.64

(2) Growing season March to September

**Table 9**

**Physico-chemical conditions supporting the biological elements**

**PART A: General conditions**

**THERMAL CONDITIONS**

Thermal conditions	River water body	Lake water body	Transitional water body	Coastal water body
Temperature	Not greater than a 1.5°C rise in ambient temperature outside the mixing zone			

**OXYGENATION CONDITIONS (BIOCHEMICAL OXYGEN DEMAND)**

Oxygenation conditions	River water body	Lake water body	Transitional water body	Coastal water body
Biochemical Oxygen Demand (BOD) (mg O <sub>2</sub> /l)	High status ≤ 1.3 (mean <sup>(1)</sup> ) or ≤ 2.2 (95%ile)  Good status ≤ 1.5 (mean <sup>(1)</sup> ) or ≤ 2.6 (95%ile)		High status ≤ 3.0 (95%ile)  Good status ≤ 4.0 (95%ile)	

(1) The calculation of the arithmetic mean and the analytical method used must be in accordance with the technical specifications for chemical monitoring and quality of analytical results to be adopted in accordance with Directive 2000/60/EC of the European Parliament and of the Council, including how to apply an EQS where there is no appropriate analytical method meeting the minimum performance criteria.

**OXYGENATION CONDITIONS CONTINUED (DISSOLVED OXYGEN)**

Oxygenation conditions	River water body	Lake water body	Transitional water body (Summer)	Coastal water body (Summer)
Dissolved oxygen lower limit	95%ile >80% saturation		High status (0-17 psu <sup>(1)</sup> ) 95%ile >80% saturation  Good status (0-17 psu) 95%ile >70% saturation	High status (>17-35 psu <sup>(2)</sup> ) 95%ile >80-85% saturation  Good status (>17-35 psu <sup>(2)</sup> ) 95%ile >70-80% saturation
Dissolved oxygen upper limit	95%ile <120% saturation		High status (0 – 17 psu) 95%ile <120% saturation  Good status (0 - 17psu <sup>(1)</sup> ) 95%ile <130% saturation	High status (>17-35 psu <sup>(2)</sup> ) 95%ile <115-120% saturation  Good status (>17-35 psu <sup>(2)</sup> ) 95%ile <120-130% saturation

**ACIDIFICATION STATUS**

Acidification Status	River water body	Lake water body	Transitional water body	Coastal water body
pH (Individual values)	Soft <sup>(3)</sup> Water 4.5 < pH < 9.0  Hard <sup>(4)</sup> Water 6.0 < pH < 9.0			

- (1) psu: The Practical Salinity Unit defines salinity in terms of a conductivity ratio of a sample to that of a solution of 32.4356g of KCL at 15°C in 1kg of solution. A sample of seawater at 15°C with a conductivity equal to this KCL solution has a salinity of exactly 35 practical salinity units.
- (2) Linear interpolation to be used to establish the limit value for water bodies between these salinity levels based on the median salinity of the water body being assessed.
- (3) Water hardness 100 mg/1 CaCO<sub>3</sub>
- (4) Water hardness > 100 mg/1 CaCO<sub>3</sub>

## NUTRIENT CONDITIONS

Nutrient conditions	River water body	Lake	Transitional water body (winter and summer)		Coastal water body (winter and summer)	
Total Ammonia (mg N/l)	High status $\leq 0.040$ (mean) and $\leq 0.090$ (95%ile) Good status $\leq 0.065$ (mean) and $\leq 0.140$ (95%ile)					
Dissolved Inorganic Nitrogen (mg N/l)					High status (0 psu <sup>(1)</sup> ) $\leq 1.0$  High status (34.5 psu <sup>(1)</sup> ) $\leq 0.17$	Good status (0 psu <sup>(1)</sup> ) $\leq 2.6$  Good status (34.5 psu <sup>(1)</sup> ) $\leq 0.25$
Molybdate Reactive Phosphorus (MRP) (mg P/l)	High status $\leq 0.025$ (mean) and $\leq 0.045$ (95%ile)  Good status $\leq 0.035$ (mean) and $\leq 0.075$ (95%ile)		High Status (0-17 psu <sup>(1)</sup> ) $\leq 0.030$ (median)  (>17-35psu <sup>(1)</sup> ) $\leq 0.030-0.025$ (median)	Good Status (0-17 psu <sup>(1)</sup> ) $\leq 0.060$ (median)  (>17-35psu <sup>(1)</sup> ) $\leq 0.060-0.040$ (median)		
Total Phosphorus (mg P/l)		High status $\leq 0.010$ (mean)  Good status $\leq 0.025$ (mean)				

- (1) Linear interpolation to be used to establish the limit value for water bodies between these salinity levels based on the median salinity of the water body being assessed.”

4. The 2009 Regulations are amended in Schedule 6 by the substitution of the following Table for Table 12 as inserted by the 2015 Regulations:

“Table 12

**The environmental quality standards (EQS) for priority hazardous substances to apply for the purpose of assigning chemical status**

**PRIORITY HAZARDOUS SUBSTANCES**

AA: annual average<sup>1</sup>

MAC: maximum allowable concentration

Unit: [ $\mu\text{g/l}$ ]

[ $\mu\text{g/kg}$  wet weight] for column (8)

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
No.	Name of substance	Chemical Abstracts Service number	AA-EQS <sup>2</sup> Inland surface waters <sup>3</sup>	AA-EQS <sup>2</sup> Other surface waters	MAC-EQS <sup>4</sup> Inland surface waters <sup>3</sup>	MAC-EQS <sup>4</sup> Other surface waters	EQS Biota <sup>5</sup>
(1)	Anthracene <sup>6</sup>	120-12-7	0.1	0.1	0.1	0.1	
(2)	Brominated diphenylether <sup>6,7</sup>	32534-81-9			0.14	0.014	0.0085
(3)	Cadmium and its compounds (depending on water hardness classes) <sup>8</sup>	7440-43-9	0.08 (Class 1) 0.08 (Class 2) 0.09 (Class 3) 0.15 (Class 4) 0.25 (Class 5)	0.2	0.45 (Class 1) 0.45 (Class 2) 0.6 (Class 3) 0.9 (Class 4) 1.5 (Class 5)	0.45 (Class 1) 0.45 (Class 2) 0.6 (Class 3) 0.9 (Class 4) 1.5 (Class 5)	
(4)	C10-13 Chloroalkanes <sup>9</sup>	85535-84-8	0.4	0.4	1.4	1.4	
(5)	Di(2-ethylhexyl)-phthalate (DEHP)	117-81-7	1.3	1.3	not applicable	not applicable	
(6)	Endosulfan	115-29-7	0.005	0.0005	0.01	0.004	
(7)	Hexachlorobenzene	118-74-1			0.05	0.05	10
(8)	Hexachlorobutadiene	87-68-3			0.6	0.6	55
(9)	Hexachlorocyclohexane	608-73-1	0.02	0.002	0.04	0.02	
(10)	Mercury and its compounds	7439-97-6			0.07	0.07	20
(11)	Nonylphenol (4-Nonylphenol)	84852-15-3	0.3	0.3	2.0	2.0	



(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
No.	Name of Substance	Chemical Abstracts Service number	AA-EQS <sup>2</sup> Inland surface waters <sup>3</sup>	AA-EQS <sup>2</sup> other surface waters	MAC-EQS <sup>4</sup> Inland surface waters <sup>3</sup>	MAC-EQS <sup>4</sup> Other surface waters	EQS Biota <sup>5</sup>
(12)	Pentachlorobenzene	608-93-5	0.007	0.0007	not applicable	not applicable	
(13)	Polyaromatic hydrocarbons (PAH) <sup>6,9</sup>	not applicable	not applicable	not applicable	not applicable	not applicable	
	Benzo(a)pyrene	50-32-8	1.7 x 10 <sup>-4</sup>	1.7 x 10 <sup>-4</sup>	0.27	0.027	5
	Benzo(b)fluoranthene	205-99-2	see footnote 10	see footnote 10	0.017	0.017	see footnote 10
	Benzo(k)fluoranthene	207-08-9	see footnote 10	see footnote 10	0.017	0.017	see footnote 10
	Benzo(g,h,i)perylene	191-24-2	see footnote 10	see footnote 10	8.2 x 10 <sup>-3</sup>	8.2 x 10 <sup>-4</sup>	see footnote 10
	Indeno(1,2,3-cd)pyrene	193-39-5	see footnote 10	see footnote 10	not applicable	not applicable	see footnote 10
(14)	Tributyltin compounds (Tributhyltincation)	36643-28-4	0.0002	0.0002	0.0015	0.0015	
(15)	Trifluralin	1582-09-8	0.03	0.03	not applicable	not applicable	
(16)	Dicofol <sup>11</sup>	115-32-2	1.3 x 10 <sup>-3</sup>	3.2 x 10 <sup>-3</sup>	not applicable <sup>12</sup>	not applicable <sup>12</sup>	33
(17)	Perfluoro-octane sulfonic acid and its derivatives (PFOS) <sup>11</sup>	1763-23-1	6.5 x 10 <sup>-4</sup>	1.3 x 10 <sup>-4</sup>	36	7.2	9.1
(18)	Quinoxifen <sup>11</sup>	124495-18-7	0.15	0.015	2.7	0.54	
(19)	Dioxins and dioxin-like compounds <sup>11</sup>	see footnote 10 Annex X to Directive 2000/60/EC			not applicable	not applicable	sum of PCDD+PCDF+PCB-DL 0.0065 µg.kg <sup>-1</sup> TEQ <sup>13</sup>
(20)	Hexabromocyclododecane (HBCDD) <sup>11</sup>	see footnote 12 Annex X to Directive 2000/60/EC	0.0016	0.0008	0.5	0.05	167
(21)	Heptachlor and heptachlor epoxide <sup>11</sup>	76-44-8/1024-57-3	2 x 10 <sup>-7</sup>	1 x 10 <sup>-8</sup>	3 x 10 <sup>-4</sup>	3 x 10 <sup>-5</sup>	6.7 x 10 <sup>-3</sup>

- (1) The calculation of the arithmetic mean and the analytical method used must be in accordance with the technical specifications for chemical monitoring and quality of analytical results to be adopted in accordance with Directive 2000/60/EC of the European Parliament and of the Council, including how to apply an EQS where there is no appropriate analytical method meeting the minimum performance criteria.
- (2) This parameter is the Environmental Quality Standard expressed as an annual average value (EQS-AA). Unless otherwise specified, it applies to the total concentration of all isomers.
- (3) Inland surface waters encompass rivers and lakes and related artificial or heavily modified water bodies.
- (4) This parameter is the Environmental Quality Standard expressed as a maximum allowable concentration (EQS-MAC). Where the MAC-EQS are marked as "not applicable", the AA EQS values are considered

protective against short-term pollution peaks in continuous discharges since they are significantly lower than the values derived on the basis of acute toxicity.

- (5) Unless otherwise indicated, the biota EQS relate to fish. An alternative biota taxon, or another matrix, may be monitored instead, as long as the EQS applied provides an equivalent level of protection. For PAHs, the biota EQS refers to crustaceans and molluscs. For the purpose of assessing chemical status, monitoring of PAHs in fish is not appropriate. For Dioxins and dioxin-like compounds, the biota EQS relates to fish, crustaceans and molluscs, in line with section 5.3 of the Annex to Commission Regulation (EU) No. 1259/2011 of 2 December 2011 amending Regulation (EC) No. 1881/2006 as regards maximum levels for dioxins, dioxin-like PCBs and non-dioxin-like PCBs in foodstuffs (O.J. L 320, 3.12.2011, p. 18)
- (6) The EQS for this substance shall take effect from 22 December 2015, with the aim of achieving good surface water chemical status in relation to these substances by 22 December 2021 by means of programmes of measures included in updates of river basin management plans produced in accordance with Article 13 of the 2003 Regulations.
- (7) For the group of priority substances covered by brominated diphenylethers listed in Decision 2455/2001/EC, an EQS is established only for congener numbers 28, 47, 99, 100, 153 and 154.
- (8) For Cadmium and its compounds the EQS values vary dependent upon the hardness of the water as specified in five class categories (Class 1: <40 mg CaCO<sub>3</sub>/l, Class 2: 40 to <50 mg CaCO<sub>3</sub>/l, Class 3: 50 to <100 mg CaCO<sub>3</sub>/l, Class 4: 100 to <200 mg CaCO<sub>3</sub>/l and Class 5: 200 mg CaCO<sub>3</sub>/l).
- (9) No indicative parameter is provided for this group of substances. The indicative parameter(s) must be defined through the analytical method.
- (10) For the group of priority substances of polyaromatic hydrocarbons (PAH), the biota EQS and corresponding AA-EQS in water refer to the concentration of benzo(a)pyrene, on the toxicity of which they are based. Benzo(a)pyrene can be considered as a marker for the other PAHs, hence only benzo(a)pyrene needs to be monitored for comparison with the biota EQS or the corresponding AA- EQS in water.
- (11) The EQS for this substance shall take effect from 22 December 2018, with the aim of achieving good surface water chemical status in relation to this substance by 22 December 2027 and preventing deterioration in the chemical status of surface water bodies in relation to this substance.
- (12) There is insufficient information available to set a MAC-EQS for these substances.
- (13) PCDD: Polychlorinated dibenzo-p-dioxins; PCDF: polychlorinated dibenzofurans; PCB-DL: dioxin-like polychlorinated biphenyls; TEQ: toxic equivalents according to the World Health Organisation 2005 Toxic Equivalent Factors.”

5. The 2009 Regulations are amended in Schedule 6 by the substitution of the following Table for Table 13 as inserted by the 2015 Regulations:

“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 <sup>(1)</sup>	EU number <sup>(2)</sup>	Indicative analytical method <sup>(3) (4)</sup>	Maximum acceptable method detection limit (ng/l)
17-Alpha-ethinylestradiol (EE2)	57-63-6	200-342-2	Large-volume SPE – LC – MS-MS	0.035
17 - Beta-estradiol (E2), Estrone (E1)	50-28-2, 53-16-7	200-023-8	SPE – LC-MS-MS	0.4
Macrolide antibiotics <sup>(5)</sup>			SPE – LC-MS-MS	19
Methiocarb	2032 -65 -7	217-991-2	SPE – LC-MS-MS or GC-MS	2
Neonicotinoids <sup>(6)</sup>			SPE – LC-MS-MS	8.3

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

- (1) Chemical Abstracts Service.
- (2) European Union number – not available for all substances.
- (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:  
GC-MS – Gas chromatography-mass spectrometry.  
LC-MS-MS – liquid chromatography (tandem) triple quadrupole mass spectrometry.
- (5) Erythromycin (CAS number 114-07-8, EU number 204-040-1), Clarithromycin (CAS number 81103-11-9), Azithromycin (CAS number 83905-01-5, EU number 617-500-5).
- (6) Imidacloprid (CAS number 105827-78-9/ 138261-41-3, EU number 428-040-8), Thiacloprid (CAS number 111988-49-9), Thiamethoxam (CAS number 153719-23-4, EU number 428-650-4), Clothianidin (CAS number 210880-92-5, EU number 433-460-1), Acetamiprid (CAS number 135410-20-7/ 160430-64-8).”



GIVEN under my Official Seal,  
26 February 2019.

EOGHAN MURPHY,  
Minister for Housing, Planning and Local Government.

## EXPLANATORY NOTE

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

These Regulations amend the European Communities Environmental Objectives (Surface Waters) Regulations 2009 (S.I. No. 272 of 2009), as amended by the European Communities Environmental Objectives (Surface Waters) (Amendment) Regulations 2012 (S.I. No. 327 of 2012) and the European Union Environmental Objectives (Surface Waters) (Amendment) Regulations 2015 (S.I. No. 386 of 2015).

The purpose of the Regulations is to give effect to Commission Implementing Decision (EU) 2018/229 of 12 February 2018 establishing, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, the values of the Member State monitoring system classifications as a result of the intercalibration exercise and repealing Commission Decision 2013/480/EU; and Commission Implementing Decision (EU) 2018/840 of 5 June 2018 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 and repealing Commission Implementing Decision (EU) 2015/495.

To ensure an acceptable level of comparability and consistency between Member States in the use of biological assessment methods and ecological quality ratios, a European-wide intercalibration exercise was undertaken. The results of these intercalibration exercises and intercalibrated values used in classification have been published as a series of Commission Decisions. The latest Decision contains a number of new intercalibrated methods and values for use in the classification of Irish surface waters, which are now given effect in these Regulations. The Regulations update existing environmental standards used in the assessment of ecological status, mainly by providing additional boundary values for existing environmental quality standards and the inclusion of a new environmental quality standard for total phosphorus in lakes and also correct some footnote errors.

The Regulations also provide for an updated watchlist to monitor concentrations of emerging pollutants and other substances of concern in the aquatic environment.

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