

EXPLANATORY MEMORANDUM TO
THE WATER FRAMEWORK DIRECTIVE (PRIORITY SUBSTANCES AND
CLASSIFICATION) (AMENDMENT) REGULATIONS (NORTHERN
IRELAND) 2012

2012 No. 442

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment (The Department) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under powers conferred by Section 2(2) of the European Communities Act 1972 and by Article 5 of the Water (Northern Ireland) Order 1999 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Statutory Rule will make a small amendment to the Water Framework Directive (Priority Substances and Classification) Regulations (Northern Ireland) 2011 to change the date by which the Department is required to establish an inventory of emissions, discharges and losses of substances required under regulation 8 of those Regulations from 31 December 2012 to 22 December 2013.

3. Background

- 3.1. Directive 2008/105/EC (Priority Substances Directive) on environmental quality standards in the field of water policy is transposed in Northern Ireland through The Water Framework Directive (Priority Substances and Classification) Regulations (Northern Ireland) 2011.

4. Consultation

- 4.1. The amending Regulations change the date by which the Department has to establish the inventory of emissions, discharges and losses of substances listed in Table 38 of part 2 of The Water Framework Directive (Priority Substances and Classification) Regulations (Northern Ireland) 2011 from 31 December 2012 to 22 December 2013. This is in line with recommendations in updated European Commission guidance (Common Implementation Strategy for the Water Framework Directive (2000/60/EC) - Guidance Document No. 2 - Technical Guidance on the Preparation of an Inventory of Emissions, Discharges and Losses of Priority and Priority Hazardous Substances) in which the date for Member States to prepare inventories for the 2nd River Basin Management Plans has been extended to 22 December 2013. It is not considered that there will be an impact from a policy perspective and therefore a consultation is not required.

5. Equality Impact

- 5.1. The Regulations make a small amendment to The Water Framework Directive (Priority Substances and Classification) Regulations (Northern

Ireland) 2011. There is no impact from a policy perspective and therefore an Equality Impact Assessment is not required.

6. Regulatory Impact

- 6.1. The amending Regulations will have no impact on the previous assessment carried out in respect of The Water Framework Directive (Priority Substances and Classification) Regulations (Northern Ireland) 2011.

7. Financial Implications

- 7.1. The amending Regulations do not add any burden beyond what is already required under The Water Framework Directive (Priority Substances and Classification) Regulations (Northern Ireland) 2011.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Rule does not discriminate on grounds of religious belief or political opinion nor does it modify the European Communities Act 1972, the Human Rights Act 1998 or other statutory provisions listed in section 7 of the 1998 Act.

9. EU Implications

- 9.1. The amending Regulations change the date by which the Department has to establish the inventory of emissions, discharges and losses of substances listed in Table 38 of part 2 of The Water Framework Directive (Priority Substances and Classification) Regulations (Northern Ireland) 2011 from 31 December 2012 to 22 December 2013. This is in line with recommendations in updated European Commission guidance (Common Implementation Strategy for the Water Framework Directive (2000/60/EC) - Guidance Document No. 2 - Technical Guidance on the Preparation of an Inventory of Emissions, Discharges and Losses of Priority and Priority Hazardous Substances) in which the date for Member States to prepare inventories for the 2nd River Basin Management Plans has been extended to 22 December 2013. This amendment helps ensure that Northern Ireland continues to fulfil its obligation with regard to the transposition of the Priority Substances Directive.

10. Parity or Replicatory Measure

- 10.1. Production of an inventory of emissions, discharges and losses substances in other parts of Britain is proceeding along a similar timescale, i.e. will be completed by 22 December 2013.

11. Additional Information

- 11.1. Not applicable.