

## **EXPLANATORY MEMORANDUM TO**

### **The Water Framework Directive (Classification, Priority Substances and Shellfish Waters) Regulations (Northern Ireland) 2015**

**2015 No. 351**

#### **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 section 2(2) of the European Communities Act 1972 and Article 5 of the Water (Northern Ireland) Order 1999 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. The purpose of the Regulations is to transpose Directive 2013/39/EU which revised environmental standards for some priority substances and added a further twelve additional substances to the list of priority substances introduced by the original Priority Substances Directive (Directive 2008/105/EC). The Regulations will also consolidate all of the current legislation which set out the Water Framework Directive (WFD) classification schemes. The WFD classification schemes and standards and the relevant parts of the original Priority Substances Directive are currently set out in The Water Framework Directive (Priority Substances and Classification) Regulations (Northern Ireland) 2011 (as amended in 2012 and 2015). These Regulations will be revoked by this Statutory Rule.

#### **3. Background**

- 3.1. The original Priority Substances Directive is a daughter Directive of the Water Framework Directive (2000/60/EC) and entered into force in 2009. It set out a list of dangerous substances which present a significant risk to or via the aquatic environment. The original Priority Substances Directive included environmental quality standards (EQS) aimed at reducing chemical pollution caused by the substances concerned. Thirty-three substances were listed in the original Priority Substances Directive.
- 3.2. The list of priority substances was then reviewed by the European Commission in 2013 and this led to adoption of Directive 2013/39/EU which revised a number of environmental standards for some of the substances and added a further twelve additional substances to the original list. In basic terms, the Department is required (subject to the standard Water Framework Directive exemptions with regard to technical feasibility and disproportionate cost) to aim to achieve good surface water chemical status in relation to the substances for which revised environmental quality standards are set by December 2021. The revised standards for these substances come into effect from 22 December 2015. In relation to the new substances introduced by Directive 2013/39/EU, the Department is required to achieve good surface water chemical status in relation to these

substances by 22 December 2027. The environmental quality standards for the new substances come into effect from 22 December 2018.

#### **4. Consultation**

- 4.1. The Department launched a consultation on proposals to make these Regulations on 15 June 2015 and it ran until 21 August 2015.
- 4.2. The public consultation gave stakeholders the chance to give their views on the proposals made by the Department and on the Department's assessment of the impact of the proposed regulations. Only two responses were received in relation to the consultation. Both respondents were generally content with the approach in terms of the transposition of Directive 2013/39/EU and only a few other minor issues were raised.

#### **5. Equality Impact**

- 5.1. Under Section 75 of the Northern Ireland Act 1998, public authorities have a statutory duty to promote equality of opportunity. As a result of a screening exercise undertaken, it was considered that there were no significant implications for equality of opportunity and a full Equality Impact Assessment was not required.

#### **6. Regulatory Impact**

- 6.1. A partial Regulatory Impact Assessment was carried out as part of the consultation process. The main benefit of the Regulations will be to ensure that transposition of Directive 2013/39/EU is completed and the Regulations will assist in helping to meet the objectives of the Water Framework Directive. It is not considered that the proposed Regulations will have a significant financial impact for any sector, with the main initial costs being borne by government in terms of increased monitoring and analysis requirements.

#### **7. Financial Implications**

- 7.1. A partial Regulatory Impact Assessment was carried out as part of the consultation process. It is not considered that the proposed Regulations will have a significant financial impact for any sector, with the main initial costs being borne by government in terms of increased monitoring and analysis requirements.

#### **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. These Regulations are deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

#### **9. EU Implications**

- 9.1. The Regulations help ensure that Northern Ireland continues to fulfil its obligation with regard to the transposition of the Water Framework Directive

#### **10. Parity or Replicatory Measure**

- 10.1. Regulations to incorporate similar amendments in Scotland were made in August 2014, with amended Directions being made in May 2015. England and Wales made similar amendments to their equivalent legislation in August 2015.

## **11. Additional Information**

11.1. Not applicable.