
DRAFT STATUTORY INSTRUMENTS

2019 No.

The Environment (Legislative Functions
from Directives) (EU Exit) Regulations 2019

PART 6

Water quality

CHAPTER 4

Retention of functions from the EQS Directive

Power to amend the watch list of substances

32.—(1) The appropriate authority may, by regulations, amend the Annex to Commission Implementing Decision (EU) 2018/840 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.

(2) The provision which may be made under paragraph (1) is provision—

- (a) adding a substance to or removing a substance from column 1 of the table;
- (b) amending any of columns 2 to 5;
- (c) inserting or amending a footnote to the table, or omitting such a footnote.

(3) A substance may only be added to column 1 if the appropriate authority considers that, taking into account new or emerging robust scientific evidence, the available data suggest that the substance may pose a threat to, or via, the aquatic environment in the British Islands or in the rest of Europe.

Power to make provision in relation to environmental quality standards for certain metals

33.—(1) The appropriate authority may, by regulations, make provision specifying how the environmental quality standards set by Part A of Annex 1 to the EQS Directive for cadmium, lead, mercury and nickel are to be applied.

(2) The provision which may be made under paragraph (1) includes—

- (a) requiring a reference to paragraph 3 of Part B of Annex 1 to the EQS Directive (or a reference which encompasses that paragraph) to be read as a reference to that paragraph with modifications;
- (b) amending provision which corresponds to that made by paragraph 3 of Part B of Annex 1 to the EQS Directive.

(3) Regulations under paragraph (1) may amend the WEWS Act or any subordinate legislation.

(4) The appropriate authority may only exercise the power in paragraph (1) to the extent that the authority considers it is appropriate to do so as a result of scientific and technical progress.