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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 351**

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

**Transboundary Pollution**

**24.**—(1) If the Department is found to be in breach of its obligations under the Directive as a result of the exceedance of an environmental quality standard it shall be a defence for the Department if it can demonstrate that—

- (a) the exceedance was due to a source of pollution outside its jurisdiction;
- (b) it was unable as a result of such transboundary pollution to take effective measures to comply with the relevant environmental quality standard; and
- (c) it had applied the coordination mechanisms set out in Article 3 of the Water Framework Directive and, as appropriate, taken advantage of the provisions of Article 4(4), (5) and (6) of that Directive for those water bodies affected by transboundary pollution.

(2) The Department must provide evidence to the Commission that it has taken measures to address the issue of transboundary pollution and must record these measures in the relevant river basin management plan.