

## **EXPLANATORY MEMORANDUM TO**

### **The Groundwater (Amendment) Regulations (Northern Ireland) 2016**

**2016 No. 119**

#### **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 is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. The purpose of the Rule is to make an amendment to the Groundwater Regulations (Northern Ireland) 2009 in order to transpose the provisions of the Commission Directive 2014/80/EU amending Annex II to Directive 2006/118/EC of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration.
- 2.2. The purpose of the attached Statutory Rule is to make a small technical amendment to a threshold value to bring it in line with the rest of the UK and current EU water quality standards. It also adds a provision in order to transpose in greater detail a small element of the Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for the Community action in the field of water policy to review authorisations.

#### **3. Background**

- 3.1. The Principal Regulations (Groundwater Regulations (Northern Ireland) 2009) were made on 2 July 2009 and came into operation on 10 August 2010. They transposed into domestic legislation Directive 2006/118/EC on the protection of groundwater against pollution and deterioration which is known as the Groundwater Directive (GWDD). Article 10 of the GWDD requires a review of annex I and annex II every six years. The Commission carried out the first review of those Annexes in 2013 and as a result of the review it was considered appropriate to only make technical adaptations of annex II to the GWDD.

#### **4. Consultation**

- 4.1. A UK wide impact assessment was carried out in 2006 on the GWDD. It showed a cost neutral outcome as it did not add any burdens beyond what was already required under the Water Framework Directive (WFD). In May 2008, an updated impact assessment was completed, which showed the impact to be cost neutral or to have very little impact.
- 4.2. The amendments are technical in nature therefore a consultation is not required. The amending Regulations will also have negligible impact on the previous assessments. There will be a financial impact on the Department due to the additional monitoring requirements that will need to be put in place however it is not anticipated that there will be any

significant financial implications as it does not add any burdens beyond what is already required under the WFD.

## **5. Equality Impact**

- 5.1. A screening analysis of the amending Regulations indicated there would be no impact in terms of the main groups relevant to the section 75 categories of the Northern Ireland Act 1998.

## **6. Regulatory Impact**

- 6.1. A Regulatory Impact Assessment (RIA) was carried out on the Principal Regulations and it showed that the use of risk assessments should decrease costs involved by demonstrating which parameters do not require to be monitored, and maximise potential benefits. The amending regulations will have no impact on the previous assessments.

## **7. Financial Implications**

- 7.1. Although cost is incurred to the Department due to additional monitoring it is not anticipated that there will be any significant financial implications as it does not add any burdens beyond what is already required under the WFD. The clarification brought by the GWDD and amending Directive 2014/80/EU may, in fact, allow a more cost effective approach to be used in achieving the objectives of the WFD.
- 7.2. The use of risk assessments should decrease costs involved by demonstrating which parameters do not require to be monitored, and maximise potential benefits.

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

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

## **9. EU Implications**

- 9.1. These regulations help ensure Northern Ireland fulfils its obligation with regard to transposition of the Euratom Directive.

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

- 10.1. In England, Scotland and Wales transposition of the GWDD and the amending Directive 2014/80/EU is/will be done through a mix of Regulations and Directions to the respective Environment Agencies. However, as powers of Directions are not available in Northern Ireland transposition is solely by means of Regulation. In principle the approach is consistent across the UK.
- 10.2. Scotland transposed the Directive 2014/80/EU in 2014. England and Wales plan to make their new amended Directions by April 2016.

## **11. Additional Information**

- 11.1. Not applicable.