

POLICY NOTE

THE WATER ENVIRONMENT (RIVER BASIN MANAGEMENT PLANNING: FURTHER PROVISION) (SCOTLAND) REGULATIONS 2013

SSI 2013/323

The above instrument is made in exercise of the powers conferred by sections 5(5), 7, 8(5), 9(4), 10(2)(b), 19(1), 23(1) and 36(2) and (3) of the Water Environment and Water Services (Scotland) Act 2003, and section 2(2) of the European Communities Act 1972. The instrument is subject to negative procedure.

Policy Objectives

1. The Regulations further elaborate certain provisions of the Water Environment and Water Services (Scotland) Act 2003 ('the 2003 Act'). Their key purpose is to address concerns expressed by the EU Commission regarding our transposition of the Water Framework Directive (Directive 2000/60/EC) and Groundwater Daughter Directive (Directive 2006/118/EC). They also expand upon our transposition of the Priority Substances Directive (Directive 2008/105/EC).

Background and discussion

2. The Water Framework Directive ('WFD') was transposed into Scots law by the 2003 Act. The Groundwater Daughter Directive ('GWDD') and Priority Substances Directive ('PSD') were transposed by means of amendments to the 2003 Act. Certain obligations were transposed by means of reference to the relevant Articles of the Directives. The European Commission has taken the view that this approach is not sufficiently transparent, and has notified us formally to this effect.

3. The Regulations will improve the transparency of our legislation and will address the main concerns expressed by the Commission. In particular the Regulations provide more detail on the well-established objective-setting and exemptions processes¹.

4. The provisions in Parts 2 to 4 of the Regulations apply only to the Scotland River Basin District (RBD), except that the power to designate mixing zones (regulation 18) and the duty to maintain a register (regulation 19) apply to the whole of Scotland. For the areas of Scotland which lie within the Solway Tweed RBD, UK regulations establish separate joint river basin planning arrangements.

Consultation and financial implications

5. This is a technical set of regulations which add clarity to our original transposition of the WFD, GWDD and PSD. They do not introduce any new obligations, nor any increase in implementation costs. We have therefore not consulted widely and a BRIA has not been

¹ See "[Principles for setting objectives in the River Basin Management Plan](#)". March 2007

produced. We have consulted as required regarding the provisions made under section 23 of the 2003 Act.

Environmental Quality Division
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