

**TRANSPOSITION NOTE FOR DIRECTIVE 2013/39/EU REGARDING PRIORITY SUBSTANCES IN THE FIELD OF WATER POLICY,  
AMENDING DIRECTIVES 2000/60/EC AND 2008/105/EC.**

Directive 2013/13/EU<sup>1</sup> (“the PSD”) amends Directive 2000/60/EC<sup>2</sup> (“the WFD”) and Directive 2008/105/EC<sup>3</sup> (“the EQSD”). The EQSD sets environmental quality standards (“EQS”) in relation to priority substances. The PSD amends the requirements of the EQSD, adds new substances to the list of priority substances and sets EQS for these, and revises some of the EQS for the existing priority substances.

<b>Provision of Directive<sup>4</sup></b>	<b>Requirement</b>		<b>Transposition</b>
Article 2(2) replaces Article 3 of Directive 2008/105 (the	In addition to previous requirements, new article 3.1a of the EQSD	(i) the application of revised EQS for certain existing priority substances (“revised substances”) from 22nd December 2015 with the aim of achieving good surface water chemical status in relation to those substances by 22 December 2021. This must	Regulation 6 amends regulation 10 of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 (“the 2003 Regulations”) to require the Secretary of State, or Welsh Ministers, as appropriate, to ensure that the programmes of

<sup>1</sup> Directive 2013/13/EU of the European Parliament and of the Council of 12 August 2013 amending Directives 2000/60/EC and 2008/105/EC as regards priority substances in the field of water policy.

<sup>2</sup> 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.

<sup>3</sup> Directive 2008/105/EC of the European Parliament and the Council on environmental quality standards in the field of water policy.

<sup>4</sup> Some EQSD requirements are transposed through Ministerial Directions to the appropriate agency. These include the requirements (or relevant parts of the requirements) under: article 2 (definitions); article 3 (applying the EQS) in particular articles 3.2 and 3.3 (applying biota, water or alternative EQS), articles 3.3a, 3.3b, 3.4 (monitoring and analysis), and article 3.6 (long term trend analysis); articles 4.1 and 4.3 (mixing zones); articles 5.1, 5.2 and 5.4 (inventory of emissions, discharges and losses of priority substances); article 8a.2 (also on monitoring); articles 8b.3 and 8b.4 (the watch list); and Annex 1 (the standards and their application). A number of these are based on, or are amended versions of, requirements in the version of the EQSD that was in force on 13 January 2009.

EQSD).	requires :		measures updated in December 2015 include measures for the purpose of aiming to achieve good surface water chemical status in relation to the revised substances by 22 <sup>nd</sup> December 2021.
(ii)	<p>be done by means of programmes of measures in the updated river basin management plans<sup>5</sup>.</p> <p>the application of EQS for 12 new priority substances (new substances) from 22nd December 2018, with the aim of achieving good surface water chemical status in relation to those substances by 22 December 2027 and preventing deterioration in the chemical status of surface water bodies;</p>	<p>Regulation 7 inserts new regulations 10A(2) and 10A(4) into the 2003 Regulations to, respectively:</p> <ul style="list-style-type: none"> <li>-require that the relevant environmental regulator (“the appropriate agency”)<sup>6</sup> includes in the proposals for a final programme of measures for the update in December 2021 (see below) measures for the purpose of aiming to achieve good surface water chemical status in relation to the new substances by 22nd December 2027 and preventing deterioration in the chemical status of water bodies.</li> <li>- require the Secretary of State, or Welsh Ministers, as appropriate, to ensure that the final programmes of measures updated in December 2021 include measures for the purpose of aiming to achieve good surface water chemical status in relation to the new substances by 22nd December 2027 and preventing deterioration in the chemical status of water bodies.</li> </ul>	
the establishment of a supplemental monitoring	Regulation 5 amends regulation 9 of the 2003		

<sup>5</sup> River basin management plans are required to be produced and periodically updated under the Water Framework Directive 2000/60/EC.

<sup>6</sup> For England, the Environment Agency and, for Wales, the Natural Resource Body for Wales.

		<p>programme for the new substances by 22 December 2018;</p> <p>the establishment of a preliminary programme of measures for the new substances by 22 December 2018;</p> <p>the establishment of a final programme of measures for those substances by 22 December 2021;</p> <p>that the final programme of measures must be made fully operational by December 2024 at the latest.</p>	<p>Regulations on monitoring, to require the appropriate agency to establish the monitoring programme for the new substances by 22 December 2018.</p> <p>New regulation 10A(1), inserted into the 2003 Regulations by regulation 7 (see above), requires the appropriate agency to establish a preliminary programme of measures for the new substances by 22<sup>nd</sup> December 2018.</p> <p>New regulation 10A(2), inserted into the 2003 Regulations by regulation 7 (see above), requires the appropriate agency to prepare proposals for a final programme of measures by 22<sup>nd</sup> December 2021; and new regulation 10A(4) requires the Secretary of State or Welsh Ministers, as appropriate, to ensure that the final programmes of measures contain appropriate measures (see above).</p> <p>New regulation 10A(6) requires the Secretary of State, or Welsh Ministers, as appropriate, to ensure that the measures in the programme of measures updated in December 2021 are made operational as soon as possible and no later than 22<sup>nd</sup> December 2024.</p> <p>General: Regulation 2 and regulation 4 amend regulation 3 of the 2003 Regulations to ensure that the general duties on the Secretary of State, Welsh Ministers, and the appropriate agency include the duty</p>
--	--	---	---

		<p>to exercise their relevant functions to ensure compliance with the EQSD as amended by Directive 2013/39/EU.</p>
<p>Article 2(4) inserts new article 7a into the EQSD.</p>	<p>New article 3(5) requires additional information about the EQS, monitoring and methods of analysis to be included in the updated river basin management plans.</p> <p>New article 3(5a) requires electronic publication of the updated river basin management plans and interim report required under article 15(3) of the WFD.</p> <p>New article 7a( imposes requirements for priority substances falling within scope of other specified EU instruments (on plant protection products and biocidal products).</p>	<p>Regulation 8 amends regulation 11 of the 2003 Regulations (which sets out the requirements for river basin management plans) to require the additional information to be included.</p> <p>Regulation 9 amends regulation 18 of the 2003 Regulations on monitoring, to ensure that the interim report is published electronically in accordance with new article 3(5a). Further transposition of the obligation to electronically publish the river basin management plans is not necessary as the plans are already required to be published in the appropriate way, including on the appropriate agency's website (regulation 14 of the 2003 Regulations).</p> <p>Regulation 10 inserts new regulation 18A into the 2003 Regulations to transpose the relevant requirements under new article 7a(3).</p>