

SCHEDULE 1

Regulation 2(3)

Directive definitions

- 1.—(1) In the definitions in paragraph (2) (which derive from the WFD)—
- (a) a reference to an Article or Annex is a reference to an Article or Annex of the WFD [^{F1}and is to be read in accordance with Schedule 5] (unless otherwise specified);
 - (b) a reference to a regulation is a reference to a regulation in these Regulations.
- (2) The definitions are—
- “aquifer” means a subsurface layer or layers of rock or other geological strata of sufficient porosity and permeability to allow either a significant flow of groundwater or the abstraction of significant quantities of groundwater;
- “body of groundwater” means a distinct volume of groundwater within an aquifer or aquifers;
- “body of surface water” means a discrete and significant element of surface water such as a lake, a reservoir, a stream, river or canal, part of a stream, river or canal, a transitional water or a stretch of coastal water;
- “coastal water” means surface water on the landward side of a line, every point of which is at a distance of one nautical mile on the seaward side from the nearest point of the baseline from which the breadth of territorial waters is measured, extending where appropriate up to the outer limit of transitional waters;
- “direct discharges of pollutants into groundwater” means the discharge of pollutants into groundwater without percolation through the soil or subsoil;
- “ecological status” is an expression of the quality of the structure and functioning of aquatic ecosystems associated with surface waters, classified in accordance with Annex V and such Directions as the appropriate authority may give to the appropriate agency;
- “good ecological potential” means the status of an artificial or heavily modified water body classified as such in accordance with the relevant provisions of Annex V and such Directions as the appropriate authority may give to the appropriate agency;
- “good ecological status” means the status of a body of surface water classified as such in accordance with the relevant provisions of Annex V and such Directions as the appropriate authority may give to the appropriate agency;
- “good groundwater status” means the status of a body of groundwater when both its chemical and quantitative status are at least good;
- “good groundwater chemical status” means the chemical status of a body of groundwater which meets all the conditions set out in table 2.3.2 of Annex V;
- “good surface water chemical status” means the chemical status required to meet the environmental objectives for surface waters under regulation 13(2), that is the chemical status achieved by a body of surface water in which concentrations of pollutants do not exceed the environmental quality standards established by the table of priority substances, and under [^{F2}relevant retained EU law which sets environmental quality standards];
- “groundwater” means all water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil;
- “groundwater status” is the general expression of the status of a body of groundwater, determined by the poorer of its quantitative status and chemical status;
- “hazardous substances” means substances or groups of substances that are toxic, persistent and liable to bio-accumulate, and other groups of substances which give rise to an equivalent level of concern;

Changes to legislation: There are currently no known outstanding effects for the The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. (See end of Document for details)

“inland water” means all standing and flowing water on the surface of the land, and all groundwater on the landward side of the baseline from which the breadth of the territorial sea is measured;

“lake” means a body of standing inland surface water;

“pollutant” means any substance liable to cause pollution, including those listed in Annex VIII;

“pollution” means the direct or indirect introduction, as a result of human activity, of substances or heat into the air, water or land which may be harmful to human health or the quality of aquatic ecosystems or terrestrial ecosystems directly depending on aquatic ecosystems, which result in damage to material property, or which impair or interfere with amenities and other legitimate uses of the environment;

“priority substance” and “priority hazardous substance” means a substance identified as such in Annex X to the WFD;

“quantitative status” is an expression of the degree to which a body of groundwater is affected by direct and indirect abstractions;

“river” means a body of inland water flowing for the most part on the surface of the land but which may flow underground for part of its course;

“river basin” means the area of land from which all surface run-off flows through a sequence of streams, rivers and, possibly, lakes into the sea at a single river mouth, estuary or delta;

“surface water” means inland waters, except groundwater; transitional waters and coastal waters except in respect of chemical status for which it shall also include territorial waters;

“surface water status” means the status of a body of surface water, determined by the poorer of its ecological status and chemical status;

“transitional waters” means bodies of surface water in the vicinity of river mouths which are partly saline in character as a result of their proximity to coastal waters but which are substantially influenced by freshwater flow;

“water services” means all services which provide, for households, public institutions or any economic activity—

- (a) abstraction, impoundment, storage, treatment and distribution of surface water or groundwater;
- (b) waste-water collection and treatment facilities which subsequently discharge into surface water;

“water use” means water services together with any other activity identified as having a significant impact on the status of water in the analyses carried out under regulations 5 and 7 in accordance with Annex II.

Textual Amendments

- F1** Words in Sch. 1 para. 1(1)(a) inserted (31.12.2020) by The Floods and Water (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/558), regs. 1(1), **20(11)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Sch. 1 para. 1(2) substituted (31.12.2020) by The Floods and Water (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/558), regs. 1(1), **20(11)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

SCHEDULE 2

Regulation 2(1)

Enactments in relation to which duties in regulation 3 apply

PART 1

Statutes

^{F3}1.

Textual Amendments

F3 Sch. 2 para. 1 omitted (31.12.2020) by virtue of The Floods and Water (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/558), regs. 1(1), 20(12); 2020 c. 1, Sch. 5 para. 1(1)

2. The Salmon and Freshwater Fisheries Act 1975 ^{M1}.

Marginal Citations

M1 1975 c. 51.

3. Parts 2 and 2A of the Environmental Protection Act 1990 (waste on land and contaminated land) ^{M2}.

Marginal Citations

M2 1990 c. 43.

4. Part 4 of the Water Industry Act 1991 (sewerage services) ^{M3}.

Marginal Citations

M3 1991 c. 56.

5. Parts 2 to 5 and 7 to 9 of the Water Resources Act 1991 (water resources management; control of pollution of water resources; flood defence; general control of fisheries; land and works powers; information provisions; miscellaneous and supplemental) ^{M4}.

Marginal Citations

M4 1991 c. 57.

6. The Land Drainage Act 1991 ^{M5}.

Marginal Citations

M5 1991 c. 59

7. The Environment Act 1995 ^{M6}.

Changes to legislation: There are currently no known outstanding effects for the The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. (See end of Document for details)

Marginal Citations

M6 1995 c. 25.

8. Sections 3, 4, 10, 81 and 83 of the Water Act 2003 (abstraction and impoundment; duties to conserve water) ^{M7}.

Marginal Citations

M7 2003 c.37; sections 3, 4 and 10 were amended by S.I. 2013/755.

9. Part 4 of the Marine and Coastal Access Act 2009 (marine licensing) ^{M8}.

Marginal Citations

M8 2009 c. 23.

10. The Flood and Water Management Act 2010 ^{M9}.

Marginal Citations

M9 2010 c. 29.

11. Section 61 of the Water Act 2014 (regulation of the water environment) ^{M10}.

Marginal Citations

M10 2014 c. 21.

PART 2

Subordinate instruments

12. The Sludge (Use in Agriculture) Regulations 1989 ^{M11}.

Marginal Citations

M11 S.I. 1989/1263; relevant amending instruments are S.I. 1990/880, 1996/593, 2000/656, 2010/1159, 1820 (W.177), 2013/755 (W. 90).

13. The Urban Waste Water Treatment (England and Wales) Regulations 1994 ^{M12}.

Marginal Citations

M12 S.I. 1994/2841, amended by S.I. 2003/1788, 2005/2035, 2010/675, 2011/556, 2013/755 (W. 90), 2016/1154.

Changes to legislation: There are currently no known outstanding effects for the The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. (See end of Document for details)

14. The Water Protection Zone (River Dee Catchment) (Procedural and Other Provisions) Regulations 1999 ^{M13}.

Marginal Citations

M13 [S.I. 1999/916](#), amended by [S.I. 2013/755](#) (W. 90).

15. The Control of Pollution (Oil Storage) (England) Regulations 2001 ^{M14}.

Marginal Citations

M14 [S.I. 2001/2954](#), amended by [S.I. 2010/1159](#) and 2016/1154.

16. The Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003 ^{M15}.

Marginal Citations

M15 [S.I. 2003/164](#); relevant amending instruments are [S.I. 2006/3124](#), 2010/1159, 2013/755 (W. 90).

17. The Urban Waste Water Treatment (England and Wales) (Amendment) Regulations 2003 ^{M16}.

Marginal Citations

M16 [S.I. 2003/1788](#), amended by [S.I. 2013/755](#) (W. 90).

18. The Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009 ^{M17}.

Marginal Citations

M17 [S.I. 2009/995](#) (W. 81); relevant amending instruments are [S.I. 2012/630](#), 2013/755 (W. 90), 2015/1394 (W. 138), 2015/1937 and 2016/1154.

19. The Eels (England and Wales) Regulations 2009 ^{M18}.

Marginal Citations

M18 [S.I. 2009/3344](#), amended by [S.I. 2011/2976](#), 2013/755 (W. 90).

20. The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 ^{M19}.

Marginal Citations

M19 [S.I. 2010/639](#), amended by [S.I. 2010/1091](#).

[^{F4}21. The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021.]

Changes to legislation: There are currently no known outstanding effects for the The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. (See end of Document for details)

Textual Amendments

F4 Sch. 2 para. 21 substituted (1.4.2021) by The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 (S.I. 2021/77), regs. 1(3), **49(2)(a)**

22. The Natural Resources Body for Wales (Establishment) Order 2012 ^{M20}.

Marginal Citations

M20 S.I. 2012/1903 (W. 230).

23. The Bathing Water Regulations 2013 ^{M21}.

Marginal Citations

M21 S.I. 2013/1675, amended by S.I. 2013/2363, 2014/1067 (W. 106), 2016/314 (W. 103), 600.

[^{F5}**24.** The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021.]

Textual Amendments

F5 Sch. 2 para. 24 substituted (1.4.2021) by The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 (S.I. 2021/77), regs. 1(3), **49(2)(b)**

25. The Keeping and Introduction of Fish (Wales) Regulations 2014 ^{M22}.

Marginal Citations

M22 S.I. 2014/3303 (W. 336).

26. The Keeping and Introduction of Fish (England and River Esk Catchment Area) Regulations 2015 ^{M23}.

Marginal Citations

M23 S.I. 2015/10.

27. The Control of Major Accident Hazards Regulations 2015 ^{M24}.

Marginal Citations

M24 S.I. 2015/483, amended by S.I. 2016/1154; there are other amendments not relevant to these Regulations.

28. The Nitrate Pollution Prevention Regulations 2015 ^{M25}.

Marginal Citations

M25 S.I. 2015/668, amended by S.I. 2016/1190, 1254.

Changes to legislation: There are currently no known outstanding effects for the The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. (See end of Document for details)

29. The Environmental Damage (Prevention and Remediation) (England) Regulations 2015 ^{M26}.

Marginal Citations

M26 [S.I. 2015/810](#), amended by [S.I. 2015/1391](#), 2016/1154.

30. The Water Environment (Control of Pollution) (Oil Storage) (Wales) Regulations 2016 ^{M27}.

Marginal Citations

M27 [S.I. 2016/359](#) (W. 112), amended by [S.I. 2016/1154](#).

31. The Environmental Permitting (England and Wales) Regulations 2016 ^{M28}.

Marginal Citations

M28 [S.I. 2016/1154](#).

F⁶SCHEDULE 3

Regulation 20(2)(a)

Textual Amendments

F6 [Sch. 3](#) omitted (31.12.2020) by virtue of [The Floods and Water \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/558), regs. 1(1), **20(13)**; 2020 c. 1, Sch. 5 para. 1(1)

SCHEDULE 4

Regulation 39

Consequential amendments

The Water Environment (Water Framework Directive) (Northumbria River Basin District) Regulations 2003

1.—(1) The Water Environment (Water Framework Directive) (Northumbria River Basin District) Regulations 2003 ^{M29} are amended as follows.

(2) In regulation 2—

- (a) in the definition of “the principal Regulations”, for “the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003” substitute “ the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 ”;
- (b) in paragraph (a) of the definition of “relevant function”, for “regulations 5 to 20” substitute “ regulations 5 to 36 ”.

(3) Regulation 5 is amended as follows—

- (a) in paragraph (1A)—

Changes to legislation: There are currently no known outstanding effects for the *The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017*. (See end of Document for details)

- (i) in sub-paragraph (a), for “regulations 2, 5 to 18, 19 and 20” substitute “regulations 2, 5 to 22, 24 to 36, 38 and Schedules 1 and 3;
- (ii) in sub-paragraph (b), for “regulation 18A” substitute “ regulation 23 ”;
- (b) in paragraph (2)(b), for “paragraphs (1A) and (1B)” substitute “ paragraph (2) ”;
- (c) in paragraph (2C)—
 - (i) for “Regulation 7A” substitute “ Regulation 9 ”;
 - (ii) for “paragraph (7)” substitute “ paragraph (8) ”;
- (d) in paragraph (3)—
 - (i) in the words before paragraph (a), for “Regulation 12” substitute “ Regulation 29 ”;
 - (ii) for sub-paragraph (c)(iv) substitute—
 - “(iv) after sub-paragraph (j) there were inserted—
“(ja) Scottish Water;””
 - (iii) in sub-paragraph (d), for sub-paragraph (h) of the substituted paragraph (5) substitute—
 - “(h) “the relevant date”, in relation to a plan, means—
 - (i) if a period of time has been directed under regulation 27(1)(a), the date on which that period begins, or
 - (ii) otherwise, the date by which the Secretary of State is next required under regulation 31(5) to publish an updated plan;”;
- (e) in paragraph (4), for “Regulation 13” substitute “ Regulation 30 ”;
- (f) in paragraph (5)—
 - (i) for “Regulation 14” substitute “ Regulation 31 ”;
 - (ii) for “paragraph 3(a)” substitute “ paragraph 4(a) ”;
- (g) in paragraph (6)—
 - (i) for “Regulation 17” substitute “ Regulation 33 ”;
 - (ii) for “the NRBW” substitute “ NRW ”.
- (4) Regulation 6 is amended as follows—
 - (a) in paragraph (3)(b)(i) —
 - (i) for “regulation 14” substitute “ regulation 31 ”;
 - (ii) for “regulation 16” substitute “ regulation 32 ”;
 - (b) in paragraph (5), for “regulation 14” substitute “ regulation 31 ”.

Marginal Citations

M29 [S.I. 2003/3245](#), amended by [S.I. 2016/139](#).

The Flood Risk Regulations 2009

2.—(1) The Flood Risk Regulations 2009^{M30} are amended as follows.

(2) In regulation 8, for “the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003” substitute “ the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 ”.

Changes to legislation: There are currently no known outstanding effects for the The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. (See end of Document for details)

(3) In regulation 8A, for the words from “means” to the end, substitute “ has the same meaning as in the Water Environment Regulations ”.

(4) In regulation 21(2)—

(a) in sub-paragraph (a), for “regulation 8(2)(a) or (b)(ii) or (iv)” substitute “ regulation 10(2)(a) or 10(2)(b)(ii) or (iv) ”;

(b) in sub-paragraph (b), for “regulation 8(1)” substitute “ regulation 10(1) ”.

Marginal Citations

M30 [S.I. 2009/3042](#), amended by [S.I. 2010/1102](#); there are other amendments not relevant to these Regulations.

The Marine Strategy Regulations 2010

3. In Schedule 2 to the Marine Strategy Regulations 2010^{M31}, for “the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003” substitute “ the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 ”.

Marginal Citations

M31 [S.I. 2010/1627](#), to which there are amendments not relevant to these Regulations.

The Bathing Water Regulations 2013

4.—(1) The Bathing Water Regulations 2013^{M32} are amended as follows.

(2) In regulation 5(2), for “the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003” substitute “ the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 ”.

(3) In regulation 7(3)(a), for “the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003” substitute “ the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 ”.

Marginal Citations

M32 [S.I. 2013/1675](#), to which there are amendments not relevant to these Regulations.

The London Underground (Northern Line Extension) Order 2014

5. In Part 3 of Schedule 8 to the London Underground (Northern Line Extension) Order 2014^{M33}, in paragraph 30(2), for “the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003” substitute “ the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 ”.

Marginal Citations

M33 [S.I. 2014/3102](#).

[^{F7}SCHEDULE 5

Regulation 2(5)

Modification of directives

Textual Amendments

- F7** Sch. 5 inserted (31.12.2020) by The Floods and Water (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/558), regs. 1(1), **20(14)**; 2020 c. 1, Sch. 5 para. 1(1)

PART 1

Modifications of the Water Framework Directive

1. A reference to the WFD, or to any provision of it, is to be read in accordance with this Part.
2. When interpreting the WFD for the purposes of these Regulations—
 - (a) a reference to one or more member States in a provision imposing an obligation, or conferring a discretion, on a member State or member States is to be read as a reference to the appropriate authority, appropriate agency or other public body which, immediately before exit day, was responsible for the United Kingdom's compliance with that obligation, or able to exercise that discretion, in respect of England or Wales;
 - (b) a reference to Article 13 of the WFD is to be read as a reference to Article 13 except in so far as it gives rise to any obligation under Article 15 of that Directive;
 - (c) any reference to Community legislation (other than a reference to existing Community legislation) is to be read as if it were a reference to retained EU law;
 - (d) any reference to existing Community legislation or existing legislation is to be read as if it were a reference to Community legislation which was in force prior to 23rd October 2000;
 - (e) the WFD is to be read as if the following modifications were made to it.
3. Article 2(24) is to be read as if, for the words from “in Annex IX” to the end, there were substituted “ by the table of priority substances, and under relevant retained EU law which sets environmental quality standards ”.
4. Article 4 is to be read as if—
 - (a) in paragraph 1—
 - (i) in point (a)(iv), for “Article 16(1) and (8)” there were substituted “ the EQSD ”;
 - (ii) in point (b)(iii), for “paragraphs 2, 4 and 5 of Article 17” there were substituted “ the GWD ”;
 - (b) in paragraph 8, the reference to other Community environmental legislation were a reference to retained EU law relating to the environment.
5. Article 7(2) is to be read as if—
 - (a) for “at Community level under Article 16” there were substituted “ by retained EU law which implemented the EQSD ”;
 - (b) for “Directive 80/778/EEC as amended by Directive 98/83/EC” there were substituted “ retained EU law which implemented Directive 98/83/EC on the quality of water intended for human consumption ”.
6. Article 10 is to be ignored.
7. Article 11(3) is to be read as if—

- (a) in subparagraph (a), for the words from “to implement” to the end, there were substituted “ under retained EU law for the protection of water ”;
 - (b) in subparagraph (j), in the fourth indent, for the words from “Directive [2009/31/EC](#)” to the end there were substituted “ Chapter 3 of Part 1 of the Energy Act 2008 and other retained EU law which transposed Directive [2009/31/EC](#) on the geological storage of carbon dioxide ”;
 - (c) in subparagraph (k)—
 - (i) the words “in accordance with action taken pursuant to Article 16,” were omitted;
 - (ii) for “agreed pursuant to Article 16(2)” there were substituted “ in Annex 10 ”.
- 8.** Article 12 is to be ignored.
- 9.** Article 15 is to be ignored.
- 10.** Article 24 is to be ignored.
- 11.** Annex 1 is to be ignored.
- 12.** Annex 2 is to be read as if—
- (a) in section 1.1, paragraph (vi) were omitted;
 - (b) in section 1.4—
 - (i) in the second paragraph—
 - (aa) after “gathered under” there were inserted “ the retained EU law which implemented ”;
 - (bb) in sub-paragraph (ii), the reference to information gathered under Articles 9 and 15 of Directive [96/61/EC](#) were a reference to relevant information gathered under the retained EU law which transposed Articles 5(3), 14 and 24 of Directive [2010/75/EC](#) on industrial emissions;
 - (ii) in the third paragraph—
 - (aa) after “gathered under” there were inserted “ the retained EU law which implemented ”;
 - (bb) in sub-paragraph (iii), the reference to Directive [98/8/EC](#) were a reference to Regulation [\(EC\) No 528/2012](#) of the European Parliament and of the Council concerning the making available on the market and use of biocidal products.
- 13.** Annex 4 is to be read as if—
- (a) in paragraph 1—
 - (i) in subparagraph (iii), for “Directive [76/160/EEC](#)” there were substituted “ retained EU law which transposed Directive [2006/7/EC](#) concerning the management of bathing water quality ”;
 - (ii) in subparagraph (iv), after “under” (in both places it occurs) there were inserted “ retained EU law which transposed ”;
 - (iii) in subparagraph (v), for “Directive [79/409/EEC](#)” there were substituted “ retained EU law which transposed Directive [2009/147/EC](#) on the conservation of wild birds ”;
 - (b) in paragraph 2, the words “Community, local or national” were omitted.
- 14.** Annex 5 is to be read as if—

Changes to legislation: There are currently no known outstanding effects for the The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. (See end of Document for details)

- (a) references in tables 1.2.1 to 1.2.5 to Directive 91/414/EC, in each place they occur, were references to Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market;
 - (b) references in tables 1.2.1 to 1.2.5 to Directive 98/8/EC, in each place they occur, were references to Regulation (EC) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products;
 - (c) in section 1.3.1, in the paragraph headed “Selection of monitoring points”, the fourth indent (referring to “the Information Exchange Decision 77/795/EEC”) were omitted;
 - (d) in section 1.3.5, the reference to the Drinking Water Directive were a reference to retained EU law which transposed Directive 98/83/EC on the quality of water intended for human consumption;
 - (e) in section 1.4.1—
 - (i) in point (iii), for the words from “shall be established” to the end there were substituted “ is as set out in Commission Decision 2018/229 establishing, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, the values of the Member State monitoring system classifications as a result of the intercalibration exercise ”;
 - (ii) points (iv) to (ix) were omitted;
 - (f) in section 1.4.3, for the words “Annex IX, Article 16 and under other relevant Community legislation” there were substituted “ Annex 1 to the EQSD and under relevant retained EU law ”;
 - (g) in the table in section 2.3.2, in the column for “good status”, for “other relevant Community legislation in accordance with Article 17” there were substituted “ the GWD ”;
 - (h) in section 2.4.5, the words “Without prejudice to the Directives concerned” were omitted.
- 15.** Annex 6 is to be read as if Part A were omitted.
- 16.** Annex 7 is to be read as if, in Part A—
- (a) in point 7.1, for “to implement Community legislation” there were substituted “ under retained EU law ”;
 - (b) point 10 were omitted.

PART 2

Modifications of the Groundwater Directive

- 17.** A reference to the GWD, or to any provision of it, is to be read in accordance with this Part.
- 18.** When interpreting the GWD for the purposes of these Regulations—
- (a) a reference to one or more member States in a provision imposing an obligation, or conferring a discretion, on a member State or member States is to be read as a reference to the appropriate authority, appropriate agency or other public authority which, immediately before exit day, was responsible for the United Kingdom's compliance with that obligation, or able to exercise that discretion, in respect of England or Wales;
 - (b) any reference to Community legislation is to be read as if it were a reference to retained EU law;
 - (c) the GWD is to be read as if the following modifications were made to it.
- 19.** Article 3 is to be read as if—

- (a) paragraphs 3 and 4 were omitted;
 - (b) in paragraph 5, for “submitted” there were substituted “ produced ”.
20. Article 5 is to be read as if, in each of paragraphs 4 and 5, for “submitted” there were substituted “ produced ”.
21. Article 6(4) is to be read as if the words after “paragraph 3” were omitted.
22. Article 12 is to be ignored.
23. Annex 1 is to be read as if—
- (a) in footnote 1 to the table in point 1, for “Article 2 of Directive 91/414/EEC and in Article 2 of Directive 98/8/EC” there were substituted “ Article 2 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and Article 3 of Regulation (EC) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products ”;
 - (b) in point 2, for “Directive 91/414/EEC or Directive 98/8/EC” there were substituted “ Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market or Regulation (EC) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products ”.
24. Annex 2 is to be read as if, in Part C—
- (a) for “submitted” there were substituted “ produced ”;
 - (b) in point (c)(iii), for “at national, Union or” there were substituted “ in retained EU law or other national legislation, or at ”.

PART 3

Modifications of the Environmental Quality Standards Directive

25. A reference to the EQSD, or to any provision of it, is to be read in accordance with this Part.
26. When interpreting the EQSD for the purposes of these Regulations—
- (a) each reference to one or more member States in a provision imposing an obligation, or conferring a discretion, on a member State or member States is to be read as a reference to the appropriate authority, appropriate agency or other public authority which, immediately before exit day, was responsible for the United Kingdom's compliance with that obligation, or able to exercise that discretion, in respect of England or Wales;
 - (b) the EQSD is to be read as if the following modifications were made to it.
27. Article 3 is to be read as if—
- (a) each reference to a provision of Commission Directive 2009/90/EC laying down, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring of water status were modified in accordance with paragraph 26(a);
 - (b) paragraph 5a were omitted.
28. Article 4 is to be read as if—
- (a) in paragraph 2(b), for “referred to in Directive 2008/1/EC” there were substituted “ under the Environmental Permitting (England and Wales) Regulations 2016 **No commentary item could be found for this reference c23668461** ”;

Changes to legislation: There are currently no known outstanding effects for the The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. (See end of Document for details)

(b) in paragraph 3(b), the reference to Community law were a reference to retained EU law.

29. Article 5 is to be read as if—

- (a) references to Directive [91/414/EEC](#) were references to Regulation [\(EC\) No 1107/2009](#) of the European Parliament and of the Council concerning the placing of plant protection products on the market;
- (b) paragraph 3 were omitted.

30. The following Articles are to be ignored—

- (a) Article 6(1)(c) and (2);
- (b) Article 7a;
- (c) in Article 8a(1), the final sentence of the second subparagraph;
- (d) Article 8b(4);
- (e) Article 8c;
- (f) Article 13.]

Changes to legislation:

There are currently no known outstanding effects for the The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.