
STATUTORY INSTRUMENTS

2019 No. 558

**The Floods and Water (Amendment
etc.) (EU Exit) Regulations 2019**

PART 3

Amendment of secondary legislation

**The Water Environment (Water Framework Directive) (England and Wales) Regulations
2017**

20.—(1) The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 are amended as follows.

(2) In regulation 2, at the end insert—

“(5) For the purposes of these Regulations, references to the WFD, GWD and EQSD, or to a provision of one of them, are to be read in accordance with Schedule 5.”.

(3) In regulation 10(2)(b)—

- (a) for “any EU instrument” substitute “retained EU law”;
- (b) omit “, or any enactment implementing such an EU instrument”.

(4) In regulation 11—

- (a) in paragraph (4)(a), for “the EU legislation” substitute “retained EU law”;
- (b) in paragraph (5)(c), for “1.4 to 1.4.3” substitute “1.4.1 (excluding points (iv) to (ix)), 1.4.2 and 1.4.3”;
- (c) after paragraph (5) insert—

“(5A) A requirement in any of the provisions of Annex 5 listed in paragraph (5) to provide a map is to be read (where this is not otherwise specified) as a requirement to include the map in the relevant river basin management plan.”.

(5) In regulation 13(6)—

- (a) for “any EU instrument” substitute “the retained EU law”;
- (b) for “that EU instrument” substitute “the relevant retained EU law”.

(6) In regulation 14(b), for “the implementation of any other EU instrument” substitute “any other retained EU law”.

(7) In regulation 20(2)—

- (a) omit sub-paragraph (a);
- (b) in sub-paragraph (j)(iv)(aa), for the words from “Directive” to the end substitute “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) omit sub-paragraph (j)(iv)(bb).

(8) Omit regulation 23.

- (9) In regulation 34, for paragraph (4) substitute—
- “(4) The appropriate agency must, within three years of an updated river basin management plan being published under regulation 31(5)—
- (a) produce an interim report describing progress in the implementation of each planned programme of measures;
- (b) publish that report in such manner as the appropriate agency considers appropriate.”.
- (10) In regulation 36—
- (a) in paragraphs (1) and (3), after “giving effect to” insert “these Regulations or any other retained EU law which implemented”;
- (b) in paragraph (5), after “practical implementation of” insert “these Regulations or any other retained EU law which implemented”.
- (11) In Schedule 1—
- (a) in paragraph 1(1)(a), after “the WFD” insert “and is to be read in accordance with Schedule 5”;
- (b) in paragraph 1(2), in the definition of “good surface water chemical status”, for “other relevant EU legislation setting environmental quality standards at EU level” substitute “relevant retained EU law which sets environmental quality standards”.
- (12) In Schedule 2, omit paragraph 1.
- (13) Omit Schedule 3.
- (14) After Schedule 4 insert—

“SCHEDULE 5

Regulation 2(5)

Modification of directives

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—

- (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(1)”;
 - (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.”.

(1) [S.I. 2016/1154](#), to which there are amendments not relevant to these Regulations.