
STATUTORY INSTRUMENTS

2019 No. 558

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

PART 3

Amendment of secondary legislation

The Water Abstraction (Transitional Provisions) Regulations 2017

22. In regulation 9 of the Water Abstraction (Transitional Provisions) Regulations 2017⁽¹⁾—

(a) after paragraph (4) insert—

“(4A) In paragraph (4)—

(a) in the definitions of “good ecological potential” and “good ecological status”, references to Annex 5 to the Directive are to be read as if in Annex 5—

(i) 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 or appropriate agency which, immediately before exit day, was responsible for the United Kingdom’s compliance with that obligation, or was able to exercise that discretion, in respect of England or Wales;

(ii) references in tables 1.2.1 to 1.2.5 to [Directive 91/414/EC](#), in each place they occur, were references to Regulation [\(EC\) 1107/2009](#) of the European Parliament and of the Council concerning the placing of plant protection products on the market;

(iii) references in tables 1.2.1 to 1.2.5 to [Directive 98/8/EC](#), in each place they occur, were references to Regulation [\(EC\) 528/2012](#) of the European Parliament and of the Council concerning the making available on the market and use of biocidal products;

(iv) in section 1.4.1—

(aa) 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”;

(bb) points (iv) to (ix) were omitted;

(b) in the definition of “good quantitative status”, the reference to table 2.1.2 of Annex 5 to the Directive is to be read as if the reference to environmental objectives under Article 4 were a reference to the environmental objectives—

⁽¹⁾ [S.I. 2017/1047](#), amended by [S.I. 2018/575](#).

- (i) in relation to the Solway Tweed River Basin District, as defined in regulation 2 of the Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004;
 - (ii) in relation to the Northumbria River Basin District, referred to in the WFD Regulations as applied and modified by regulation 5 of the Water Environment (Water Framework Directive) (Northumbria River Basin District) Regulations 2003(2);
 - (iii) in relation to any other river basin district, within the meaning of the WFD Regulations.”.
- (b) in paragraph (5)—
- (i) for “paragraph (4),” substitute “this regulation—”;
 - (ii) the definition of “the Directive” becomes sub-paragraph (a);
 - (iii) after sub-paragraph (a) insert—
 - “(b) “the WFD Regulations” means the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017(3).”.

(2) S.I. 2003/3245; relevant amending instruments are S.I. 2016/139 and 2017/407.
(3) S.I. 2017/407, amended by S.I. 2018/942.