



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

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

DATE **10 December 2018**

BY **Julie James AM, Leader of the House and Chief Whip**

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

The law which is being amended

Amends retained EU legislation relating to Water Framework Directive:

This instrument amends the transposing legislation of key EU water Directives. The main directive is the Water Framework Directive (WFD) 2000/60/EC.

It also amends the following EU Implementing decisions;

Commission Implementing Decision 2011/321/EU establishing, pursuant to Directive 2006/7/EC of the European Parliament and of the Council, a symbol for information to the public on bathing water classification and any bathing prohibition or advice against bathing.

Commission Decision (EU) 2017/1583 specifying, pursuant to Directive 2006/7/EC of the European Parliament and of the Council, EN ISO 17994:2014 as the standard on the equivalence of microbiological methods

Commission Decision (EU) 2018/229 establishing, pursuant to Directive 2000/60/EC of the Parliament and of the Council, the values of the Member State monitoring system classifications as a result of the intercalibration exercise

Commission Implementing Decision 2018/840/EU establishing a watch list of substances for Union-wide monitoring in the field of water policy pursuant to Directive 2008/105/EC of the European Parliament and of the Council;

The following retained direct EU legislation is revoked and any reference to that legislation in Annex 20 to the EEA agreement is to be omitted;

Decision No 2455/2001/EC of the European Parliament and of the Council establishing the list of priority substances in the field of water policy;

Commission Decision 2005/646/EC on the establishment of a register of sites to form the intercalibration network in accordance with Directive 2000/60/EC of the European Parliament and of the Council;

Commission Implementing Decision 2014/431/EU concerning formats for reporting on the national programmes for the implementation of Council Directive 91/271/EEC.

The SI also amends the following domestic legislation;

Primary legislation

Water Act 1989

Water Industry Act 1991

Water Resources Act 1991

Water Act 2014

Secondary Legislation

The Sludge (Use in Agriculture) Regulations 1989

The Urban Waste Water Treatment (England and Wales) Regulations 1994

The Water Supply (Water Fittings) Regulations 1999

The Drinking Water (Undertakings) (England and Wales) Regulations 2000

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

The Water Environment (Water Framework Directive) (Solway Tweed River Basin District) Regulations 2004

The Water Industry (Special Administration) Rules 2009

The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010

The Incidental Flooding and Coastal Erosion (England) Order 2011 **Error! Bookmark not defined.**

The Bathing Water Regulations 2013

The Nitrate Pollution Prevention Regulations 2015

The Flood Reinsurance (Scheme Funding and Administration) Regulations 2015

The Water Supply (Water Quality) Regulations 2016

The Private Water Supplies (England) Regulations 2016

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

The Water Abstraction and Impounding (Exemptions) Regulations 2017

The Water Abstraction (Transitional Provisions) Regulations 2017

Any impact the SI may have on the Assembly's legislative competence and/or the Welsh Ministers' executive competence

The National Assembly for Wales and Welsh Ministers have legislative and executive competence respectively in relation to flood and water; the Assembly's competence in relation to water is subject to the specific reservations in Section C15 of Schedule 7A to GoWA.

Whilst this SI includes amendments to composite SIs, due to the exceptional circumstances of EU exit, on this sole occasion, it has been agreed to make the relevant amendments in a UK SI.

The purpose of the amendments

The purpose of this SI (affirmative procedure) is to address the failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the UK from the EU on the basis of a no-deal scenario.

The function of the EU law in this area is to protect and improve the water environment from various sources of pollution e.g. from agriculture and urban sources; it is also about protecting human health by preventing contamination of drinking water and bathing waters.

The SIs and accompanying Explanatory Memorandums, setting out the effect of each amendment is available here: <https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments>

Why consent was given

Consent has been given for the UK Government to make these corrections in relation to, and on behalf of, Wales for reasons of efficiency, expediency and due to the technical nature of the amendments. The amendments have been considered fully; and there is no divergence in policy. These amendments are to ensure that the statute book remains functional following the UK's exit from the EU. This is in line with the principles for correcting agreed by the Cabinet Sub-Committee on European Transition in May.