EXPLANATORY MEMORANDUM TO

THE CHEMICAL ANALYSIS OF WATER STATUS (TECHNICAL SPECIFICATIONS) REGULATIONS (NORTHERN IRELAND) 2011

2011 No. 238

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

2.1. The Statutory Rule transposes Directive 2009/90/EC on the technical specifications for chemical analysis and monitoring of water status into domestic legislation.

3. Background

3.1. EC Directive 2009/90/EC is a 'daughter' Directive of theWater Framework Directive. It is commonly known as the QAQC (Quality Assurance Quality Control) Directive. It is a technical Directive setting standards for laboratory analysis and establishing rules for demonstrating the quality of analytical results. It impacts solely on the duties of Government - particularly the Northern Ireland Environment Agency and any sub-contracted services.

3.2. The laws, regulations and administrative provisions necessary to comply with this Directive must be brought into force by 20 August 2011.

4. Consultation

4.1. As this is a technical Directive, impacting solely on the duties of Government, a formal written consultation was not carried out. This is in line with the procedure followed in Great Britain.

5. Equality Impact

5.1. Consideration has been given to equality issues and it has been determined that the proposed Regulations will have no impact in terms of the main groups relevant to the section 75 categories of the Northern Ireland Act 1998.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment was not carried out as the proposed Regulations will impose no additional costs or savings on businesses, charities, social economy enterprises or the voluntary sector.

7. Financial Implications

7.1. The proposed Regulations will impose no additional costs or savings on businesses, charities, social economy enterprises or the voluntary sector as they impact solely on the duties of government.

8. Section 24 of the Northern Ireland Act 1998

8.1. The proposed Regulations do not discriminate on the grounds of religious belief or political opinion nor do they modify the European Communities Act, the Human Rights Act 1998 or other statutory provisions listed in section 7 of the 1998 Act.

9. EU Implications

9.1. The proposed Regulations transpose Directive 2009/90/EC on the technical specifications for chemical analysis and monitoring of water status into domestic legislation.

10. Parity or Replicatory Measure

10.1. In Great Britain this Directive is transposed by way of Direction to the Environment Agency (EA) and the Scottish Environment Protection Agency (SEPA).

11. Additional Information

11.1. Not Applicable.