POLICY NOTE

THE WATER ENVIRONMENT AND WATER SERVICES (SCOTLAND) ACT 2003 (MODIFICATION OF PART 1) REGULATIONS 2015

SSI 2015/XXX

The above instrument is made in exercise of the powers conferred by sections 25 and 36(2) of the Water Environment and Water Services (Scotland) Act 2003. The instrument is subject to affirmative procedure.

Policy Objectives

1. These Regulations partly transpose the Priority Substances Directive 2013/39/EU; the Groundwater Directive 2014/80/EU and the Biological Monitoring Directive 2014/101/EU, by means of high level amendments to the Water Environment and Water Services (Scotland) Act 2003 ("the WEWS Act").

Background and discussion

2. The Water Framework Directive 2000/60/EC ("WFD") established a framework for community action for the protection and improvement of the water environment across Europe. The provisions of the WFD are transposed in the Scotland River Basin District by means of the WEWS Act.

3. Directive 2013/39/EU requires certain priority substances to be banned or phased out, with an emphasis on product control. Many of these substances have already been banned at a European or UK level, or are being phased out, and similar steps are likely to be the best approach for handling others. Some of these substances will however continue to find their way into wastewater treatment works and this may require Scottish Water to provide additional treatment.

4. All 3 Directives introduce revised monitoring and assessment provisions which will largely fall on the Scottish Environment Protection Agency ("SEPA").

Consultation and financial implications

5. These high level amendments will be of limited interest to stakeholders, therefore we have not consulted widely on our proposals. No Business and Regulatory Impact Assessment has been produced as the WFD allows Member States to set alternative, less stringent objectives under certain circumstances, and the scale of costs of implementing these Regulations will depend on decisions taken by Ministers in future river basin management plans. We have consulted Scottish Water and they are broadly content with this approach.

Associated legal instruments

6. Associated amendments are being made by means of the Water Environment (River Basin Management Planning etc.) (Miscellaneous Amendments) (Scotland) Regulations

2015. Together with a suite of technical Directions to SEPA, these instruments complete the transposition of these three Directives.

Environmental Quality Division
May 2015