



STATUTORY INSTRUMENTS.

**S.I. No. 350 of 2014**



EUROPEAN UNION (WATER POLICY) REGULATIONS 2014

## EUROPEAN UNION (WATER POLICY) REGULATIONS 2014

I, ALAN KELLY, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972) and for the purpose of giving further effect to Directive 2000/60/EC<sup>1</sup> of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, hereby make the following Regulations:

*Citation*

1. These Regulations may be cited as the European Union (Water Policy) Regulations 2014.

*Interpretation*

2. In these Regulations—

“Committee” means the Water Policy Advisory Committee;

“Department” means the Department of the Environment, Community and Local Government;

“Minister” means the Minister for the Environment, Community and Local Government;

“principal Regulations” means the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003).

*The Water Policy Advisory Committee*

3. (1) A body to be known as the Water Policy Advisory Committee shall be established to perform the functions assigned to it by or under these Regulations.

(2) The functions of the Committee shall be—

(a) to advise the Minister on policy in relation to:

(i) the preparation of river basin management plans,

(ii) the establishment of environmental objectives in relation to river basin districts,

(iii) the preparation of programmes of measures to achieve the environmental objectives,

<sup>1</sup>OJ No.L327, 22. 12. 2000, P.1.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 29th July, 2014.*

- (iv) other related matters concerning the protection and management of the aquatic environment and water resources; and
  - (b) to promote appropriate activities necessary to support the achievement of the objectives of the Water Framework Directive.
- (3) The Committee shall consist of representatives of:
- (a) the Minister;
  - (b) the Minister for Agriculture, Food and the Marine;
  - (c) the Minister for Communications, Energy and Natural Resources;
  - (d) the Minister for Arts, Heritage and the Gaeltacht;
  - (e) the Minister for Health;
  - (f) the Director General of the Environmental Protection Agency;
  - (g) the County and City Management Association;
  - (h) the Chairman of the Commissioners of Public Works;
  - (i) the Chairperson of the Commissioners for Energy Regulation;
  - (j) any other organisation or body as the Minister may determine.
- (4) The chairperson of the Committee shall be a representative of the Minister.
- (5) The secretary of the Committee shall be an officer of the Department.
- (6) The Minister may request an organisation or body to nominate such numbers of persons as he or she shall specify to represent that organisation or body on the Committee.

*Amendments to the Principal Regulations*

4. The principal Regulations are amended by substituting for Article 6 the following:

“(1) The competent authorities specified in Article 3 of the Directive in relation to a river basin district are:

- (a) the Minister for the purposes of the establishment of environmental objectives and programmes of measures and the making of river basin management plans;
- (b) the EPA for the purposes of reporting to the European Commission, reviewing the impact of human activities on the status of water and for such other functions as are assigned by these Regulations; and

(c) local authorities for the purposes of regional coordination, public consultation, the development and implementation of river basin management plans and programmes of measures with respect to their functional areas and for such other functions as are assigned by these Regulations.

(2) The EPA, supported by the relevant local authorities, shall advise and assist the Minister in the establishment of environmental objectives, programmes of measures and the making of the river basin management plans required under paragraph (1)(a), and shall put in place the necessary working arrangements with local authorities and such other public authorities as it considers appropriate in order to facilitate this work.

(3) Local authorities shall provide support and assistance to the Minister and the EPA in the characterisation of river basin districts, the establishment of environmental objectives, the making of the river basin management plans and in the development of programmes of measures with respect to their functional areas.

(4) A public authority so requested by the EPA shall co-operate with the EPA in undertaking these tasks.

(5) The Minister shall take such measures as he or she considers appropriate to facilitate regional coordination through the establishment of Regional Water Framework Directive Offices.

(6) A local authority specified in the Third Schedule shall continue as coordinating authority in relation to a river basin district and shall act as the coordinator for all the relevant local authorities for the implementation of river basin management plans in place unless the Minister has, following consultation with those authorities and such other persons as the Minister considers appropriate, made arrangements for another person or authority to act as coordinating authority.”

5. The principal Regulations are amended in Article 7 by substituting for paragraph (2) the following:

“(2) In accordance with Article 5 of the Directive, the EPA shall, in relation to river basin districts, carry out—

(a) an analysis of their characteristics, and

(b) a review of the impact of human activity on the status of surface waters and of groundwaters.”

and by deleting paragraphs (3), (5) and (6).

6. The principal Regulations are amended by substituting for Article 11 the following:

“The Minister shall, in consultation with the Committee—

- (a) in relation to a river basin district, carry out an economic analysis of water use in accordance with the requirements of Article 5 of the Directive,
- (b) put in place arrangements to take account of the principle of recovery of the costs of water services, including environmental and resource costs in accordance with the requirements of Article 9 of the Directive and in particular with the polluter pays principle, and
- (c) ensure that water-pricing policies and practices are in place in compliance with Article 9 of the Directive.”

7. The principal Regulations are amended by substituting for Article 12 the following:

“(1) The Minister shall, in accordance with the Directive and following public consultation and consultation with such other persons or organisations as he or she considers appropriate, and taking into account the advice of the Committee and the EPA:

- (a) establish environmental objectives in relation to river basin districts in accordance with Article 4 of the Directive;
- (b) establish a programme of measures in accordance with Article 11 of the Directive in order to achieve those objectives; and
- (c) with the assistance of local authorities and the EPA, publish or cause to be published the programme of measures so established and send a copy of the programme to the relevant public authorities affected by the programme.

(2) A programme of measures shall include the basic measures specified in Article 11(3) of the Directive and such supplementary measures specified in Article 11(4) of the Directive as the Minister considers appropriate.”

8. The principal Regulations are amended by substituting for Article 13 the following:

“(1) The Minister shall, in accordance with the Directive and following public consultation and consultation with such other persons or organisations as he or she considers appropriate, and taking into account the advice of the Committee and the EPA:

- (a) make river basin management plans in accordance with Article 13 of the Directive, and
- (b) with the assistance of local authorities and the EPA, publish the plans and send copies to the relevant public authorities affected by the plans.

(2) The Minister shall cause arrangements to be put in place to ensure coordination with the relevant authorities in Northern Ireland with the aim of producing a single river basin management plan in relation to shared waters with Northern Ireland, in accordance with the requirements of Article 13 of the Directive.

(3) Where production of a single river basin management plan is not possible, the Minister shall produce a plan in relation to that part of the international river basin district lying within the State.

(4) A river basin management plan shall include the information set out in Annex VII of the Directive and may be supplemented by the production of such additional detailed programmes and management plans for sub-basin, sector, issue or water type to deal with particular aspects of water management as the relevant authorities consider appropriate.”

9. The principal Regulations are amended by substituting for Article 14 the following:

“(1) The Minister shall, in accordance with Article 14 of the Directive and supported by the EPA and with the assistance of local authorities working at both local and regional level, prepare and publish for each river basin district:

- (a) a timetable and work programme for the production of a river basin management plan, including a statement as to the consultation measures to be taken;
- (b) an overview of the significant water management issues identified in river basin districts; and
- (c) draft copies of the river basin management plans.

(2) On publication of the documents specified in paragraph (1), the Minister shall, by notice published in a daily newspaper circulating in the river basin district, invite the provision of comments in writing by any person and shall allow a period of at least six months for the provision of such comments.

(3) The requirements of this article shall, with appropriate modifications, apply to the updating of a river basin management plan.

(4) A copy of the documents specified in paragraph (1) shall be sent by the Minister to all the relevant public authorities.”

10. Article 15 of the principal Regulations is deleted.

11. The First Schedule of the principal Regulations is amended by the inclusion of Irish Water (Uisce Éireann) as a relevant public authority.

*Transitional Arrangements*

12. (1) Nothing in these Regulations shall affect anything previously done or currently operational under the principal Regulations, including the implementation of programmes of measures adopted under the first cycle of river basin management plans.

(2) The following is inserted in the principal Regulations after the Second Schedule:

“Third Schedule

**Coordinating local authority**

Dublin City Council  
Galway County Council  
Carlow County Council  
Cork County Council  
Donegal County Council  
Monaghan County Council  
Limerick County Council

**River basin district**

Eastern  
Western  
South Eastern  
South Western  
North Western  
Neagh Bann  
Shannon”



GIVEN under my Official Seal,  
24 July 2014.

ALAN KELLY,  
Minister for the Environment, Community and  
Local Government.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations provide for the establishment and composition of a Water Policy Advisory Committee and related procedural and ancillary matters. The Regulations also transfer certain local authority responsibilities provided for in the European Communities (Water Policy) Regulations 2003 to the Environmental Protection Agency and to the Minister for the Environment, Community and Local Government.

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