

Department for Environment, Food and Rural Affairs

**Directive 2000/60/EC (The Water Framework Directive)
Revised Transposition Note**

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

1. This transposition note has been prepared by the Department for Environment, Food and Rural Affairs to accompany the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017(S.I. 2017/407) (“the 2017 Regulations”) which transpose the Water Framework Directive 2000¹ (“the WFD”). It shows how the 2017 Regulations differ from the Regulations² which originally transposed the WFD 2003 (“the 2003 Regulations”). Background to replacing the 2003 Regulations is set out in the explanatory memorandum laid alongside the 2017 Regulations.
3. The 2017 Regulations provide fuller transposition, including setting out the detail of the key articles of the WFD. They also consolidate a number of amendments made to the 2003 Regulations. The 2017 Regulations differ from the 2003 Regulations in the level of detail but not in substance and do not affect any rights, duties or obligations. The 2017 Regulations also make consequential changes to other domestic legislation which refers to the 2003 Regulations..
4. The following table sets out how the main elements of the WFD have been transposed in the 2017 Regulations and how the transposition differs from the 2003 Regulations. Articles that are not listed do not require transposition.
5. The 2017 Regulations also transpose some aspects of the Groundwater Directive 2006³ and the Environmental Quality Standards Directive 2008⁴. In particular, regulations 22 and 23 transpose provisions inserted into the Environmental Quality Standards Directive by the Priority Substances Directive 2013⁵. A separate transposition note is available setting out the detail.

¹ [Directive 200/60/EC](#)

² The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003([S.I. 2003/3242](#)).

³ [Directive 2006/118/EC](#)

⁴ [Directive 2008/105/EC](#)

⁵ [Directive 2013/39/EU](#)

Row	WFD Article	Description of WFD Article	Transposition by 2017 Regulations	Change from 2003 Regulations
1.	2	Lists definitions of certain terms used in the WFD.	WFD terms used in the 2017 Regulations are listed in Schedule 1. Regulation 2(3) provides that expressions used in the Regulations and the Directive and not otherwise defined have the meaning given by the WFD.	Terms that were not previously included have now been defined.
2.	3	Article 3 requires identification of river basin districts. Article 3.4 requires coordination of arrangements for achievement of the environmental objectives and programmes of measures.	River basin districts are identified in regulation 4(1) of the principal Regulations Article 3.4 is transposed by regulation 3(4)	These provisions were transposed in similar terms by regulation 4(1) and regulation 3(2) respectively of the 2003 Regulations.
3.	4	Sets out the WFD environmental objectives for all groundwater bodies and natural, artificial and heavily modified surface water bodies and describes criteria for identifying certain water bodies as artificial or heavily modified. Article 4 also sets deadlines for the achievement of the objectives and a number of exemptions which allow the deadline to be extended, or less stringent objectives to be set subject to certain conditions being met, and circumstances in which a breach of the objectives is permitted.	Article 4 is transposed as follows. Article 4.1(a)(i)-(iv) – regulation 13(2)(a)-(d) Article 4.1(b)(i)-(iv) – regulation 13(5)(a)-(d) Article 4.1(c) – regulation 13(6) Regulation 13(3) sets out the deadlines for certain priority substances from article 3a of the Environmental Quality Standards Directive. In regulation 13, the 2015 deadline from the WFD has been updated so that objectives must be achieved by 2021 if they have not already been achieved when the 2017 Regulations come into force. Article 4.2 - regulation 13(7) Article 4.3 – regulation 15 Article 4.4 – regulation 16	The 2017 Regulations set out the environmental objectives for each type of water body, deadlines and exemptions on the face of the legislation. In addition to the specific obligations, the transposition in the 2017 Regulations is underpinned by regulation 3(1) which requires the competent authorities to exercise their relevant functions (which are functions under these Regulations and the enactments listed in Schedule 2 to the Regulations) so as to secure compliance with the requirements of the WFD. In order to provide clarity about how the environmental objectives are to be

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4.	5	Requires preliminary analysis of characteristics of the river basin district and pressures on water bodies including an economic analysis.	<p>Article 4.5 – regulation 17 Article 4.6 – regulation 18 Article 4.7 – regulation 19 Article 4.8 & 9 – regulation 24</p> <p>Regulation 5 transposes the requirement for characterisation of river basin districts, including the dates by which this must be reviewed and updated. Regulation 5 requires the analysis to be done in accordance with the technical annex II to the WFD. Regulation 5 also specifies that the approach taken to the use of system A or B in paragraph 1.1 and 1.2 of Annex II must be set out in the river basin</p>	<p>achieved, new regulation 3(2) requires the relevant regulators to regulate activities affecting the water environment under specified regulatory powers so as to secure the environmental objectives set for water bodies. In the 2003 Regulations, the objectives and exemptions were transposed by a cross-reference to Article 4 of the WFD. Regulation 10 required the Competent Authority to submit proposals for “environmental objectives for the [river basin] district.” Environmental objectives was defined (in regulation 2) as meaning “the objectives required to comply with Article 4 of the Directive....” The requirement relating to Annex II system A/B was not set out in the 2003 Regulations</p>

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5.	6	Requires a register of protected areas to be produced and maintained.	Regulation 6 transposes the requirement to carry out an economic analysis in accordance with the technical Annex III. Regulation 10 transposes Article 6 and sets out the list of protected areas covered by Annex IV WFD.	The 2004 deadline to establish a register is replaced in the 2017 Regulations by a continuing requirement to maintain, review and keep the existing register up to date.
6.	7	Article 7.1 requires identification of waters used for the abstraction of drinking water. Article 7.2 requires Member States to ensure that, after treatment, the water abstracted meets the requirements of the Drinking Water Directive. Article 7.3 specifies an additional 'no deterioration' requirement for water bodies used for drinking water abstraction.	Transposed by regulation 8. The second sentence (monitoring) of Article 7.1 is transposed by regulation 11(4)(b) which requires drinking waters to be monitored and regulation 11(5)(b) which requires monitoring to be in accordance with the requirements of Annex II WFD. Article 7.2 is given effect by the separate transposition of the Drinking Water Directive	The obligation in Article 7.3 has been added to regulation 8.
7.	8	Monitoring of surface and groundwater status and protected areas	Transposed by regulation 11 which requires the Environment Agency to establish and keep under review the required monitoring programme. Regulation 11(4) specifies additional requirements for protected areas, including an additional category of shellfish water protected areas designed to ensure that the protection afforded by the	Regulation 11(4)(a) puts on the face of the legislation the requirement to monitor protected areas in accordance with the requirements of the relevant EU legislation. This was previously transposed by cross-reference to Annex V paragraph 1.3.5 in

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8.	9	Requires account to be taken of the principle of recovery of the costs of water services and measures to be put in place for water pricing to incentivise efficient use of water resources, and for contributions to be by made by certain sectors.	(repealed) Shellfish Water Directive is carried forward through WFD processes. Article 9.1 is transposed by regulation 21(1) and (2). The appropriate authority (the Secretary of State) must comply with those requirements which are set out to fulfil those obligations. The derogation in Article 9.4 is transposed by regulation 21(3).	regulation 9(4)(a) of the 2003 regulations. Article 9 is now transposed expressly in the 2017 Regulations. The 2003 Regulations transposed Article 9 by requiring account to be taken of the economic analysis undertaken in accordance with Annex III.
9.	11	Requires programmes of measures to achieve the environmental objectives to be established by 22/12/2009, made operational by 22/12/2012 and reviewed by 22/12/2015 (and then every 6 years). Article 11.3(a)-(l) lists types of measure that must be included in such programmes, such as controls over water abstraction, prior regulation of point source discharges liable to cause pollution, measures to prevent or control the input of pollutants from diffuse sources and measures to eliminate or progressively reduce pollution by certain toxic chemical substances. Article 11.4 provides for supplementary measures in addition	Requirement for a programme of measures is transposed by regulation 20. Regulation 20(2) stipulates that measures must comply with the requirements of Article 11 and lists the basic measures set out in Article 11.3(a) – (l) that the Environment Agency must include in a programme of measures that must be submitted to the appropriate authority for approval. The deadline for the first review of programmes of measure has been updated to 22 December 2021 in regulation 12(6) (which is when the next review is due). The programmes of measures in place before the 2017 Regulations came into force continue to apply due to regulation 38. Regulation 20(4) transposes Article 11.4 regulation 25 transposes Article 11.5. regulation 24 transposes Article 11.6.	In the 2003 Regulations, Article 11 was previously transposed by regulation 10 which required a programme of measures to be prepared for each district, with “programme of measures” defined in regulation 2 as “the programme of measures required to comply with Article 11(2) to (6) of the Directive (programme of measures);” The 2009, 2012 and 2015 deadlines were transposed by regulation 10(5)(a)(i) to (iii) of the 2003 Regulations.

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		<p>to the basic measures specified in A11.3. Article 11.5 requires investigation in cases where it appears that environmental objectives are unlikely to be achieved and actions to be taken in response.</p> <p>Article 11.6 requires implementation of measures not to cause increased pollution of marine waters or surface waters.</p>		
10.	13	<p>Requires a river basin management plan (RBMP) to be produced by 22nd December 2009 for each river basin district (Article 13(1) and (6)), and to be reviewed and updated by the same day in 2015 and every 6 years (Article 13(7)).</p> <p>Matters that must be included in the RBMP are set out in Annex VII, and may be supplemented by more detailed plans to deal with particular aspects of water management (Article 13(4) and (5)).</p>	<p>Transposed by regulation 27 which sets out requirements relating to the most recent version of the RBMP prepared and updated under the 2003 Regulations (before the 2017 Regulations came into force). The matters that must be included in the plan, including matters relating to priority substances and groundwater, are listed and include reference to the relevant provisions of Annex VII WFD, the Groundwater Directive and the Environmental Quality Standards Directive.</p> <p>Article 13(5) transposes regulation 32 which provides for the more detailed plans that may be prepared to supplement the RBMP.</p>	<p>The 2017 Regulations add the requirements relating to content about groundwater and priority substances. Otherwise they broadly follow the 2003 Regulations.</p>
11.	14	<p>Requires Member States to encourage “active involvement” of</p>	<p>Transposed by regulation 29 which sets out the requirements of Article 14 and assigns</p>	<p>The 2017 Regulations continue to set out these obligations fully and</p>

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		<p>interested parties in the implementation of the Directive. It sets out detailed requirements in relation to publication of and consultation on RBMPs (including draft and updated plans) and their preparation. It requires a period of 6 months for each consultation. Access must also be given to background documents and information used in the preparation of those plans.</p>	<p>to the relevant WFD authorities responsibilities in relation to the preparation of the RBMPs. Regulation 29(2) lists specific and interested parties that must be consulted. It also provides detail on how the statutory documents and general information must be brought to the attention of, and made available to, interested parties and the public as well as arrangements for those persons to participate and make representations to the competent authority. Additional clarity is provided by regulation 30 and 31 which set out a detailed process for the approval of the RBMP by the appropriate authority. Regulation 34 lists information that must be made available to the public such as the register of protected areas, the monitoring programme and the environmental objectives for each water body and programmes of measures.</p>	<p>provide additional detail for clarity, as in the 2003 Regulations.</p>