24 October 2019

Dear Rebecca


Thank you for your predecessor’s letter on the above Report, dated 11 June, which was considered by our Energy and Environment Sub-Committee at its meeting on 23 October.

**Report recommendations**

Thank you for the annex which provides detailed comments on each of the Commission’s recommendations. We understand that you generally agree with the recommendations that relate to improving your understanding of the pressures on water bodies, and that in other areas you are seeking clarification where you believe the Commission’s recommendations were unclear or contradictory. Please provide a further update when you have clarified these matters with the Commission.

**Monitoring**

We note your acknowledgement that technical improvements in monitoring the water environment is an ongoing process. We also note your statement that your risk-based approach to monitoring water quality is robust, and that the Commission’s comments resulted in part from the exclusion of some of the UK’s data.

Thank you for explaining that Wales and Northern Ireland also take a risk-based approach to monitoring the water environment, and that Scotland is moving towards a more risk-based approach.
Water Framework Directive Article 4

We note that you are awaiting clarity from the Commission regarding their recommendation on the need for greater justification and transparency in relation to Article 4(4) and 4(5) exemptions (allowing Member States to aim to achieve less stringent environmental objectives, if achieving ‘good’ status “would be infeasible or disproportionately expensive”), as you are confident that the approach taken was robust, compliant and transparent. Please update us on your view of the Commission’s position when possible.

Thank you for explaining that Wales and Northern Ireland made relatively minimal use of Article 4 exemptions, and that the Scottish Government can provide detailed documentation for their exemptions.

State of the Water Environment

We note your statement that it is not possible for the Environment Agency to forecast the percentage of water bodies that will achieve ‘good’ status by 2027 until 2021, when the 3rd cycle river basin management plans are in place, and that the same timeline applies to Wales and Northern Ireland. We also note that the Scottish Environmental Protection Agency has forecast that 89% of water bodies in Scotland will be at good or high status by 2027.

Water sustainability

Thank you for clarifying that the Environment Agency’s data supports the Commission’s conclusions that there are high levels of water stress in the Thames, Northumbria, Humber and Anglian river basin districts (RBDs), and that any improvements will not be known until 2021. We note your statement that you are taking steps to tackle those pressures, including water abstraction licensing reforms, water resources infrastructure measures in the relevant National Policy Statement and local catchment measures, and that National Resources Wales and the Environment Agency have worked jointly on abstraction measures in the cross-border Dee RBD.

Finally, please clarify whether this review function, currently being performed by the Commission, will be taken over by the Office for Environmental Protection after the UK leaves the EU.

We have decided to retain this Report under scrutiny and look forward to your response in due course.

I am copying this letter to Sir William Cash MP, the Chair of the European Scrutiny Committee, Jessica Mulley, Clerk of the European Scrutiny Committee; Alistair Dillon, Legal Adviser to the European Scrutiny Committee; Les Saunders, DExEU, and John Leach and Philippa Edmunds, Scrutiny Coordinators, DEFRA.
Lord Kinnoull
Chair of the European Union Committee