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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2009 No.**

**The Environmental Liability (Scotland) Regulations 2009**

**Co-operation between competent authorities**

**15.**—(1) Where, in the opinion of the competent authority, an instance of environmental damage or an imminent threat of such damage arises from an activity carried on in Scotland and affects or is likely to affect the territory of—

- (a) another Member State; or
- (b) another part of the United Kingdom,

the competent authority shall—

- (i) co operate with the relevant competent authority of that Member State or part of the United Kingdom;
- (ii) provide all such information as may be required by that competent authority in relation to damage or imminent threat of such damage;
- (iii) consider using its powers under regulation 10(5) or regulation 12(4) in the event that preventive or remedial measures are not taken by the operator; and
- (iv) notify the Scottish Ministers.

(2) Where a competent authority is aware of—

- (a) an occurrence, or imminent threat, of environmental damage in Scotland as a result of an activity specified in Schedule 1; or
- (b) an occurrence, or imminent threat, of environmental damage in Scotland as a result of any other activity where the occurrence or imminent threat has arisen as a result of the fault or negligence of the operator of the activity,

and the activity is carried on otherwise than in Scotland, the competent authority shall as soon as possible notify the Scottish Ministers.

(3) Where the Scottish Ministers receive a notification under paragraph (2) in relation to an activity carried on outside the United Kingdom, they may—

- (a) notify the Commission of the matter;
- (b) notify the relevant competent authority of the Member State in question of the matter; and
- (c) make recommendations as to the preventive measures or remedial measures required.

(4) Where, in the opinion of the competent authority, the damage specified in paragraph (2) is likely to affect the territory of one or more other parts of the United Kingdom, the competent authority shall as soon as possible notify the relevant competent authority of that part of the United Kingdom.

(5) The requirement imposed on the competent authority in paragraphs (1)(iv) and (2)(b) to notify the Scottish Ministers shall not apply where the competent authority is the Scottish Ministers.