

## SCHEDULE 4

### GRANT OF PERMITS

#### PART 2

#### DETERMINATION OF APPLICATIONS

- 26.**—(1) This paragraph applies where—
- (a) the Scottish Ministers are aware that the operation in Scotland of an installation carrying out an activity described in Annex I to the Industrial Emissions Directive is likely to have significant negative effects on the environment of another Member State, or
  - (b) another Member State whose environment is likely to be so affected requests information about the operation of the installation.
- (2) The Scottish Ministers must give the Secretary of State for onward transmission to the other Member State for the purposes of Article 26 of the Industrial Emissions Directive—
- (a) a copy of the application to operate the installation,
  - (b) a copy of the advertisement under paragraph 8, and
  - (c) if applicable, copies of the draft determination in respect of that application and of the advertisement under paragraph 22, at the same time as the application or draft determination is advertised under paragraphs 8 or 22, and
  - (d) any additional information which has become available after the application or draft determination was advertised, and which may be relevant to the determination of the application having regard for that purpose to Article 26.
- (3) The Scottish Ministers must comply with sub-paragraph (2)—
- (a) at the same time as the application, proposed variation or draft determination are advertised under paragraphs 8 or 22, or
  - (b) if this paragraph applies after the date of such advertisement, and the application or proposed variation has not been determined, as soon as possible thereafter.