
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 320

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000

PART IV

PUBLICITY AND PROCEDURES

Projects affecting other EEA States

12.—(1) Where—

- (a) an applicant submits to the Scottish Ministers an application for EIA development and it appears to the Scottish Ministers that the proposed EIA development is likely to have significant effects on the environment in another EEA State; or
- (b) another EEA State likely to be significantly affected by any proposed EIA development so requests,

the Scottish Ministers shall send to the EEA State in question as soon as possible and no later than the date on which the environmental statement in respect of that proposed EIA development is made available to the public in accordance with regulation 9 (except in a case where a request is made by an EEA State after that date)—

- (i) a description of the proposed EIA development, together with any available information on its possible significant effects on the environment in the other EEA State; and
- (ii) a notice explaining the nature of the decision as to whether or not to grant consent for the proposed EIA development and informing the EEA State in question that it may, within such reasonable period as may be specified in the notice, indicate that it wishes to participate in the procedure provided by these Regulations.

(2) Where an EEA State indicates that it wishes to participate in the procedure provided by these Regulations in relation to the proposed EIA development, the Scottish Ministers shall, save to the extent they have already done so, send to that EEA State—

- (a) a copy of the application for consent in respect of the proposed EIA development;
- (b) the environmental statement in respect of the proposed EIA development; and
- (c) to the extent that it is not included in the items referred to in sub-paragraph (a) or (b) and subject to regulation 15(2), any other available information which is relevant to the proposed EIA development.

(3) The Scottish Ministers shall also—

- (a) arrange for the information referred to in paragraph (1) and (2) to be made available, within a reasonable time, to the authorities referred to in Article 6(1) of Council Directive [85/337/EEC](#)(**1**) and the public concerned in the territory of the EEA State likely to be significantly affected; and

(1) O.J. No. L 175, 5.7.85, p.40, amended by Council Directive [97/11/EC](#) O.J. No. L 73, 14.3.97, p.5.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) ensure that those authorities and the public concerned are given an opportunity, before consent for the development is given, to forward to the Scottish Ministers, within a reasonable time, their opinion on the information supplied.
- (4) The Scottish Ministers shall enter into consultations with the EEA State concerned, for such reasonable period as may have been agreed with that EEA State, regarding, among other things, the possible significant effects of the proposed EIA development on the environment in that EEA State and the measures envisaged to reduce or eliminate such effects.
- (5) Where the Scottish Ministers notify an applicant for EIA development that the provisions of this regulation apply in respect of the development, the applicant shall not make available to the public in accordance with regulation 9 the items referred to in that regulation until the Scottish Ministers have notified the applicant that they have sent to the EEA State concerned the information referred to in paragraph (1)(i) and (ii).