
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 6

The Environmental Impact Assessment (Uncultivated Land and Semi-Natural Areas) (Scotland) Regulations 2002

Other EEA States

11.—(1) As soon as possible following receipt of the application for consent, the Scottish Ministers shall consider whether the relevant project is also likely to have significant effects on the environment of another EEA State and, if they are of the opinion that such effects are likely, or where an EEA State likely to be significantly affected so requests, the Scottish Ministers shall make arrangements for there to be sent to that EEA State—

- (a) details of the nature and location of the relevant project and any information they have on the impact it is likely to have on that EEA State; and
- (b) an indication as to whether they believe consent will be given and the nature of any such consent,

and shall make arrangements to ensure that the EEA State may indicate within a reasonable time whether it wishes to participate in the procedure set out in these Regulations.

(2) If the EEA State indicates that it does wish to participate in the procedure set out in these Regulations, the Scottish Ministers shall make arrangements to ensure that it is sent a copy of the application for consent (including the environmental statement) together with any additional environmental information and shall make arrangements to ensure that it is provided with relevant information regarding the said procedure.

(3) The Scottish Ministers shall also make arrangements—

- (a) for the particulars and information referred to in paragraphs (1) and (2) to be made available, within a reasonable time, to the authorities referred to in Article 6(1) of the EIA Directive and the public concerned in the territory of the EEA State likely to be significantly affected; and
- (b) to ensure that those authorities and the public concerned are given an opportunity, before consent for the project is granted, to forward to the Scottish Ministers, within a reasonable time, their opinion on the information supplied.

(4) In accordance with Article 7(4) of the EIA Directive, the Scottish Ministers shall—

- (a) ensure that consultations are entered into with the EEA State concerned regarding, amongst other things, the potential significant effects of the project on the environment of that State and the measures envisaged to reduce or eliminate such effects; and
- (b) make arrangements with a view to seeking to agree with the other EEA State a reasonable period of time for the duration of the consultation period (to include consideration of any opinions received pursuant to paragraph (3)(b) above).

(5) Where the Scottish Ministers receive from another EEA State information which has been made available in accordance with Article 7(1) and (2) of the EIA Directive (which relates to projects in one EEA State which are likely to have significant effects on the environment of another EEA State), they shall—

- (a) arrange for that information to be made available, within a reasonable time, to such of the consultation bodies and such members of the public as, in their opinion, would be likely to be concerned by the project; and
 - (b) ensure that the consultation bodies and members of the public provided with information in accordance with sub-paragraph (a) above are given an opportunity during the period agreed in accordance with paragraph (6)(b) below, to forward to the competent authority in the relevant EEA State, within a reasonable time, their opinion on the information provided.
- (6) In accordance with Article 7(4) of the EIA Directive, the Scottish Ministers shall–
- (a) ensure that consultations are entered into with an EEA State from which information has been received as mentioned in paragraph (5) above regarding, amongst other things, the potential significant effects of the proposed project on the environment in Scotland and the measures envisaged to reduce or eliminate such effects; and
 - (b) make arrangements with a view to seeking to agree with that EEA State a reasonable period, before consent for the project is granted, during which the consultation bodies and members of the public referred to in paragraph (5)(b) above may forward their opinion to the competent authority in that EEA State in accordance with that paragraph.