SCOTTISH STATUTORY INSTRUMENTS

2017 No. 115

The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017

PART 9

PROJECTS WITH SIGNIFICANT TRANSBOUNDARY EFFECTS

Projects in Scotland likely to have significant effects in an EEA State other than the United Kingdom

30.—(1) This regulation applies where—

(a) it comes to the attention of the Scottish Ministers that works proposed to be carried out in Scotland are the subject of an EIA application and are likely to have significant effects on the environment in an EEA State other than the United Kingdom; or

(b) an EEA State other than the United Kingdom likely to be significantly affected by such works makes a request to the Scottish Ministers under Article 7 of the Directive.

(2) Where this regulation applies, the Scottish Ministers must—

(a) send to the EEA State, as soon as possible and no later than their date of publication in The Edinburgh Gazette referred to in sub-paragraph (b), the particulars mentioned in paragraph (3) and, if they think fit, the information referred to in paragraph (4);

(b) publish the information referred to in sub-paragraph (a) in a notice placed in The Edinburgh Gazette indicating the address where further information is available; and

(c) give the EEA State a reasonable period of time in which to indicate whether it wishes to participate in the procedure for which these Regulations provide.

(3) The particulars referred to in paragraph (2)(a) are—

(a) a description of the works, together with any available information on their possible significant effect on the environment in another EEA State; and

(b) information on the nature of the decision which may be taken.

(4) Where an EEA State indicates in accordance with paragraph (2)(c), that it wishes to participate in the procedure for which these Regulations provide, the Scottish Ministers must, as soon as possible, send to that EEA State the following information:—

(a) a copy of the EIA application concerned;

(b) a copy of the EIA report in respect of the works to which that application relates; and

(c) relevant information regarding the procedure under these Regulations,

but only to the extent that such information has not been provided to the EEA State earlier in accordance with paragraph (2)(a).

(5) The Scottish Ministers, insofar as they are concerned, must also—

(a) arrange for the particulars and information referred to in paragraphs (3) and (4) and any additional information submitted by the applicant to be made available, within a reasonable

period of time, to the authorities referred to in Article 6(1) of the Directive and the public concerned in the territory of the EEA State likely to be significantly affected; and

(b) ensure that those authorities and the public concerned are given an opportunity, before a regulatory approval is given for the works, to forward to the Scottish Ministers, within a reasonable period of time, their opinion on the information supplied.

(6) The Scottish Ministers, in accordance with Article 7(4) of the Directive, must—

(a) enter into consultations with the EEA State concerned regarding, amongst other things, the potential significant effects of the works on the environment of that EEA State and the measures envisaged to reduce or eliminate such effects; and

(b) determine in agreement with the other EEA State a reasonable period of time for the duration of the consultation period.

(7) Where an EEA State has been consulted in accordance with paragraph (6), on the determination of the EIA application concerned, the Scottish Ministers must inform the EEA State of the decision and forward to it a statement of—

(a) the content of the decision and any conditions attached to it;

(b) the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public; and

(c) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the works.