
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations—

- implement [Directive 2014/52/EU\(1\)](#) of the European Parliament and of the Council of 16 April 2014 on the assessment of the effects of certain public and private projects on the environment (“the EIA Directive”) (as it applies offshore and to certain pipe-lines on land in Great Britain);
- implement an obligation under Article 6 of Council [Directive 92/43/EEC\(2\)](#) on the conservation of natural habitats and of wild flora and fauna (“the Habitats Directive”) as it applies offshore to oil and gas activities, carbon capture storage and gas storage, and unloading; and
- make minor corrections to the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015 ([S.I. 2015/385](#)).

The EIA Directive amends [Directive 2011/92/EU\(3\)](#) (which is a consolidation of Council [Directive 85/337/EEC\(4\)](#)) as amended by Council [Directive 97/11/EC\(5\)](#). The EIA Directive is implemented via amendments to—

- the Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) Regulations 1999 ([S.I. 1999/ 360](#)) (“the 1999 Offshore Regulations”) as it relates in respect of certain offshore oil and gas projects. Certain amendments to the 1999 Offshore Regulations (see amendments to regulations 3, 4, 5 and 6) incorporate modifications made by article 2 of the Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010 ([S.I. 2010/1513](#)) (“the 2010 Order”), therefore implementing the EIA Directive as it applies to the storage and unloading of combustible gases and the permanent storage of carbon dioxide;
- the Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999 ([S.I. 1999/1672](#)) (“the 1999 Pipe-line Regulations”) as it relates to pipe-line works by a public gas transporter; and
- the Pipe-line Works (Environmental Impact Assessment) Regulations 2000 ([S.I. 2000/1928](#)) (“the 2000 Regulations”) as it relates to oil, gas or chemical pipe-lines on land.

[Directive 2011/92/EU](#), as amended by the EIA Directive, applies to the European Economic Area (“EEA”) (see article 74 of and Annex XX to the Agreement on the EEA (Cm 2073) as adjusted by the Protocol signed at Brussels on 17th March 1993 (Cm 2183) so that EEA States are able to participate in the decision-making regarding projects likely to have significant trans-boundary effect. Regulations 5, 6, 11 and 12 of the 1999 Offshore Regulations and regulations 13 and 14 of the 1999 Pipe-lines Regulations are amended to this effect.

There is a universal amendment across all three sets of regulations so that references to four weeks or 28 days are changed to 30 days, in line with Article 6(7) of the EIA Directive.

(1) OJ L 124, 25.4.2014, p.1.

(2) OJ L 206 22.7.92 p.7.

(3) OJ L 26 28.1.2012, p 1.

(4) OJ L 175, 5.7.85, p.40.

(5) OJ L73, 3.3.97, p.5.

Status: This is the original version (as it was originally made).

Part 1 contains amendments to the 1999 Offshore Regulations to implement the requirements of the EIA Directive and to bring modifications set out in article 2 of the 2010 Order into the 1999 Offshore Regulations. Regulation 22 revokes article 2 of that Order.

Part 2 contains amendments to the 1999 Pipe-lines Regulations to implement the EIA Directive.

Part 3 contains amendments to the 2000 Regulations to implement the EIA Directive.

Regulations 23, 43 and 58 of these amending Regulations make transitional provisions for the 1999 Offshore Regulations, the 1999 Pipe-line Regulations and 2000 Regulations respectively.

Regulations 40 and 55 of these amending Regulations insert a new review requirement into the 1999 Pipe-line Regulations and 2000 Regulations.

Part 4 sets out miscellaneous amendments of other legislation:

- Regulation 59 amends the Offshore Petroleum Activities (Conservations of Habitats) Regulations 2001 (S.I. 2001/1754) to implement the requirement under the Habitats Directive (and under Directive 79/409 of April 2, 1979 on the conservation of wild birds⁽⁶⁾) to review certain consents, approvals and authorisations that were granted before the creation of a special area of conservation or special protection area.
- Regulation 60 makes a consequential amendment to the Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010 (S.I. 2010/1513) to include consents issued under Energy Act licences in this review requirement.
- Regulation 61 amends the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015 (S.I. 2015/385) in order to correct minor drafting errors.

An assessment of the effect that these Regulations will have on the costs of business and the voluntary sector is published alongside these Regulations, together with a Transposition Note setting out how the main elements of the EIA Directive are transposed in these Regulations, on www.legislation.gov.uk and is available from the Department for Business, Energy and Industrial Strategy at 1 Victoria Street, London, SW1H 0ET.

(6) OJ 1979 L103/1. This has been replaced by [Directive 2009/147/EC](#) of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20 26.1.2010 p.7.).