
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Directive [2004/35/EC](#) of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage.

They apply to damage to protected species, natural habitats, areas of special scientific interest, water and land (regulation 3).

They are enforced by the Department of the Environment (regulation 8).

They provide that, for certain economic activities, where there is an imminent risk of environmental damage, the operator must take steps to prevent it, and if it has occurred must prevent further damage. Where damage has occurred the enforcing authority must assess the damage and identify remedial measures. It must then serve a remediation notice on the operator specifying what remediation is required (Part 3).

They make provision for enforcement (Part 4).

Breach of specified provisions of the Regulations is an offence punishable—

- (a) on summary conviction, to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding three months; or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years.

A Regulatory Impact Assessment in relation to these Regulations has been placed in the library of the Northern Ireland Assembly. It is available on the DOE website.