

**Transposition Note for the implementation of Directive 2014/52/EU on the assessment of the effects of certain public and private projects on the environment by the Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017**

**Introduction:** The Environmental Impact Assessment Directive first came into force in 1985 as Council Directive 85/337/EEC (the “1985 Directive”) and was amended in 1997, 2003 and 2009. The 1985 Directive and its three amendments were codified by Directive 2011/92/EU (“the existing Directive”) in advance of the European Commission adopting a proposal in October 2012 to amend the existing Directive. Following negotiations in the European Parliament and Council, a compromise text was agreed. The Directive therefore entered into force on 15 May 2014 as Directive 2014/52/EU (the “2014 Directive”).

The Department for Business, Energy and Industrial Strategy (BEIS) must transpose the 2014 Directive by 16 May 2017 insofar as its requirements apply to the existing consenting regime for certain offshore hydrocarbon-related developments including pipe-lines (i.e. oil and gas extraction activities, carbon capture and storage operations and gas unloading and storage activities) and onshore pipe-line projects (except where specified legislative functions in respect to onshore pipe-line projects, or those under the Habitats Directive, in Scotland have been transferred to Scottish Ministers). BEIS proposes to effect transposition through the Offshore Petroleum Production and Pipe-lines (Environmental Impact Assessment and other Miscellaneous Provisions) (Amendment) Regulations 2017 (the “Transposing Regulations”).

Given that the environmental impact assessment (EIA) regimes are well established in the UK in respect to the offshore hydrocarbon and onshore pipe-line sectors, the Transposing Regulations maintain the existing approach to EIAs as it is well understood by project developers and others involved in the procedures. The existing Directive is currently integrated into the consenting regimes for offshore hydrocarbon-related developments and onshore pipe-line projects through the following existing EIA Regulations: **(i)** the Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) Regulations 1999 (S.I. 1999/360) (as amended)<sup>1</sup> as modified by Article 2 of the Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010 (S.I. 2010/1513) (as amended); **(ii)** the Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999 (as amended) (S.I. 1999/1672)<sup>2</sup>; and **(iii)** the Pipe-line Works (Environmental Impact Assessment) Regulations 2000 (as amended) (S.I. 2000/1928)<sup>3</sup>.

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<sup>1</sup> Key amending instruments are the Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) (Amendment) Regulations 2007 (S.I. 2007/933); the Pollution Prevention and Control (Fees) (Miscellaneous Amendments and Other Provisions) Regulations 2015 (S.I. 2015/1431); and the Energy (Transfer of Functions, Consequential Amendments and Revocation) Regulations 2016 (S.I. 2016/912).

<sup>2</sup> Key amending instruments are section 76(7) of the Utilities Act 2000 (c. 27); section 73(2) of the Countryside and Rights of Way Act 2000 (c.37), and the Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007 (S.I. 2007/ 1996).

<sup>3</sup> Key amending instruments are section 73(2) of the Countryside and Rights of Way Act 2000 and the Pipe-line Works (Environmental Impact Assessment) (Amendment) Regulations 2007 (S.I. 2007/1992).

The Transposing Regulations will transpose the obligations of the 2014 Directive by appropriately amending the existing EIA Regulations as described in the table below.

EIA Directive Articles	Changes to the existing EIA Regulations		
	The Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) Regulations 1999	The Pipe-line Works (Environmental Impact Assessment) Regulations 2000	The Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999
<b>Article 1 - Scope and definitions</b>			
Article 1(1) Subject Matter	None	None	None
Article 1(2) Definitions	New regulation 3A(1) which introduces the Environmental Impact Assessment process (this is not copied out but adapted to match existing regime)	New regulation 2A(1) which sets out the Environmental Impact Assessment process (this is not copied out but adapted)	New regulation 2A(1) which sets out the Environmental Impact Assessment process (this is not copied out but adapted)
Article 1(3) Exemptions: Defence and civil emergencies	New regulation 13(1)	New regulation 2C(1)(a)	New regulation 3A(1)(a)
<b>Article 2 - Requirement for project consents</b>			
Article 2(1) Development consent and environmental impact assessment (EIA) procedures	No change is needed given the context of the consents governed through these Regulations	No change is needed given the context of the consents governed through these Regulations	No change is needed given the context of the consents governed through these Regulations
Article 2(2) Integration of EIA into existing development consent procedures	See entry for Article 2(1)	See entry for Article 2(1)	See entry for Article 2(1)
Article 2(3) Coordinated procedures	Regulations 5(1A) & (10A)	Regulations 3(1A) & (7)	Regulations 3(5A) & (7)

<p>Article 2(4) Exemptions - Provisions for exempting, in exceptional circumstances, specific projects from the Directive's obligations where the application of those obligations would adversely affect the purpose of projects</p>	<p>New regulations 13(2) &amp; (4) - (6)</p>	<p>New regulations 2C(2) &amp; (4) - (6)</p>	<p>New regulations 3A(2) &amp; (4) - (6)</p>
<p>Article 2(5) Exemptions - Provision whereby projects adopted by specific acts of national legislation may be exempted from the Directive's public consultation requirements</p>	<p>No amendment needed as Article 2(5) has no relevance to projects consented under these Regulations</p>	<p>New regulation 2C(1)(b)</p>	<p>New regulation 3A(1)(b)</p>
<p><b>Article 3 - Criteria for Environmental Impact Assessments</b></p>			
<p>Article 3(1) The Assessment Process: Assessment Scope - Changes to the list of factors, the effects of which are to be assessed as part of the EIA process</p>	<p>New regulation 3A(2)</p>	<p>New regulation 2A(2)</p>	<p>New regulation 2A(2)</p>
<p>Article 3(2) The Assessment Process: Assessment Scope - Introduces a new requirement to consider the expected effects deriving from the vulnerability of a project to risks of major accidents and / or disasters that are relevant to the project</p>	<p>New regulation 3A(2) and amended Schedule 2 paragraph 9</p>	<p>New regulation 2A(2) and amended Schedule 1 paragraph 9</p>	<p>New regulation 2A(2) and amended Schedule 1 paragraph 9</p>
<p><b>Article 4 - Projects subject to assessments</b></p>			
<p>Article 4(1) Annex I projects to be subject to full EIA process (including preparation of an Environmental Statement)</p>	<p>No amendment needed</p>	<p>No amendment needed</p>	<p>No amendment needed</p>

<p>Article 4(2) Annex II projects to be subject to a determination as to whether or not an Environmental Statement needs to be prepared</p>	<p>No amendment needed</p>	<p>No amendment needed</p>	<p>No amendment needed</p>
<p>Article 4(3) Annex III criteria to be taken into account when making determinations in respect to Annex II projects</p>	<p>Most new requirements are already covered by regulation 6  Incorporation of a new Schedule 1 which implements the updated Annex III criteria  New regulation 6(1B) which implements the last part of Article 4(3) to allow the Secretary of State to direct that an Environmental Statement needs to be prepared for an Annex II project</p>	<p>Most new requirements are already covered by regulation 6  Incorporation of a new Schedule 2 which implements the updated Annex III criteria  New regulation 4(1A) which implements the last part of Article 4(3) to allow the Secretary of State to direct that an Environmental Statement needs to be prepared for an Annex II project</p>	<p>Most new requirements are already covered by regulations 3 and 6  Incorporation of a new Schedule 2 which implements the updated Annex III criteria  New regulation 6(1A) which implements the last part of Article 4(3) to allow the Secretary of State to direct that an Environmental Statement needs to be prepared for an Annex II project</p>
<p>Article 4(4) Annex II.A criteria to be taken into account for Annex II projects</p>	<p>Inclusion in regulation 3(1) of the new definition of “appropriate particulars”. Paragraphs (a) and (b) incorporate Annex II.A. Paragraph (b) transposes the requirement that the developer shall take into account the results of other relevant assessments of the effects on the environment carried out pursuant to Union legislation etc.  Paragraph (c) of the new definition of “appropriate particulars” transposes</p>	<p>Inclusion in regulation 2(1) of the new definition of “appropriate particulars”. Paragraphs (a) and (b) incorporate Annex II.A. Paragraph (b) transposes the requirement that the developer shall take into account the results of other relevant assessments of the effects on the environment carried out pursuant to Union legislation etc.</p>	<p>Inclusion in regulation 2(1) of the new definition of “appropriate particulars”. Paragraphs (a) and (b) incorporate Annex II.A. Paragraph (b) transposes the requirement that the developer shall take into account the results of other relevant assessments of the effects on the environment carried out pursuant to Union legislation etc.</p>

<p>Article 4(5) Determinations to be made on basis of information provided by the project developer. Determinations to be made publically available</p>	<p>the last paragraph of Article 4(4)</p>	<p>Paragraph (c) of the new definition of “appropriate particulars” transposes the last paragraph of Article 4(4)</p>	<p>Paragraph (c) of the new definition of “appropriate particulars” transposes the last paragraph of Article 4(4)</p>
<p>Article 4(6) Sets a maximum timeframe not exceeding 90 days (extendable in exceptional circumstances) for competent authorities to provide screening decisions to project developers</p>	<p>Amendment to regulation 6(3) to cover the first part of Article 4(5). The requirement to make the determination public etc. is covered by regulation 6(11) - which includes the requirement that the reasons given must reference the criteria in Schedule 1 (Annex III)</p> <p>The final part of paragraph (b) of Article 4(5) is covered by the addition to regulation 6(1A)</p>	<p>Amendment to regulation 4(2) to cover the first part of Article 4(5)</p> <p>New regulations 4(7) &amp; (8) which implement paragraphs (a) and (b) of Article 4(5) and publicity requirements of Article 4(3)</p>	<p>Amendment to regulation 6(2)(a) to cover the first part of Article 4(5)</p> <p>The requirement to make the determination public is already covered by regulation 8, likewise the reasons for the determination (note the reasons for the determination would be included in the “documents sent with it”). New regulation 6(7) implements paragraphs (a) and (b) of Article 4(5)</p> <p>Amendment to regulation 6(6)</p>
<p><b>Article 5 - Criteria for Environmental Impact Assessment Report</b> Article 5(1) Information to be included in an Environmental Statement</p>	<p>New regulations 6(10A) &amp; (10B)</p>	<p>New regulations 4(6A) &amp; (6B)</p>	<p>Note that the “request for an environmental determination” is defined in regulation 2 as containing the “appropriate particulars” i.e. the information set out in Annex II.A - hence this implements Article 4(6)</p>
<p><b>Article 5 - Criteria for Environmental Impact Assessment Report</b> Article 5(1) Information to be included in an Environmental Statement</p>	<p>New regulation 3B(1) and Schedule 2 (which implements Annex IV). Regulation 3B(3) implements part of Article 5(1) regarding opinions received under Article 5(2)</p>	<p>New regulation 2B(1) and Schedule 1 (which implements Annex IV)</p> <p>Regulation 2B(3) implements</p>	<p>New regulation 2A(1) and Schedule 1 (which reflects amended Annex IV)</p> <p>Regulation 2B(3) which</p>

<p>Article 5(2) Requirement for an Environmental Statement to be 'based on' a scoping opinion, where one is issued</p>	<p>(regulation 7) Regulation 3A(2) which implements the final part of Article 5(1)</p>	<p>part of Article 5(1) regarding opinions received under Article 5(2) (regulation 5)</p>	<p>implements part of Article 5(1) regarding opinions received under Article 5(2) (regulation 7)</p>
<p>Article 5(3) Requirements for Environmental Statements to be prepared by competent experts, for the competent authority to have access to sufficient expertise to examine Environmental Statements and for the competent authority to seek supplementary information</p>	<p>Amendment to regulation 7(1) regarding the scope and level of detail etc. and new regulation 7(2A)  Regarding the authorities to be consulted - this now includes authorities with local or regional competence (see Article 6(1) - implemented by amendment to regulation 7(2)(a)(ii))  BEIS has decided not to require the provision of an opinion irrespective of whether a developer requests it or not</p>	<p>Regulation 2A(2) implements the final part of Article 5(1) Amendments to regulations 5(1) &amp; (2)  BEIS has decided not to require the provision of an opinion irrespective of whether a developer requests it or not</p>	<p>Regulation 2B(2) implements the final part of Article 5(1) Amendments to regulations 7(1) &amp; (2)  BEIS has decided not to require the provision of an opinion irrespective of whether a developer requests it or not</p>
<p>Article 5(4) Requirement for regulatory authority to provide a project developer with any relevant information which the authority holds</p>	<p>(a) New regulation 3B(4)  (b) New regulations 5(4) and 11(6)  (c) Minor adjustment to regulation 10(2)</p>	<p>(a) New regulation 2B(4)  (b) New regulation 3(2)(b)(i)  (c) Amendment to regulation 8(1)</p>	<p>(a) New regulation 2B(4)  (b) Amendment to regulation 14(1)(b)(i)  (c) Amendment to regulation 11(1)</p>
<p>No change needed</p>	<p>No change needed</p>	<p>No change needed</p>	<p>No change needed</p>

<p><b>Article 6 - Seeking opinions from relevant authorities on information in project developers' consent applications</b></p>			
<p>Article 6(1) Requirement to ensure appropriate authorities are given an opportunity to express opinions on information provided by project developers in an application for consent</p>	<p>Amendments to regulations 5(5)(c)(i); 7(2)(a)(ii); 8(2)(b) &amp; (c) &amp; (3); 9(1), (2) &amp; (4); 10(2)(a); 12A(2)(a) and 17A(1)(n) to include local / regional authority in each reference to environmental authority</p>	<p>No change needed as the definition of "consultation bodies" covers planning authority and environmental bodies</p>	<p>No change needed as the definition of "consultation bodies" covers planning authority and environmental bodies</p>
<p>Article 6(2) Provisions for making information in relation to consent applications publicly available electronically</p>	<p>Amendments to regulations 5A(7) &amp; 5(10); 6(1C), 9(2A)(b); 10(2)(e); 11(9); 12(2)(c) and 13(5)</p>	<p>Amendments to regulations 7(4) &amp; (6); 8(5) &amp; (7); and 8A(4) &amp; (7) all of which standardise the requirement that information is to be made available on a public website</p>	<p>Amendments to regulations 10(4) &amp; (7); 11(5) &amp; (7); and 11A(4) &amp; (7) all of which standardise the requirement that information is to be made available on a public website</p>
<p>Article 6(3) Supplemental provisions for making information in relation to consent applications publicly available electronically</p>	<p>No change needed</p>	<p>No change needed</p>	<p>No change needed</p>
<p>Article 6(4) Requirement for the public concerned to be given early and effective opportunities to participate in decision-making procedures</p>	<p>No change needed</p>	<p>No change needed</p>	<p>No change needed.</p>
<p>Article 6(5) Requirements concerning the detailed arrangements for informing the public about relevant issues relating to consent applications</p>	<p>See response to Article 6(2)</p>	<p>See response to Article 6(2)</p>	<p>See response to Article 6(2)</p>
<p>Article 6(6) Requirements pertaining to reasonable timeframes for informing authorities and the public during different phases of the</p>	<p>No major amendment is needed as reasonable timeframes are already provided for within the extant Regulations. The only change is that</p>	<p>No significant amendment is needed as reasonable timeframes are already provided for within the</p>	<p>No major amendment is needed as reasonable timeframes are already provided for within the extant Regulations. The only</p>



EIA process	every reference to 4 weeks is now amended to 30 days for consistency with Article 6(7) - see amendments to regulation 9(2)	existing Regulations. The only change needed is a general amendment to the entire Regulations to change all references to four weeks / 28 days to 30 days for consistency with Article 6(7) (i.e. regulation 25 of the Transposing Regulations)	change needed is a general amendment to the entire Regulations to change all references to four weeks / 28 days to 30 days for consistency with Article 6(7) (i.e. regulation 25 of the Transposing Regulations)
Article 6(7) Requirement for timeframe of not less than 30 days for consulting the public on Environmental Statements	Existing provisions adjusted by the general change of 30 days for 28 days / four weeks - see response to Article 6(6)	Existing provisions adjusted by the general change of 30 days for 28 days / four weeks - see response to Article 6(6)	Existing provisions adjusted by the general change of 30 days for 28 days / four weeks - see response to Article 6(6)
<b>Article 7 - Projects likely to have significant effects on the environment in another Member State</b>			
Article 7(1) Requirements for consultation plus the provision of information where a Member State is aware that a project is likely to have significant effects on the environment in another Member State or where a Member State likely to be significantly affected so requests information	No amendment needed save for substitution of EEA State for Member State - this is due to the acceptance by the EEA of the Directive	No amendment needed	No amendment needed save for substitution of EEA State for Member State - this is due to the acceptance by the EEA of the Directive
Article 7(2) Supplemental requirements concerning the provision of information from one Member State to another Member State whose environment is likely to be significantly affected by a proposed project	No amendment needed	No amendment needed	No amendment needed



<p>Article 7(3) Requirements for ensuring that an affected Member State plus its authorities and public are provided with information within a reasonable timeframe and are given adequate opportunities to provide opinions on a proposed project which may significantly impact on their environment</p>	<p>No amendment needed</p>	<p>No amendment needed</p>	<p>No amendment needed</p>
<p>Article 7(4) Consultation requirements and associated timeframes between Member States</p>	<p>No amendment needed</p>	<p>No amendment needed</p>	<p>No amendment needed</p>
<p>Article 7(5) Detailed public consultation requirements for projects affecting other Member States</p>	<p>The arrangements already give the same timeframe for EEA State consultation and response. More specifically, the amendments to:</p> <p>(a) regulation 12(2) making reference to the public website on which the information appears; and</p> <p>(b) regulations 5(5)(d); 11(7)(d); and 12A(1)(b) regarding the public having at least 30 days to review information (Article 6(7) timeframe requirement)</p>	<p>Amendments to:</p> <p>(a) regulation 3(3)(c)(ii) which expressly requires that the public in other EEA States have at least 30 days to consider an Environmental Statement;</p> <p>(b) regulation 7(3)(c) (28 days changed to 30 days - via regulation 45 of the Transposing Regulations);</p> <p>(c) substituted regulations 7(4) &amp; 7(7) (notice to be posted on public website indicating the fact that the proposed works are likely to affect other EEA States); and</p>	<p>Amendments to:</p> <p>(a) regulation 14(2)(c)(ii) which expressly requires that the public in other EEA States have at least 30 days to consider an Environmental Statement;</p> <p>(b) regulation 10(3)(d) (four weeks changed to 30 days - via regulation 25 of the Transposing Regulations);</p> <p>(c) substituted regulations 10(4) &amp; 7(b) (notice to be posted on public website indicating the fact that the proposed works are likely to affect other EEA States) - due to the operation of regulation 13(5), the 30 day period for the public to respond</p>

			(d) regulation 10(2) regarding pointing the EEA State to the public website	will start at the point at which the EEA State has been sent the Environmental Statement; and (d) regulation 13(2) which points the EEA State to the public website
<b>Article 8 - Taking into account in the consenting procedures the results of consultations and information gathered</b>				
Article 8 Provisions for decisions to take into account the results of consultations and information gathered	Amended regulation 5(4) and new regulation 5A(1) and the amendment to regulation 11(6) and new regulation (8A)(a) which captures this	No amendment needed, but changes made to regulation 3 to implement Article 8a(1) which is relevant here	No amendment needed but changes made to regulation 14 to implement Article 8a(1) which is relevant here	
<b>Article 8a - Criteria for granting development consent</b>				
Article. 8a(1) Information to be given in decision notices and further provisions on decision-making	Regulations 5A(1) & (2) and 11(8A) & (8B) with consequential adjustments to the existing Regulations	Amendments to regulation 3(2) and the inclusion of new regulation 3(2A)	Amendments to regulation 14(1) and the inclusion of new regulation 14(1A)	
Article 8a(2) Decisions refusing development to state the main reasons for refusal	New regulations 5A(3) and 11(8C)	New regulation 3(2B)	New regulation 14(1B)	
Article 8a(3) Provisions where Member States make use of the integration procedures referred to in Article 2(2)	No implementation needed	No implementation needed	No implementation needed	
Article 8a(4) Requirements for monitoring of significant adverse effects	New regulations 5A(5) and 11(8B)	New regulation 3(2D)	New regulation 14(1D)	
Article 8a(5) Requirements for decisions to be made in a reasonable timeframe	New regulations 5A(6) and 11(8F)	New regulations 3(2C) & (2E)	New regulation 14(1E)	

Article 8a(6) Requirement that a competent authority's reasoned conclusion must be "up-to-date" when a decision is taken to grant consent	New regulations 5A(4) and 11(8D)	New regulation 3(2C)	New regulation 14(1C)
<b>Article 9 - Informing the public of consenting decisions</b>			
Article 9(1) Requirements for decisions and additional information about decisions (including results of consultations undertaken) to be notified to the public and consultation bodies	Minor adjustments to regulations 5A(7) & 5A(8); and 11(9) & (9A)	Amendments to regulations 3(4) & (5) and 3(5A)	Amendments to regulations 14(4),(5) & (6) and new regulation 14(5A)
Article 9(2) Requirements for competent authority or authorities to inform any Member State which has been consulted pursuant to Article 7 about consenting decisions	No amendment needed	No amendment needed	No amendment needed
<b>Article 9a - Avoiding conflicts of interest</b>			
Article 9a Requirement to avoid conflicts of interest	Amendments have been made through <i>The Energy (Transfer of Functions, Consequential Amendments and Revocation) Regulations 2016</i> to make it clear that the Oil and Gas Authority cannot grant a consent without the Secretary of State's approval	No implementation needed as there would never be a situation of conflict when BEIS performs the Directive	No implementation needed as there would never be a situation of conflict when BEIS performs duties under the Directive
<b>Article 10 - Confidentiality</b>			
Article 10 Requirements concerning the confidentiality of information	UK law in respect to confidentiality is already subject to the Environmental Information Regulations 2004 which implement Directive 2003/4/EC	UK law regarding confidentiality is already subject to the Environmental Information Regulations 2004 which implement Directive	UK law in relation to confidentiality is already subject to the Environmental Information Regulations 2004 which implement Directive 2003/4/EC

<p><b>Article 10a - Penalties</b></p> <p>Article 10a Provisions on appropriate penalties for infringements of national provisions adopted pursuant to the Directive</p>	<p>No changes needed to regulation 18 as it would cover additional aspects such as monitoring conditions</p>	<p>2003/4/EC</p>	<p>Minor adjustment to regulations 16, 17 and 18 to reflect that “imposing conditions” is now mentioned in regulation 14(1A) rather than regulation 14(1)</p>
		<p>No amendments needed to regulations 14(1) - (7) as they would cover additional aspects such as monitoring conditions</p> <p>“Condition” in regulation 14 refers to a condition referred to in regulation 12(1)(b) - which is a condition attached to the consent following the Secretary of State’s consideration of an Environmental Statement. That consent is deemed to be planning permission granted under the 1962 Act section 5, (which can be granted subject to conditions). A reference to section 15 of the Town and Country Planning Act 1947 refers to conditions granted by the Secretary of State in regards to planning permission</p> <p>BEIS takes the view that included in this list of planning conditions are – “those conditions attached to development that is subject to an EIA”. Therefore, monitoring conditions and</p>	

			other additional aspects are already covered by regulation 14	
<b>Article 11 - Rights of public / interested parties to challenge consenting decisions</b>				
Article 11(1) Requirements for the public to have access to review procedures before national courts of law or another independent and impartial body to challenge the legality of consent	No amendment needed	No amendment needed.	No amendment needed	No amendment needed
Article 11(2) Provisions for Member States to determine at what stage in the EIA process consent decisions may be challenged	No amendment needed	No amendment needed	No amendment needed	No amendment needed
Article 11(3) Requirement for Member States to determine what constitutes a sufficient interest and impairment of a right, with the objective of granting the public wide access to justice	No amendment needed	No amendment needed	No amendment needed	No amendment needed
Article 11(4) Provisions concerning the possibility for a preliminary review procedure before an administrative authority	No amendment needed	No amendment needed	No amendment needed	No amendment needed
Article 11(5) Requirement for Member States to ensure that practical information is made available to the public on access to administrative and judicial review procedures	No amendment needed	No amendment needed	No amendment needed	No amendment needed

<p><b>Article 12 - Exchanges of information</b></p> <p>Article. 12(1) Member States and the Commission to exchange information on the experience gained in applying the Directive</p>	<p>No amendment needed</p>	<p>No amendment needed</p>	<p>No amendment needed</p>
<p>Article. 12(2) Provision by Member States of 'six yearly' reports providing specified information to the Commission on the implementation of the EIA Directive</p>	<p>No amendment needed</p>	<p>No amendment needed</p>	<p>No amendment needed</p>
<p>Article 12(3) Requirement on the Commission to assess information provided and, if deemed necessary, to submit additional proposals to the European Parliament and to the Council, with a view to ensuring that the Directive is applied in a sufficiently coordinated manner</p>	<p>No amendment needed</p>	<p>No amendment needed</p>	<p>No amendment needed</p>
<p><b>Article 2 - Transposition deadline</b></p>			
<p>Article 2(1) Member States to bring into force the national laws necessary to transpose the Directive by 16 May 2017</p>	<p>Regulation 1 will set out commencement date  Explanatory note and transposition note will give details of transposition</p>	<p>Regulation 1 will set out commencement date  Explanatory note and transposition note will give details of transposition</p>	<p>Regulation 1 will set out commencement date  Explanatory note and transposition note will give details of transposition</p>
<p>Article 2(2) Member States to communicate to the Commission the texts of the provisions of national law which they adopt in the field covered by the Directive</p>	<p>BEIS will notify the European Commission in the usual manner</p>	<p>BEIS will notify the European Commission in the usual manner</p>	<p>BEIS will notify the European Commission in the usual manner</p>
<p><b>Article 3 - Transitional aspects</b></p>			
<p>Article 3(1) Projects for which the determination procedure was initiated before 16 May</p>	<p>Regulation 23 of the Transposing Regulations contains the necessary transitional provisions</p>	<p>Regulation 58 of the Transposing Regulations contains the necessary</p>	<p>Regulation 43 of the Transposing Regulations contains the necessary</p>

<p>2017 shall be subject to the obligations of Directive 2011/92/EU</p>	<p>See entry above</p>	<p>See entry above</p>	<p>transitional provisions</p>
<p>Article 3(2) Supplemental provisions relating to situations where consent applications will continue to subject to the obligations of Directive 2011/92/EU</p>	<p>See entry above</p>	<p>See entry above</p>	<p>See entry above</p>
<p><b>ANNEX I - Projects Referred to in Article 4(1)</b></p>			
<p>Annex I The relevant projects in Annex I for the purposes of transposition are:</p> <p>(i) The erection of any structure in relation to a relevant project / development which will involve the extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes per day in the case of petroleum and 500,000 cubic metres per day in the case of gas</p> <p>(ii) Pipelines with a diameter of more than 800 mm and a length of more than 40 km:</p> <ul style="list-style-type: none"> <li>• for the transport of gas, oil, chemicals; and</li> <li>• for the transport of carbon dioxide streams for the purposes of geological storage, including associated booster stations</li> </ul>	<p>No amendment needed</p>	<p>No amendment needed</p>	<p>No amendment needed</p>



<p>(iii) Storage sites pursuant to Directive 2009/31/EC on the geological storage of carbon dioxide</p> <p>(iv) Any change to or extension of projects listed in parts (i) to (iii) where such a change or extension in itself meets the specified thresholds</p>			
<p><b>ANNEX II - Projects Referred to in Article 4(2)</b></p> <p>Annex II</p> <p>The relevant Annex II projects (i.e. projects not meeting the Annex I criteria) for the purposes of transposition are:</p> <ul style="list-style-type: none"> <li>(i) Deep drillings</li> <li>(ii) Industrial installations for the extraction of petroleum and natural gas</li> <li>(iii) Industrial installations for carrying gas, steam and hot water</li> <li>(iv) Underground storage of combustible gases</li> <li>(v) Oil and gas pipeline installations and pipelines for the transport of carbon dioxide streams for the purposes of geological storage not covered in Annex I</li> <li>(vi) Any change or extension of projects</li> </ul>	No amendment needed	No amendment needed	No amendment needed

listed in parts (i) to (v) that are already authorised, executed or in the process of being executed, which may have significant adverse effects on the environment				
<b>ANNEX II.A - Information referred to in Article 4(4)</b>				
Annex II.A Information to be provided by the developer on the projects listed in Annex II	Amendments to the definition of “appropriate particulars” in regulation 2(1)	Amendments to the definition of “appropriate particulars” in regulation 2(1)	Amendments to the definition of “appropriate particulars” in regulation 3(1)	Amendments to the definition of “appropriate particulars” in regulation 2(1)
<b>ANNEX III - Selection Criteria referred to in Article 4(3)</b>				
Annex III Criteria to determine whether the projects listed in Annex II should be subject to an Environmental Impact Assessment	New Schedule 2	New Schedule 2	New Schedule 1	New Schedule 2
<b>ANNEX IV - Information referred to in Article 5(1)</b>				
Annex IV Information for the Environmental Impact Assessment Report (also referred to as the Environmental Statement)	New Schedule 1	New Schedule 1	New Schedule 2	New Schedule 1