

REGULATIONS

on Environmental Impact Assessment

CHAPTER I

Objectives, scope and definitions

Art. 1

Objectives

The objective of these Regulations is:

- a. to ensure that, before consent is granted for a project which may, due to its location, its concomitant activities, its nature or extent, have significant effects on the environment, an assessment of the environmental impact of the relevant project has been carried out,
- b. to minimise as far as possible the negative environmental impact of a project,
- c. to promote co-operation of stakeholders and concerned parties with regard to projects subject to the provisions of these Regulations,
- d. to make known to the public the environmental impact of projects subject to the provisions of these Regulations, and mitigating measures to deal with them, and to give the public the opportunity to comment and contribute information before the National Planning Agency's opinion on environmental impact assessment of a project is issued.

Art. 2

Scope

These Regulations apply to projects subject to the provisions of the Environmental Impact Assessment Act, on land, in Icelandic territorial waters, air space, and within Iceland's pollution zone.

Art. 3

Definitions

For the purpose of these Regulations, the following words and expressions shall have the meanings ascribed to them below:

a. *Developer*: The national government, a local authority, an institution or other legal entities or individuals intending to undertake a project covered by these Regulations.

b. *Project*: Any type of new construction or alteration to an existing construction and the concomitant activities, which are covered by these Regulations.

c. *Initial Environmental Impact Statement (IEIS)*: The developer's report on environmental impact assessment, advertised by the National Planning Agency.

d. *Development consent*: Development permit and building permit as provided in the Planning and Building Act, and other permits for the activities and developments under special legislation that applies to the relevant project.

e. *Licensor*: The competent authority which grants consent for the project and its concomitant activities, such as local government, boards of health, the Environment and Food Agency and the Minister for Industry.

f. *Scoping document*: A plan prepared by the developer based on the developer's proposal regarding which aspects of the project and the environment should be emphasised in the Initial Environmental Impact Statement, and on public presentation and consultation in the preparation of the Initial Environmental Impact Statement.

g. *Project subject to assessment*: A project that is subject to the provisions of these Regulations together with its concomitant activities.

h. *Environmental Impact Statement (EIS)*: A report by the developer on assessment of the environmental impact of the proposed project and concomitant activities, which accounts for comments and opinions submitted and expresses a response to them, together with proposals for mitigating measures where relevant.

The developer is responsible for the preparation of the EIS.

i. *Iceland's pollution zone*: Area of sea which includes inland waters including the shore up to the highest point of the tide at spring tide, territorial waters and economic zone, Iceland's continental shelf and uppermost rock strata, cp. legislation on territorial waters, economic zone and continental shelf.

j. *Mitigating measures*: Measures to avoid, reduce or offset negative environmental impacts.

k. *Environment*: A collective term for human beings, fauna, flora and other life forms,

soil, geological formations, water, air, climate and landscape, society, health, culture and cultural relics, employment and material assets.

l. *Environmental impact*: The impact of the project and concomitant activities on the environment, i.e. direct and indirect impact, positive and negative impact, permanent and temporary impact, reversible and irreversible impact, synergistic and cumulative impact. This does not include, however, macro-economic effects, nor the profitability of individual projects.

m. *Environmental organisations*: Organisations whose principal objective is the protection of the environment. Membership shall be open, and they shall publish annual reports on their activities and their accounts shall be audited.

n. *Consultation bodies*: Public agencies and authorities which have mandated responsibilities regarding projects subject to assessment or their environmental impact.

o. *Significant environmental impact*: Substantial, irreversible environmental impact or substantial damage to the environment, which cannot be avoided or offset through mitigating measures.

CHAPTER II

Administration, developer, etc.

Art. 4

Direction and implementation

The Minister for the Environment shall govern issues covered by these Regulations. The Minister for Foreign Affairs has jurisdiction in designated defence areas, in accordance with the Act on Responsibility for Affairs in Designated Defence Areas.

The National Planning Agency shall advise the Minister and carry out surveillance of the implementation of this Act and provide guidelines in accordance with it.

Art. 5

Role of the National Planning Agency

The role of the National Planning Agency under these Regulations is:

a. to implement these Regulations,

- b. to provide and issue guidelines on environmental impact assessment, including a list of the principal consultation bodies and their fields,
- c. to consult with developers on environmental impact assessment, see art. 8,
- d. to promote public access to information on environmental impact assessment of projects,
- e. to make public, and elicit comments on the scoping document proposal and Initial Environmental Impact Statement,
- f. to make a decision on the developer's scoping document proposal,
- g. to provide an opinion on environmental impact assessment of projects and their concomitant activities,
- h. to determine whether a project is subject to assessment under Annex 2 of these Regulations.

Art. 6

Role of the developer

The developer is responsible for the environmental impact assessment of a proposed project. The developer meets the costs of the National Planning Agency's work in its consideration of the relevant project, and of advertisements and presentation to the public.

The developer must notify the National Planning Agency of projects specified in Annex 2.

The developer must prepare a scoping document proposal and make it known to the consultation bodies and to the public, and must consult with the National Planning Agency in the preparation of the scoping document.

The developer shall prepare an Initial Environmental Impact Statement regarding the environmental impacts of the proposed project, in accord with the scoping document. The developer shall make the Initial Environmental Impact Statement public, in consultation with the National Planning Agency, after the Agency has advertised the statement.

The developer shall prepare a final Environmental Impact Statement on the basis of the Initial Environmental Impact Statement; and shall the final document include the comments and opinions received during the advertisement of the IEIS and the developer's response to them.

Art. 7

Role of consultation bodies

Consultation bodies deliver an opinion to the National Planning Agency on whether a project is subject to environmental impact assessment, on scoping document proposals, and on the Initial Environmental Impact Statement, with regard to those matters/issues which are within their purview, see arts. 11, 15 and 22.

Art. 8

Consultation and public presentation

The developer shall initiate consultation with the National Planning Agency at all stages on environmental impact assessment and discussion of it. Consultation shall commence as soon as possible, and there shall be consultation at least during the preparation of the scoping document proposal and the Initial Environmental Impact Statement.

The developer shall take the initiative in making the scoping document proposal and the Initial Environmental Impact Statement known to consultation bodies and to the public, with the aim of eliciting suggestions and comments.

CHAPTER III

Screening Process

Art. 9

Screening of projects etc.

Projects specified in Annex 1 shall always be subject to environmental impact assessment (EIA), see Chapter V-VIII of these Regulations.

Projects specified in Annex 2 to these regulations must be notified to the National

Planning Agency for determination of whether they are subject to environmental impact assessment, cp. Chapter IV. of these Regulations Changes or additions to projects specified in Annex 1 or 2 which have already been granted permits, or are in progress or completed, must be notified to the National Planning Agency under this paragraph.

In cases where more than one project subject to assessment is planned in the same area, or projects are contingent upon one another, the National Planning Agency may, after consultation with the developer and licensors, decide that their environmental impact shall be assessed jointly.

The National Planning Agency makes its finding public by an advertisement in a national daily newspaper within a week of the decision being reached.

CHAPTER IV

Projects which may be subject to environmental impact assessment

Art. 10

Notification of a project

The developer must notify the National Planning Agency in writing of a proposed project as defined in Annex 2 to these Regulations. The following documents regarding the project shall accompany the notification, as applicable:

- a. description of the proposed project, its extent and the principal factors of development and operation, see item 1, Annex 3 to these Regulations:
- b. a plan of the proposed project and its geographical position, showing the boundaries of the development area, existing structures in the area, and information on the proposed project,
- c. information on how the proposed project will conform with existing development plans,
- d. description of topography, landscape, vegetation and land use, and whether the proposed development area is in or near a protected area, see item 2, Annex 3 to these Regulations,
- e. description of which factors of the project and/or operation are most likely to impact the environment, see item 3, Annex 3 to these Regulations,
- f. information on existing opinions from consultation bodies, and from other parties

as applicable, which the developer may have elicited.

Any person may give notification of a project, or submit an enquiry on whether a project specified in Annex 2 to these Regulations is subject to assessment. In the case of a difference of opinion on whether a project falls within the definitions given in Annex 2, the licensor and developer must provide the National Planning Agency with the necessary information it requests.

Should a developer be of the opinion after taking into considerations the criteria in Annex 3, that a project, as specified in Annex 2, is subject to assessment and the National Planning Agency accepts the developer's case, the procedure provided in arts. 10 and 11 may be omitted. The developer's case shall state reasoned arguments in a notification under this article.

Art. 11

Decision on whether a project shall be subject to environmental impact assessment

The National Planning Agency determines that projects listed in Annex 2 to these Regulations shall be subject to environmental impact assessment when it is probable that they may entail significant environmental effects when one or more criteria in Annex 3 is taken into consideration.

The National Planning Agency shall, within four weeks of receipt of the data on the project from the developer, make a decision on whether the project shall be subject to environmental impact assessment. Prior to this it shall seek the opinion of the licensors and others as applicable, regarding whether, and on what premises, the project should be subject to environmental impact assessment, taking the criteria listed in Annex 3 to these Regulations into consideration.

The opinion shall state whether the data provides sufficient information on the project, the environment, conformity with development plans, environmental impact, mitigating measures and surveillance, as applicable. Information shall also be provided on the relevant permits which are within the ambit of the consultation bodies, if applicable.

The National Planning Agency shall allow the consultation parties at least ten working days to give an opinion on the project that is subject to assessment, and shall allow the developer at least three working days to examine the opinions submitted and to submit its comments.

Should a developer require more time to examine the opinions submitted, this shall be notified to the National Planning Agency, and shall the Agency's deadline for reaching its decision be extended accordingly.

Art. 12.

Promulgation of the decision on whether a project shall be subject to environmental impact assessment

The National Planning Agency shall inform the developer, the consultation parties and other stakeholders of its decision on whether a project is subject to assessment or not.

The National Planning Agency makes its finding public by advertising in a national daily newspaper, within a week of the decision The National Planning Agency's decision shall be accessible on the Agency's website.

CHAPTER V

Scoping document

Art. 13

Scoping document proposal

A developer shall, for projects subject to environmental impact assessment, submit a scoping document proposal to the National Planning Agency as soon as possible during the preparatory stage of the project, i.e. when the principal aspects of the project are sufficiently clearly defined that it is possible to provide an overview of the proposed project, its area of impact and the principal focuses of the assessment process.

The scoping document proposal shall include the following, as applicable, in accordance with the scale and nature of the project:

1. Information on the project and concomitant activities:
 - a. name of project, possible location, name of developer, and date,
 - b. description of project and concomitant activities, objective, demarcation and scale, and possible division into stages,
 - c. information on how the project is subject to assessment, with reference to relevant items in Annexes 1 and 2,
 - d. information on the permits upon which the project and its concomitant activities are contingent, and whether the intention is to work simultaneously on the Initial Environmental Impact Statement and on operating licences, for projects subject to operating licences, see art. 31.

2. Information on development area:
 - a. information on proposed development in the same area, if applicable,
 - b. description of topography of the development area: landscape, vegetation, fauna and land use, summary of protected areas and obligations/restrictions regarding land use, e.g. due to natural hazards,
 - c. plan of possible location of project and its area of impact,
 - d. existing development plans, and description of how the proposed project conforms with them, or information on status regarding development planning,
 - e. information on possible development options, including the null-option, i.e. to do nothing; description of scale and form of alternative options and their location.

3. Information on scope and focus of environmental impact assessment:
 - a. analysis of which aspects of the project and its concomitant activities are likely to have an environmental impact, and description of these, e.g. size and type of structures, production processes, quantity and form of pollutants, and noise level from the activities,
 - b. analysis of the environmental factors deemed most likely to be impacted, when all environmental impact of the project is taken into account, based

- upon existing information,
- c. description of intended methods of carrying out environmental impact assessment, e.g. gathering of data, research area, timing of tests, frequency of tests, processing of data, methods of assessment, and presentation of findings.
 4. Information on the views of consultation parties which have already expressed opinions on the project or scoping document.
 5. Schedule of public presentation, elicitation of opinions, and consultation, in preparation of the Initial Environmental Impact Statement.
 6. Schedules and cost estimates, such as schedule for preparation of the Initial Environmental Impact Statement and Environmental Impact Statement, deadlines for comments and opinions, official consideration by the National Planning Agency, schedule for duration of development work and operations. The developer may include a cost estimate for research and work on environmental impact assessment of a project.

Art. 14

Presentation and consultation in preparation of scoping document proposal

The developer seeks consultation as soon as possible. The developer must make the scoping document proposal known to the consultation bodies and the public. The developer shall make the proposed scoping document public by an advertisement which refers to the Internet, and give the public at least two weeks to submit comments on the proposal. The developer may also make the proposed scoping document public at a public information meeting, or an open house.

The developer must confer with the National Planning Agency in the preparation of the proposed scoping document.

Art. 15

The National Planning Agency's decision on scoping document proposal

Once the developer has submitted the scoping document proposal to the National Planning Agency, the Agency must seek the opinions of licensors and, as appropriate, other bodies. Such an opinion shall state whether the proposal gives a sufficiently clear depiction of the project, and whether adequate information is provided on how data gathering, data processing, environmental impact assessment and presentation of the assessment in the Initial Environmental Impact Statement are to be carried out. If these factors are not sufficiently well explained, the opinion shall state which factors required better explanation in the judgement of the above-mentioned bodies. Licensors shall in their opinions specify the permits upon which the project is contingent, which are within their ambit.

The scoping document proposal shall be accessible on the National Planning Agency's website. It shall be stated that anyone has a right to submit written comments on the scoping document before the stated deadline.

The National Planning Agency must make a decision on the scoping document proposal within four weeks of receipt of it.. The National Planning Agency shall allow the consultation bodies at least ten working days to give an opinion on the scoping document proposal, and shall allow the developer at least three working days to examine the opinions submitted and to submit its comments. Should a developer require more time to examine the opinions submitted, this shall be notified to the National Planning Agency, and the Agency's deadline for reaching its decision shall be extended accordingly.

The National Planning Agency can approve the scoping document proposal with or without comments. Should the Agency make any comments in its decision, shall those become be part of the scoping document.

If the National Planning Agency does not accept the scoping document proposal, the Agency shall state its arguments for its decision, explain what is deemed to be unsatisfactory, and provide guidance to the developer on further development of the scoping document proposal.

The National Planning Agency shall send its decision on the developer's proposal to the prospective licensors and other consultation bodies. The National Planning Agency's finding shall be accessible on the Agency's website.

Art. 16

The National Planning Agency's cost estimate

Once the scoping document has been approved, the National Planning Agency shall submit an itemised cost estimate for the Agency's evaluation of the environmental impact assessment, such as evaluation of the Initial Environmental Impact Statement, advertising, expert opinions, review and opinion. The cost estimate shall be based upon a scale of fees confirmed by the Minister. The National Planning Agency shall also submit information on costs which have arisen from the Agency's review the proposed scoping document. The National Planning Agency shall inform the developer as soon as possible of any change in the premises of the cost estimate.

CHAPTER VI

Initial Environmental Impact Statement

Art. 17

Draft of Initial Environmental Impact Statement

The developer may present the National Planning Agency with a draft of the Initial Environmental Impact Statement and request comments on it before submitting the Initial Environmental Impact Statement.

Art. 18

Content of Initial Environmental Impact Statement

The Initial Environmental Impact Statement shall be consistent with the scoping document, and it shall contain all the data which are necessary for analysis and assessment of the main impacts the project is likely to have on the environment.

The Initial Environmental Impact Statement shall state the following, as appropriate:

1. Information on the project and concomitant activities, especially:

- a. description of project, its design, demarcation and scale, division into stages if applicable, proposed location, and land requirement during development and operational period,
 - b. information on the purpose of the project, the developer, and information on estimated development costs, i.e. if not covered by trade secrecy,
 - c. information on the criteria by which the project is subject to assessment, with reference to the appropriate items of Annex 1 or 2,
 - d. description of principal production processes, and information on utilisation of natural resources, such as minerals, water, energy, other raw materials, and manpower requirements during development and operational period,
 - e. estimate regarding discharge (pollution of water, air and soil, noise, vibration, light, heat, radioactivity, etc.) and on type and quantity of waste,
 - f. information on development by other parties upon which the proposed project is contingent,
 - g. information on permits upon which the project and concomitant activities are contingent, together with information on status of preparation for operating licence, in the case of projects subject to operating licence,
 - h. summary of the options explained in the Initial Environmental Impact Statement, such as alternative options regarding the technical development of the project or operation, other options for location or the null-option, i.e. to do nothing,
 - i. information on estimated period of development and operation.
2. Information on the development area, such as:
 - a. plan of proposed location of the project, and also plans of other options for location,
 - b. plan of probable area of impact of the project,
 - c. description of development area and estimated area of impact of the proposed project, such as landscape, vegetation, habitation and land use; it shall be stated whether the area, in whole or in part, is protected, or whether obligations/restrictions apply regarding land use, e.g. due to natural hazards,
 - d. information on other proposed developments in the area, if available,
 - e. information on the status of development planning in and near the area of the project, whether the proposed project conforms with existing

development plans, and how the proposed project relates to international treaties and obligations.

3. Environmental Impact Assessment. This shall include:
 - a. description of which aspects of the project and its concomitant activities are deemed likely to have environmental impact, such as size and type of structure, production processes, quantity and type of pollutants and noise level from the activities,
 - b. description of environmental factors which are deemed potentially subject to impact of the proposed project and its concomitant activities,
 - c. description of methodology employed to predict environmental impact of the project,
 - d. finding of environmental impact assessment, i.e. assessment of probable environmental impact of the project and of concomitant activities on the environment and bio-diversity, due to its advent, utilisation of natural resources, discharge of pollutants, nuisance and/or waste,
 - e. comparison of the environmental impact of the options presented, and reasoned argument for the developer's choice, taking account of environmental impact,
 - f. description of proposed mitigating measures,
 - g. information on difficulties, technical limitations or lack of knowledge which the developer may have faced in environmental impact assessment,
 - h. proposal for surveillance schedule,
 - i. classification of environmental factors, criteria, environmental impact attributes, and concepts for assessing impact significance, based on guidelines from the National Planning Agency.
4. Information on presentation, eliciting of opinions and consultation by the developer during environmental impact assessment, and information on the views of the parties who have expressed opinions on the project, the scoping document or the Initial Environmental Impact Statement during the process of preparation.
5. Brief, clear summary of the Initial Environmental Impact Statement and its findings.

Art. 19.

Request for further data

Should there be special reasons for so doing, the National Planning Agency may require the developer to submit additional data than were required in the approved scoping document, in the preparation of the Initial Environmental Impact Statement and during the Agency's review, see art. 20, provided the Agency gives specific grounds for such a request.

CHAPTER VII

National Planning Agency's review and opinion of Environmental Impact Assessment

Art. 20

National Planning Agency's review of the Initial Environmental Impact Statement

Within two weeks of the National Planning Agency receiving the Initial Environmental Impact Statement, the Agency shall assess whether the report meets the criteria provided in art. 18, and is consistent with the approved scoping document as provided in art. 15. If applicable, the Agency shall consider the developer's arguments with regard to departures in the Initial Environmental Impact

The National Planning Agency may refuse to accept the Initial Environmental Impact Statement for review in those cases when it does not meet the above-mentioned criteria. In such cases the National Planning Agency shall provide guidance to the developer on further elaboration of the Initial Environmental Impact Statement.

Art. 21

Promulgation of Initial Environmental Impact Statement

Should the National Planning Agency consider the Initial Environmental Impact Statement to be consistent with the scoping document and with the provisions of art. 18, the Agency advertises the proposed project and the Initial Environmental Impact Statement by an advertisement in *Lögbirtingablaðið* (Legal Gazette), in a national daily newspaper and, as appropriate, through a mass medium which may be expected to reach those living in the vicinity of the project site.

The developer shall publicise the project and Initial Environmental Impact Statement

public, in consultation with the National Planning Agency, after the statement has been advertised. The National Planning Agency may waive this demand if it appears clear that the project and Initial Environmental Impact Statement have been given satisfactory publicity

The Initial Environmental Impact Statement shall be easily accessible at a location near the project site, and at the National Planning Agency for six weeks after it has been advertised as provided in para. 1. which shall also be the time limit for submitting written comments to the National Planning Agency. Anyone may submit comments on an Initial Environmental Impact Statement which has been made public.

Art. 22

Opinions and expert views

The National Planning Agency shall elicit the opinions of licensors and other bodies as appropriate. The consultation bodies shall consider whether the following factors which are within their ambit are adequately addressed in the Initial Environmental Impact Statement, as applicable:

- a. proposed project,
- b. environment,
- c. environmental impact,
- d. mitigating measures,
- e. surveillance,
- f. need for further investigation of specified factors.

The National Planning Agency shall allow the consultation bodies at least three weeks to deliver their opinion on the Initial Environmental Impact Statement.

Should a consultation body mention new factors, which have not been mentioned in the consultation body's discussion at prior stages, these must be especially explained, along with the reason why they were not mentioned before.

The National Planning Agency may seek expert views on specific aspects of the Initial Environmental Impact Statement and existing documents, having conferred

with the developer, as provided in art. 16. Should the Agency elicit expert views, the reasons for so doing shall be specified in the Agency's opinion.

Art. 23

Developer's Environmental Impact Statement

The National Planning Agency shall send to the developer opinions from consultation bodies and comments from the public, and expert views if applicable, which it has received regarding the Initial Environmental Impact Statement. When the developer has received the opinions and comments, the developer shall prepare the final Environmental Impact Statement and base it upon the Initial Environmental Impact Statement. In the Environmental Impact Statement, the developer shall discuss the comments and opinions given, state its response to them, and then submit the Environmental Impact Statement to the National Planning Agency for its review and opinion.

Art. 24

National Planning Agency's opinion on Environmental Impact Assessment

The National Planning Agency's review concludes with an Agency's opinion within four weeks of receiving the Environmental Impact Statement. The National Planning Agency shall deliver a reasoned opinion on whether the report meets the criteria of the Environmental Impact Assessment Act and these Regulations, and whether the environmental impacts are satisfactorily described. The National Planning Agency's opinion shall explain the main premises of the assessment, including the quality of the data on which the assessment is based, and the Agency's conclusions on the environmental impact assessment. The opinion shall also discuss the developer's response to the comments and opinions received when the Initial Environmental Impact Statement was made public.

Should the National Planning Agency be of the view that further conditions should be laid down for the project, or that other and more extensive mitigating measures are required than those for which provision is made in the Environmental Impact Statement, the Agency shall specify such conditions and mitigating measures, and the

reasons for them. The Agency shall specify the licensor which is to supervise compliance with the conditions stated.

Should the National Planning Agency be of the view that the developer's Environmental Impact Statement is inconsistent with the Initial Environmental Impact Statement in important aspects, it shall be advertised again as provided in art. 21.

Art. 25

Promulgation of National Planning Agency's opinion of environmental impact assessment

Once the National Planning Agency has given its opinion, it shall be made known to the Minister for the Environment, the developer, the licensors and other consultation bodies, and also those who made comments on the Initial Environmental Impact Statement during the period of public presentation. The public shall have ready access to the National Planning Agency's opinion and the Environmental Impact Statement, and within a week of the opinion being completed the Agency shall advertise in a national daily newspaper that the opinion and Environmental Impact Statement have been completed. The National Planning Agency's opinion shall be accessible on the Agency's website.

Art. 26

Revision of Environmental Impact Statement

If development does not commence within ten years of the opinion of the National Planning Agency on the environmental impact assessment being given, the relevant licensor shall request a decision from the National Planning Agency on whether the developer's Environmental Impact Statement must be revised, in whole or in part, before development consent is granted.

The National Planning Agency can decide that the developer's Environmental Impact Statement should be revised under para. 1, if the premises have changed materially since the opinion was given, for instance due to changes in the natural environment or land use in the area affected by the project, changes to environmental legislation, changes in international obligations, or due to technical advances with regard to the

project. Should it be concluded that the Environmental Impact Statement shall be revised in whole or in part, the matter shall be subject to arts. 13-25 of these Regulations as applicable.

A decision by the National Planning Agency on review of an Environmental Impact Statement shall be advertised in *Lögbirtingablaðið* (the Legal Gazette) and a national daily newspaper within two weeks of the decision being made. The advertisement shall specify the authority for appeals, and the deadline for appeals.

Art. 27

Appeal to the Minister

A decision by the National Planning Agency on whether a project listed in Annex 2 is subject to assessment, or a decision of the Agency that the environmental impact of more than one project subject to assessment shall be assessed jointly, or a decision of the Agency on revision of an Environmental Impact Statement, may be appealed to the Minister for the Environment. The deadline for appeals is one month from the announcement of the Agency's decision.

Only those who have legal standing relating to the above-mentioned decisions of the National Planning Agency may appeal to the Minister with the objective of having them overturned or amended. Environmental and interest organisations whose legal venue is in Iceland have the same right, provided that the membership numbers at least 30 people, and that it is consistent with the purpose of the organisation to safeguard the interests to which the appeal applies.

The developer may also appeal to the Minister a decision of the National Planning Agency on rejection of a scoping document proposal or amendments to it, see art. 15, or a decision of the Agency that an Initial Environmental Impact Statement does not meet the criteria stated in art. 18, or is not consistent with the scoping document under art. 15. A ruling in an appeal under this article shall be given within two months of the deadline for appeals.

The Minister's ruling is a final ruling at the administrative level.

Art. 28

Appeal to the Planning and Building Tribunal

A decision by a local authority to issue development and building permits under the Planning and Building Act for a project subject to assessment may be appealed to the Planning and Building Tribunal within a month of the decision of the local authority to issue a development permit.

Appeals under this article are otherwise subject to the terms of the Planning and Building Act.

CHAPTER VIII

Various provisions

Art. 29

Development consent

Development consent may not be granted for projects under Annex 1 or 2 of these regulations until the National Planning Agency's opinion on the environmental impact assessment has been given, or a determination has been made that a project is not subject to assessment.

When issuing development consent as provided in para. 1, the licensor shall examine the developer's Environmental Impact Statement on the project, and reach a reasoned conclusion on the opinion of the National Planning Agency on the assessment of its environmental impact. The licensor shall make public its decision on issuing consent and on its findings on the National Planning Agency's opinion on the environmental impact assessment, within two weeks of consent being issued. The decision shall state the authority for appeals and the deadline for appeals where applicable.

Local authority development permits for projects subject to environmental impact assessment are subject to the provisions of the Planning and Building Act.

Those who issue permits for projects subject to assessment shall send a copy of such a permit to the National Planning Agency once it has been issued.

Art. 30

Surveillance of projects

The licensor or others with a legal mandate for surveillance of projects shall carry out surveillance of the compliance with permits of a project subject to assessment; the surveillance shall be as provided in the relevant legislation.

Should the National Planning Agency become aware of a project as specified in Annex 1 or 2 of these regulations which has not been notified to the Agency, it shall send the licensor an enquiry about the project.

Art. 31.

Environmental impact assessment and operating licences

In the case of a project for an enterprise which is subject to an operating licence, see Regulations no. 789/1999 on operating licences for enterprises that may entail pollution, and which is also subject to assessment under these Regulations, the developer may, with the consent of the National Planning Agency prior to submission of the scoping document, prepare the scoping document in consultation with the licensor which issues operating licences, in such a way that the Initial Environmental Impact Statement and the operating licence are prepared simultaneously.

Art. 32

Different assessment

The Minister may, in exceptional instances and having received the opinion of the National Planning Agency and licensors, authorise environmental impact assessment of a project or part of a project, as specified in Annex 1 or 2, to be carried out in a manner different from that provided in these Regulations. The procedures in the case of such an assessment shall be equivalent to the procedures provided in these Regulations.

A developer who applies to the Minister for such a procedure shall in the application explain the reasons for applying for such a procedure, and demonstrate that that the procedure of such assessment is equivalent to that provided in these regulations.

Art. 33

Developer's documents

Documents submitted under these Regulations are covered by the general rules of proprietary and copyright law

Art. 34

Exemption from deadlines

In the case of large-scale projects, the National Planning Agency may, in consultation with the developer, depart from the deadlines applying to the Agency under these regulations.

Art. 35

Legal authority and entry into force

These regulations are issued on the basis of authority provided in art. 20 of the Environmental Impact Assessment Act no. 106/2000, with subsequent amendments, and taking account of European Council Directives nos. 97/11/EC and 85/337/EEC.

These regulations take effect immediately on publication, and at the same time Regulations no. 671/2000 are repealed.

Ministry for the Environment, 12 December 2005

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