

S.I. No. 168/2006 — European Communities (Environmental Impact Assessment) (Forestry Consent System) (Amendment) Regulations 2006

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European Communities (Environmental Impact Assessment) (Forestry Consent System) (Amendment) Regulations 2006

I, Mary Coughlan, Minister for Agriculture and Food in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving full effect to Council Directive No. 85/337/EEC of 27 June 1985¹, as amended by Council Directive No. 97/11/EC of 3 March 1997² and Directive No. 2003/35/EC of the European Parliament and of the Council of 26 May 2003³, in so far as these Directives relate to the forest consent system, hereby make the following regulations-

1. (1) These Regulations may be cited as the European Communities (Environmental Impact Assessment) (Forestry Consent System) (Amendment) Regulations 2006.
- (2) These Regulations and the European Communities (Environmental Impact Assessment) Regulations 1989 to 2001 shall be construed as one and may be collectively cited as the European Communities (Environmental Impact Assessment) Regulations, 1989 to 2006.
2. The European Communities (Environmental Impact Assessment) (Amendment) Regulations 2001 (S.I. No. 538 of 2001) are amended-
 - (a) by the insertion, after Regulation 7, of-

“7A A word or expression that is used in Council Directive No. 85/337/EEC of 27 June 1985 (as amended by Council Directive No. 97/11/EC of 3 March 1997 and Directive No. 2003/35/EC of the European Parliament and of the Council of 26 May 2003) (“the Council Directive”) that is also used in this Part has, in this Part, the same meaning as it has in the Council Directive.”
 - (b) by the substitution, for Regulation 17(2)(b) of- “(b) make available to the public concerned the information obtained under other forms of assessment referred to in sub-paragraph (a), the information relating to the exemption decision and the reasons for granting it.”
 - (c) by the insertion, after Regulation 23, of- “23A Where an application is accompanied by an EIS, the Minister shall comply with Articles 6(2) and

6(3) of the Council Directive.”

- (d) by the insertion, after Regulation 24(c), of- “(d) comply with Articles 6(2) and 6(3) of the Council Directive.”
- (e) by the insertion, after Regulation 26(c), of- “(d) comply with Articles 6(2) and 6(3) of the Council Directive.”,
- (f) by the insertion, after Regulation 27(3)(a)(ii), of- “(iii) comply with Articles 6(2) and 6(3) of the Council Directive.”,
- (g) in Regulation 29, by the insertion after “EIS”, of- “and any other related information as required by Article 6(3) of the Council Directive”
- (h) by the insertion, after Regulation 30(3), of-

“(4) Information furnished in accordance with paragraph (1) must conform with Article 7 of the Council Directive.”, and

- (i) by the substitution, for Regulation 32, of-

“32(1) In addition to the requirements of Regulation 13, a notice under that Article shall, in the case of an application to which this Chapter applies, conform with Article 9(1) of the Council Directive and be sent to-

- (a) a person who made a submission or observations in accordance with Regulations 24 or 26, and
- (b) a relevant transboundary state.

- (2) The Minister shall, after he or she makes a decision to which this Chapter applies or after being informed of a decision made by the competent authority of a transboundary state arrange to make the information referred to in Article 9(1) of the Council Directive available to members of the public in a manner and for a period that the Minister considers appropriate.”.

GIVEN under my Official Seal,

6th April 2006

Mary Coughlan

Minister for Agriculture and Food

Explanatory Note

(This note is not part of the instrument and does not purport to be a legal interpretation)

These Regulations give effect to Directive No. 2003/35/EC of the European Parliament and of the Council of 26 May 2003, in so far as the Directive relates to the forest consent system.

¹ O.J. No. L 175 of 5.7.1985, p.40.

² O.J. No. L 73 of 14.03.1997, p.5.

³ O.J. No. L 156 of 25.6.2003, p.17.

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