

. 123/2007 — European Communities (European Pollutant Release and Transfer Register) Regulations 2007

S.I. No. 123 of 2007

EUROPEAN COMMUNITIES (EUROPEAN POLLUTANT RELEASE AND TRANSFER REGISTER) REGULATIONS 2007

I, DICK ROCHE, Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving full effect to Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006¹, hereby make the following regulations:

Notice of the making of this Statutory Instrument was published in

“Iris Oifigiúil” of 27th March, 2007.

1. These Regulations may be cited as the European Communities (European Pollutant Release and Transfer Register) Regulations 2007.
2. These Regulations come into operation on 22 March 2007.
3. (1) In these Regulations “EC Regulation” means Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006¹ the text of which in the English language is set out for convenience of reference in the Schedule to these Regulations;

(2) A word or expression which is used in these Regulations and which is also used in the EC Regulation has, unless the context otherwise requires, the same meaning in these Regulations as it has in the EC Regulation.
4. For the purposes of these Regulations and the EC Regulation the Environmental Protection Agency is the competent authority in the State.
5. An operator shall, not later than 31 March in each year, furnish to the

Environmental Protection Agency information, of such nature and in such form as shall be specified by the Environmental Protection Agency, in relation to releases of pollutants and off-site transfers of pollutants and waste in respect of the preceding calendar year.

6. A person who fails to comply with Article 5, 6 or 9(1) of the EC Regulation or Regulation 5 is guilty of an offence.

7. A person guilty of an offence under these Regulations is liable on summary conviction to a fine not exceeding €3,000 or to imprisonment for a term not exceeding 6 months or, at the discretion of the court to both such fine and such imprisonment.

8. Where an offence is committed under these Regulations by a body corporate and is proved to have been so committed with the consent, connivance or approval of or to have been attributable to the wilful neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, is guilty of an offence and is liable to be proceeded against and punished as if he or she was guilty of the first-mentioned offence.

9. An offence under these Regulations may be prosecuted by the Environmental Protection Agency.

10. The reporting arrangements in Articles 7 and 16 of the EC Regulation shall be discharged by the Environmental Protection Agency.

Regulation 3.

SCHEDULE

omitted

GIVEN under my Official Seal,

22 March 2007

DICK ROCHE

Minister for the Environment, Heritage and Local Government.

EXPLANATORY NOTE

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

These Regulations are for the purpose of giving full effect to Regulation (EC) No

166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC. While this Regulation is directly applicable in Member States of the European Union, it is necessary to provide for certain administrative details, in particular those relating to enforcement.

The Environmental Protection Agency is designated as the competent authority for the purpose of these Regulations. The Regulations also create offences and provide for related penalties.

1 OJ No. L.33, 4.2.2006, p.1.