



STATUTORY INSTRUMENTS.

S.I. No. 341 of 2019



EUROPEAN UNION (AQUACULTURE APPEALS) (ENVIRONMENTAL
IMPACT ASSESSMENT) REGULATIONS 2019

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I, Michael Creed, Minister for Agriculture, Food and the Marine, 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 further effect to Articles 6(5) and 6(7) of Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011¹, as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014², hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Union (Aquaculture Appeals) (Environmental Impact Assessment) Regulations 2019.

Amendment of Fisheries (Amendment) Act 1997

2. The Fisheries (Amendment) Act 1997 (No. 23 of 1997) is amended -

(a) in section 40, by inserting the following subsections after subsection (8):

“(9) Subject to *subsection (10)*, the Board shall, as soon as practicable, publish on its website notices of appeal served on it under *subsection (1)*.

(10) *Subsection (9)* shall not apply as regards notices of appeal received by the Board later than the expiration of the period referred to in *subsection (1)*.”,

(b) in section 41(1), by substituting the following paragraphs for paragraphs (e) and (f) –

“(e) state in full the grounds of the appeal and the reasons, considerations and arguments on which they are based,

(f) where an environmental impact assessment is required under Regulation 3 of the Aquaculture Appeals (Environmental Impact Assessment) Regulations 2012 (S.I. No. 468 of 2012), include evidence of compliance with paragraph (3A) of the said Regulation 3,

and

¹ OJ L 26, 28.1.2012, p.1

² OJ L124, 25.4.2014, p.1

- (g) be accompanied by such fee, if any, as may be payable in respect of such an appeal in accordance with regulations under *section 63*,”
- (c) in section 44(2), by substituting “30 days” for “one month”,
- (d) in section 45, by substituting for subsection (2) the following:
 - “(2) (a) Without prejudice to *subsection (3)*, submissions or observations referred to in *subsection (1)* may be made within a period set by the Board (being not less than 30 days from the date on which the Board published the notice of appeal under *section 40(9)*).
 - (b) The Board shall not consider any submissions or observations received after the period set by it under *paragraph (a)*.”
- (e) in section 46(1)(a), by substituting “(being not less than 30 days beginning on the date of service of the notice)” for “(being not less than 14 or more than 28 days beginning on the date of service of the notice)”, and
- (f) in section 47(1)(a), by substituting “30” for “14”.



GIVEN under my Official Seal,
27 June, 2019.

MICHAEL CREED,
Minister for Agriculture, Food and the Marine.

EXPLANATORY NOTE

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

These Regulations give further effect to Articles 6(5) and 6(7) of Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011, as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 and amends the Fisheries (Amendment) Act, 1997 (No. 3 of 1997).

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