



STATUTORY INSTRUMENTS.

S.I. No. 385 of 2018



EUROPEAN UNION (APPROPRIATE ASSESSMENT) (MINERALS
DEVELOPMENT ACT 1940) REGULATIONS 2018

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I, DENIS NAUGHTEN, Minister for Communications, Climate Action and Environment, 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 Council Directive 92/43/EEC of 21 May 1992¹ as last amended by Council Directive 2013/17/EU of 13 May 2013² hereby make the following regulations:

1. These Regulations may be cited as the European Union (Appropriate Assessment) (Minerals Development Act 1940) Regulations 2018.

2. The Minerals Development Act 1940 is amended by the insertion of the following section after section 8A (inserted by the European Union (Environmental Impact Assessment) (Minerals Development Act 1940) (Amendment) Regulations 2018) of that Act:

“Appropriate assessment

8B. (1) In this section—

‘appropriate assessment’ means appropriate assessment referred to in Article 6(3) of the Habitats Directive;

‘Habitats Directive’ means Council Directive 92/43/EEC of 21 May 1992¹ as last amended by Council Directive 2013/17/EU of 13 May 2013²;

‘proposed activity’ has the same meaning as it has in section 8A;

‘Regulations of 2011’ means the European Communities (Birds and Habitats) Regulations 2011 (S.I. No. 477 of 2011);

‘screening for environmental impact assessment’ has the same meaning as it has in section 8A.

(2) Subject to this section, a word or expression that is used in this section and that is also used in the Habitats Directive has, unless the context otherwise requires, the same meaning in this section as it has in that Directive.

(3) Where the Minister is satisfied, on receipt of an application referred to in subsection (3) of section 8A that it is required under the Regulations of 2011, he or she shall carry out a screening for appropriate assessment of

¹OJ No L305 8.11.1997 p 42

²OJ No L158 10.6.2013 p 193

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 2nd October, 2018.

the proposed activity concerned in accordance with Part 5 of the Regulations of 2011.

(4) A screening for appropriate assessment referred to in subsection (3) shall be carried out—

- (a) where an application for a determination under subsection (4) of section 8A is made in relation to the proposed activity, at the same time as the consideration of that application by the Minister, and
- (b) where no application referred to in paragraph (a) is made and a screening for environmental impact assessment of the proposed activity is required under section 8A, at the same time as the screening for environmental impact assessment.”.



GIVEN under my Official Seal,
28 September 2018.

DENIS NAUGHTEN,
Minister for Communications, Climate Action and
Environment.

EXPLANATORY NOTE

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

These Regulations gives further effect to Directive 92/43/EEC as amended by Directive 2013/17/EU concerning the application of the screening provisions in respect of Appropriate Assessment in the context of applications for consent for deep drilling for mineral exploration purposes.

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