



STATUTORY INSTRUMENTS.

S.I. No. 124 of 2019



EUROPEAN UNION (ENVIRONMENTAL IMPACT ASSESSMENT)
(PETROLEUM EXPLORATION) (AMENDMENT) REGULATIONS 2019

S.I. No. 124 of 2019

European Union (Environmental Impact Assessment) (Petroleum Exploration)
(Amendment) Regulations 2019

I, Richard Bruton, 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 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 (Environmental Impact Assessment) (Petroleum Exploration) (Amendment) Regulations 2019.

*Amendment of European Union (Environmental Impact Assessment)
(Petroleum Exploration) Regulations 2013*

2. The European Union (Environmental Impact Assessment) (Petroleum Exploration) Regulations 2013 (S.I. No. 134 of 2013) are amended -

(a) in Regulation 2, by the insertion of the following definitions -

“ ‘Annex IIA’ means Annex IIA of the Directive, as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014³,

‘Annex III’ means Annex III of the Directive, as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014⁴, and

‘Unit’ means the Unit known as the Environment Advisory Unit of the Department.”,

(b) in Regulation 3 -

(i) by the insertion of the following paragraphs after paragraph (1):

“(1A) Where an application is made under paragraph (1) the applicant -

(a) shall, having taken account of available results, where relevant, of other assessments of the effects on the environment carried out

¹ OJ No. L 26, 28.1.2012, p.1

² OJ No. L 124, 25.4.2014, p.1

³ OJ No. L 124, 25.4.2014, p. 1

⁴ OJ No. L 124, 25.4.2014, p. 1

pursuant to European Union legislation (other than the Directive), provide the Minister with the information on the characteristics of the activity and its likely effect on the environment specified in Annex IIA, and

- (b) may also provide the Minister with a description of the features of the proposed activities and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

(1B) Where an application is made to the Minister under paragraph (1), the Unit shall make a determination, having taken account of the matters specified in paragraph (2A), as to whether the activities the subject of the application would, or would not, be likely to have significant effects on the environment by virtue, inter alia, of their nature, size and location.”.

- (ii) by the substitution of the following paragraph for paragraph (2) –

“(2) Where the Unit makes a determination that the activities would be likely to have significant effects on the environment, the Unit shall require the applicant to submit an environmental impact statement in respect of the activities the subject of the application.”.

- (iii) by the insertion of the following paragraphs after paragraph (2):

“(2A) The matters referred to in paragraph (1B) are:

- (a) the criteria specified in Annex III, and
- (b) where relevant, the results of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union

legislation (other than the Directive).

(2B) Where the Unit makes a determination that the proposed activities would be likely to have significant effects on the environment, the Unit shall specify, with reference to the relevant criteria listed in Annex III, the main reasons for that determination.

(2C) Where the Unit makes a determination that the proposed activities would not be likely to have significant effects on the environment, the Unit shall specify -

- (a) with reference to the relevant criteria listed in Annex III, the main reasons for that determination,
- (b) any features (proposed by the applicant) of the proposed activities which would avoid or prevent what would otherwise be significant adverse effects on the environment, and
- (c) any measures proposed by the applicant to avoid or prevent what would otherwise be significant adverse effects on the environment.

(2D) (a) The Unit shall make a determination under paragraph (1B) as soon as possible and within 90 days from the date on which the applicant has submitted all the information required under paragraph (1A).

- (b) The Unit may, in exceptional cases, including where the nature, complexity, location or size of the proposed activities justify it, extend the 90 day period referred to in subparagraph (a) in order to make its determination and in such cases it shall inform the applicant in writing of the reasons justifying the extension and of the date when its determination is expected.

- (2E) (a) The determination made by the Unit under paragraph (1B) and the reasons provided under paragraphs (2B) and (2C) shall be published -
- (i) on the website of the Department,
 - and
 - (ii) in a newspaper published and circulating in the State.
- (b) Where the determination and the reasons for it are being made available pursuant to subparagraph (a), information on the procedures available to members of the public to review the determination shall also be provided and shall identify where practical information on the mechanism for questioning the validity of the determination can be found.”, and
- (c) in Regulation 4 -
- (i) in paragraph (1), by the substitution of -
 - (I) “Unit” for “Minister”, and
 - (II) “it” for “him or her”,
 - (ii) in paragraph (2), by the substitution of -
 - (I) “Unit” for “Minister” in both places where it occurs,
 - (II) “it” for “he or she”, and
 - (III) “it” for “him or her”,
 - (iii) in paragraph (3), by the substitution of -
 - (I) “Unit” for “Minister”, and
 - (II) “it” for “he or she”,
 - (iv) in paragraph (5), by the substitution of “Unit” for “Minister” in both places where it occurs,
 - (v) in paragraph (6), by the substitution of -
 - (I) “its” for “his or her”, and
 - (II) “Unit” for “Minister”, and
 - (vi) in paragraph (7), by the substitution of -
 - (I) “its consideration” for “his or her consideration”,

- (II) “Unit” for “Minister”, and
- (III) “the Minister’s officers” for “his or her officers”.



GIVEN under the Official Seal of the Minister for
Communications, Climate Action and Environment

28 March, 2019.

RICHARD BRUTON,

Minister for Communications, Climate Action and
Environment.

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52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434)

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434)

€ 3.00

