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SCOTTISH STATUTORY INSTRUMENTS

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**1999 No. 43**

**The Environmental Impact Assessment  
(Forestry) (Scotland) Regulations 1999**

**Information for another EEA State**

**14.**—(1) Where it appears to the Commissioners that a project in relation to which they have received an application for consent would be likely to have significant effects on the environment of another EEA State, or where another EEA State likely to be significantly affected so requests, the Commissioners shall provide a copy of the environmental statement relating to the project to the Scottish Ministers.

(2) Where it appears to the Scottish Ministers that a project would be likely to have significant effects on the environment of another EEA State, or where another EEA State likely to be significantly affected so requests, they shall—

- (a) send to the EEA State as soon as possible, and no later than the date of its publication as required by sub-paragraph (b) of this paragraph, the information mentioned in paragraph (3) of this regulation and, if the Scottish Ministers think fit, the information mentioned in paragraph (4) of this regulation;
- (b) publish the information referred to in sub-paragraph (a) above in a notice placed in the Edinburgh Gazette with an indication of where further information is available;
- (c) give the EEA State a reasonable time in which to indicate whether it wishes to participate in the procedure for which these Regulations provide; and
- (d) inform the applicant for consent.

(3) The information referred to in paragraph (2)(a) of this regulation is—

- (a) a description of the project, together with any available information on its possible significant effects on the environment in another EEA State; and
- (b) information on the nature of the decision which may be taken.

(4) Where an EEA State indicates, in accordance with paragraph (2)(c), that it wishes to participate in the procedure for which these Regulations provide, the Scottish Ministers shall as soon as possible send to that EEA State the following information—

- (a) a copy of the application for consent;
- (b) a copy of the environmental statement; and
- (c) relevant information regarding the procedure under these Regulations, but only to the extent that such information has not been provided to the EEA State earlier in accordance with paragraph (2) of this regulation.

(5) The Scottish Ministers shall also—

- (a) arrange for the information referred to in paragraphs (3) and (4) of this regulation to be made available, within a reasonable time, to the authorities referred to in Article 6(1) of the Directive and the public concerned in the territory of the EEA State likely to be significantly affected; and

- (b) ensure that those authorities and the public concerned are given an opportunity, before the determination of the application for consent, to forward to them, within a reasonable time, their opinion on the information supplied.
- (6) The Scottish Ministers shall in accordance with Article 7(4) of the Directive–
  - (a) enter into consultations with the EEA State concerned regarding, inter alia, the potential significant effects of the project on the environment of that EEA State and the measures envisaged to reduce or eliminate such effects, and
  - (b) determine in agreement with the other EEA State a reasonable period of time for the duration of the consultation period.
- (7) Where an EEA State has been consulted in accordance with paragraph (6), on the determination of the application concerned the Scottish Ministers shall inform the EEA State of the decision and shall forward to it a statement of–
  - (a) the content of the decision and any conditions attached thereto;
  - (b) the main reasons and considerations on which the decision is based; and
  - (c) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the project.