

**DIRECTIVE: EUROPEAN COMMISSION DIRECTIVE 2003/35/EC of 26 May 2003,  
PROVIDING FOR PUBLIC PARTICIPATION IN RESPECT OF DRAWING UP  
CERTAIN PLANS AND PROGRAMMES RELATING TO THE ENVIRONMENT AND  
AMENDING WITH REGARD TO PUBLIC PARTICIPATION AND ACCESS TO  
JUSTICE COUNCIL DIRECTIVES 85/337/EEC AND 96/61/EC.**

**Introduction**

The Nuclear Reactors (Environmental Impact Assessment for Decommissioning) (Amendment) Regulations implement the (relevant) amendments made by Directive 2003/35/EEC to the Environmental Impact Assessment (EIA) Directive 85/337/EC, as amended by Council Directive 97/11/EC. These regulations amend the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999 (EIADR99).

The EIADR99 implement as respects Great Britain Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC, to the extent that the Directive relates to the dismantling or decommissioning of nuclear power stations and other nuclear reactors. The Regulations make the dismantling or decommissioning of specified nuclear power stations and nuclear reactors ("a project" as defined by regulation 2(1) of the EIADR99) subject to environmental impact assessment and impose procedural requirements in relation to the consideration of applications for consent to carry out a project.

These amendment regulations do what is necessary to implement the (relevant) changes made to the Environmental Impact Assessment (EIA) Directive 85/337/EC, as amended by Council Directive 97/11/EC, by Directive 2003/35/EEC, including making consequential changes to domestic legislation to ensure its coherence.

<b>Articles:</b>	<b>Objective:</b>	<b>Implementation:</b>	<b>Responsibility:</b>
Article 3.1 of 2003/35/EC	<p>To insert a definition of “any particular person” which includes non-government organisations. Obliges HSE to inform such persons, upon HSE receiving an environmental statment.</p> <p>To amend article 1.2 of 85/337/EEC by inserting a definition of “the public concerned” into that article.</p>	<p>Regulation 2(2) of the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) (Amendment) Regulations 2006 amends Regulation 2(1) of the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999.</p> <p>It inserts a definition of “any particular person” which includes non- government organisations. Obliges HSE to inform such persons, upon HSE receiving an environmental statment.</p> <p>Amends article 1.2 of 85/337/EEC to insert a definition of “the public concerned” into that article.</p>	Health and Safety Commission
Article 3.2 of 2003/35/EC	<p>Inserts criteria for disappication of the regulations to projects serving national defence purposes.</p> <p>Article 3.2 of 2003/35 replaces article 1.4 of 85/337 so that there is no longer a provision that projects serving national defence purposes are not covered by the Directive. Instead, member states may provide on a case-by-case basis not to apply the Directive to projects serving national defence purposes if they deem such application would have an adverse effect.</p>	<p>Regulation 2(3) of the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) (Amendment) Regulations 2006 amends Regulation 3(3) of the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999.</p>	Health and Safety Commission
Article 3.4 of 2003/35/EC	<p>Works together with admendment regulation 2(2) to oblige HSE to inform “any particular person”, upon HSE</p>	<p>Regulation 2(5) of the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) (Amendment) Regulations 2006 amends Regulation 8(2) of the</p>	Health and Safety Commission

	<p>receiving an environmental statement.</p> <p>Article 3.4 2003/35 amends article 6 85/337 to insert a new article 6.4 which requires the “public concerned” (as defined in the new article 1.2) to be given early opportunity to participate in the environmental decision making procedures set out in art 2.2 of 85/337.</p>	<p>Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999.</p>	
<p>Article 3.4 of 2003/35/EC</p>	<p>Adds obligation on licensee to include in notice to the public, the fact that the project is subject to environmental assessment procedure.</p> <p>Implements article 3.4 2003/35 which replaces article 6.2 85/337 with a requirement to inform the public of the fact that the project is subject to environmental assessment procedure.</p>	<p>Regulation 2(6) of the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) (Amendment) Regulations 2006 amends Regulation 9(1) of the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999.</p>	<p>Health and Safety Commission</p>
<p>Article 3.6 of 2003/35/EC</p>	<p>Inserts obligation on HSE to include in the statement of decision, information about the public participation process.</p> <p>Implements article 3.6 2003/35 which replaces article 9.1 of directive 85/337/EC with a requirement for the competent authority to include in the information it makes available under that article, information</p>	<p>Regulation 2(7) of the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) (Amendment) Regulations 2006 amends Regulation 11(c)(ii) of the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999.</p>	<p>Health and Safety Commission</p>

	about the public participation process.		
Article 3.7 of 2003/35/EC	<p>Inserts obligation on HSE to include in the statement of decision, information about challenge and the procedures for doing so.</p> <p>Implements article 3.7 of directive 2003/35, which inserts article 10(a) into directive 85/337/EC. There is an obligation in article 10(a) on member states to ensure that practical information is made available to the public on access to administrative and Judicial Review procedures.</p>	Regulation 2(7) of the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) (Amendment) Regulations 2006 amends Regulation 11(c)(iv) of the Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999.	Health and Safety Commission