

## SCHEDULES

### SCHEDULE 7

#### VARIATION OF CONDITIONS

##### PART 1

#### APPLICATIONS FOR VARIATION OF CONDITIONS

- 10.—(1) An advertisement required by paragraph 9 shall—
- (a) explain where, how and at what times any register which contains—
    - (i) any additional information which is relevant to the determination of the application which has become available after the application is advertised pursuant to paragraph 6(1);
    - (ii) a copy of the draft determination;
    - (iii) information on any guidance issued by the Department to the enforcing authority relevant to the application; and
    - (iv) information on the arrangements for public participation and the reasons and considerations on which the draft determination is based,may be inspected and that it may inspected free of charge;
  - (b) explain that any person may make representations in writing to the enforcing authority within the period of 20 working days beginning with the date of the advertisement and give the enforcing authority's address for receiving representations;
  - (c) explain that where—
    - (i) no representations are made to the enforcing authority within the period referred to in head (b) and, where applicable, within the period specified under paragraph 20 for the Department to forward representations to the enforcing authority, the enforcing authority shall—
      - (aa) give notice of its determination; and
      - (bb) include in the register a copy of the final determination, together with a statement confirming that no representations have been received by the enforcing authority on the draft determination,within the period of 5 working days beginning on the day on which the period referred to in head (b) ends or, where applicable, the day on which the period specified under paragraph 20 for the Department to forward representations to the enforcing authority ends; or
    - (ii) representations are made within the period referred to in head (b) and, where applicable, within the period specified under paragraph 20 for the Department to forward representations to the enforcing authority, the enforcing authority shall—
      - (aa) give notice of its determination;

**Status:** This is the original version (as it was originally made).

- (bb) include in the register a copy of the variation, together with information on the reasons and considerations on which the variation is based, including information on the public participation process; and
- (cc) advertise the notice on its web-site and, if it considers it appropriate, by any other means,

within the period of 15 working days beginning with the day on which the period referred to in head (b) ends or, where applicable, the day on which the period specified under paragraph 20 for the Department to forward representations to the enforcing authority ends or within such longer period as may be agreed with the applicant.

(2) Where the draft determination has been forwarded to the Department pursuant to paragraph 9(2)—

- (a) the enforcing authority shall forward to the Department a copy of the final determination and the information specified in sub-paragraph (1)(c)(i)(bb) or (1)(c)(ii)(bb) as the case may be, by the date by which it is required to give notice of its determination under sub-paragraph (1)(c)(i) or (1)(c)(ii); and
- (b) the Department shall forward to the Member State to which the draft determination has been forwarded under paragraph 17, copies of the documents specified in the previous head as soon as possible after the date of receipt.