
STATUTORY INSTRUMENTS

2019 No. 279

**The Environmental Impact Assessment (Amendment)
(Northern Ireland) (EU Exit) (No. 2) Regulations 2019**

**Amendments to the Water Resources (Environmental Impact Assessment) Regulations
(Northern Ireland) 2017**

5.—(1) The Water Resources (Environmental Impact Assessment) Regulations (Northern Ireland) 2017⁽¹⁾ are amended as follows.

(2) In regulation 2(1), in the appropriate place insert—

““the Habitats Directive” means Council [Directive 92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora, as last amended Council [Directive 2013/17/EU](#);

“the Habitats Regulations” means the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995;

“Natura 2000” has the meaning given in regulation 2(2) of the Habitats Regulations;

“Union legislation” means any enactment in the domestic legislation of Northern Ireland giving effect to retained EU law.”.

(3) In regulation 4(1)(b), for the words after “particular attention to” to the end substitute—

“—

(i) species of naturally occurring birds in the wild state as specified in [Directive 2009/147/EC](#) on the conservation of wild birds;

(ii) natural habitat types in Annex 1 to the Habitats Directive;

(iii) animal and plant species in Annex 2 or 4 to the Habitats Directive.”.

(4) In regulation 5(1)(b), for “the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995” substitute “the Habitats Regulations”.

(5) In regulation 6—

(a) in paragraph (3), for “an EU obligation” substitute “retained EU law”;

(b) in paragraph (5)(a)(ii), for “any EU obligation” substitute “retained EU law”.

(6) In regulation 11—

(a) in the heading and in paragraphs (1)(a) and (b) and (2), for “another”, in each place it occurs, substitute “an”;

(b) in paragraph (4), for “referred to in Article 6.1 of the Directive” substitute “which the EEA State designated to be consulted about the project”;

(c) in paragraph (5) omit “in accordance with Article 7.4 of the Directive”.

(7) In regulation 12—

(a) in the heading, for “another” substitute “an”;

- (b) in paragraph (1)—
 - (i) in paragraph (1)—
 - (aa) for “another” substitute “an”;
 - (bb) omit “pursuant to Article 7.2 of the Directive”;
 - (cc) omit “, in accordance with Article 7.4 of the Directive”;
 - (ii) in sub-paragraph (b), for the words from “to the competent” to the end substitute “representations to the competent authority in that EEA State which the State designated as responsible for performing the duties arising from the Directive”;
 - (c) in paragraph (2)(c) omit “in order to comply with Article 9.2 of the Directive”.
- (8) In Schedule 2—
- (a) in paragraph 2(c)(v) omit the words from “designated” to the end;
 - (b) in paragraph 2(c)(vi), after “Union legislation” insert “prior to exit day or retained EU law”.
- (9) In Schedule 3—
- (a) in paragraph 5(2), for “at Union or Member State level” substitute “in retained EU law or under other national legislation”;
 - (b) in paragraph 8, for the second sentence substitute—

“Relevant information available and obtained through risk assessments pursuant to retained EU law or UK environmental assessments may be used for this purpose provided that the requirements of any law that implemented the Directive are met.”.