Part II

Commissioner for Environmental Information

Executive Summary

Sixty-four appeals were made to OCEI in 2019, which is more than in any other year of its existence. We closed 54 cases (the same number which we closed in 2018), 37 by formal decision. While 12.5% of the decisions I made in 2018 were appealed to the courts, this increased to 19% of the decisions made in 2019. This is the highest level of court appeals in the history of this Office. This, together with the increased number of appeals received by OCEI and the complexity of the legal issues which those appeals often raised, made 2019 a particularly challenging year for OCEI.

Introduction

Under article 12(2) of the European Communities (Access to Information on the Environment) Regulations 2007 to 2018, as holder of the Office of Information Commissioner, I also hold the Office of Commissioner for Environmental Information (OCEI). For this reason, it is my practice to include a report on OCEI in my Annual Report as Information Commissioner.

Unlike FOI law, which is purely national law, Access to Information on the Environment (AIE) law is European and international. This has important implications for how it is interpreted and it means that the work is often difficult.

The AIE scheme is somewhat similar to the FOI regime but it operates in Ireland as a separate system of access. It provides rights of access to environmental information held by 'public authorities'. 'Public authorities' for AIE purposes are not the same as 'public bodies' for FOI purposes. Where a public authority for AIE purposes is also a public body for FOI purposes, an applicant may request environmental information by means of either an FOI request or an AIE request (or, indeed, both, although that could place an unreasonable burden on a public body/ authority).

I remain of the view that greater alignment of the two access regimes (as is the case in some other jurisdictions) would provide easier access to information for those using AIE and simplify the processing of requests by public bodies and reviews by my Office. It would also allow public bodies to process requests using whichever of the two regimes that would provide the most favourable outcome for the applicant.

For more information on the operation of the AIE regime in Ireland, please visit my website at **www.ocei.ie**. It displays all of my Office's decisions, and it includes links to previous Annual Reports and to the relevant legislation.

Chapter 1 - The Year in Review

My role as Commissioner for Environmental Information is to review the decisions of public authorities on AIE requests. Following such reviews last year, I closed 37 cases by formal decision. That number was slightly down on the 40 review decisions I made in 2018 - a year which saw more review decisions than in any other year since the establishment of the Office. However, the number of cases that I close by formal decision in any given year is, on its own, a poor indicator of the achievements of my Office. Our workload in 2019 comprised work on: 36 "on hand" appeal cases carried over from 2018; 64 new appeal cases received in 2019; six court appeal cases carried over from 2018; seven new court appeal cases initiated in 2019; 17 AIE-related enquiries; and two Freedom of Information requests. During the year we also moved to new offices and worked through considerable changes in our information communication technology systems affecting the Office as a whole.

The stand out feature of 2019 for OCEI was the significant increase in the number of my decisions that were appealed to the courts. We first saw a sharp rise in such appeals in 2018, when 12.5% of my decisions were appealed. In 2019 we experienced yet another increase when the rate of new court appeals increased to 19%. This was against a backdrop of the highest number of AIE appeals received in one year by this Office since its establishment (64). Work related to court appeals, together with the complexity of some of the legal issues which arose in the course of the increased AIE appeal case workload, made 2019 a particularly challenging year for OCEI. I also continue to be concerned about the financial resources necessary to respond to the appeals in the Superior Courts.

While we closed 54 cases in 2018 (40 by formal decision), in my Report for that year I said that "the high percentage of [court] appeals is likely to have a negative effect on the ability of my Office to close cases in the coming year". Accordingly, I set our 2019 case-closure target at 50 cases. I am pleased to report that, despite the challenges which we faced in 2019, we once again managed to close 54 cases.

I referred in last year's report to the particular issues of interpreting the definitions of "environmental information" and "public authorities" in the AIE legislative context.

Those issues continued to be challenging in 2019 for my Office (and, no doubt, for others who make AIE requests or decisions). The task of determining whether information is or is not environmental information, in particular, often has the effect of slowing down case work, especially when records are large, numerous or both. I welcome the clarity that court judgments, both domestically and in Europe, can bring, both to questions of interpretation and to the approach that I should take when conducting reviews.

Each year the Department of Communications, Climate Action and Environment compiles a report on the number of AIE requests made to Irish public authorities during the preceding year. While statistical returns for 2019 are currently incomplete, the Department has noted that there was a significant increase in the number of AIE requests received by local authorities in 2019. The data suggests that the number of AIE requests made to local authorities in 2019 was about twice the number made in 2018. At the time of writing, the data on requests received by Departments is too incomplete to allow any trend to be identified.

I regret to report that more AIE requests were met with "deemed refusals" on account of not being answered in time by public authorities in 2019 than in 2018. This is disappointing, as 2018 saw a marked decrease in deemed refusals and I had hoped that trend would continue. This is an issue to which public authorities need to pay special attention. Some already have and I thank them for that. Some need to do much more. When reviewing AIE decisions, I sometimes reach conclusions that differ from those of the public authority involved. That is to be expected. However, every AIE decision should be clear, reasoned and delivered in time. In practice, it often takes considerable time for my Office, during the investigation stage of processing appeal cases, to obtain a clear picture of the public authority's position. Clear decisions are likely to lead to fewer appeals to my Office and to those appeals which are made being processed more quickly.

Some appeal cases may be closed in days or weeks, such as where the appeal is found to be invalid. At the other end of the scale, some cases are especially prolonged and complex and can run over a year, such as cases in which multiple third parties have to be consulted, new material issues arise, legal advice is required, or where a decision of the courts which would clarify a relevant legal issue is anticipated.

The average number of days for an appeal to be closed in 2019 was 249 days. Although this is down on the figure of 279 days in 2018, it indicates that in 2019 appellants waited, on average, about 8 months for a decision from my Office. I am not satisfied with that level of service and am determined to do everything I can to improve it.

In relation to trying to reduce the demand for my Office's service, in 2019 my investigators participated in two AIE training events designed for public authority staff and organised by DCCAE. By doing so, I hope to reduce the number of appeals to my Office by helping public authorities to improve the quality and timeliness of their decisions on AIE requests: I believe that applicants are less likely to appeal against decisions which issue on time and are adequately reasoned.

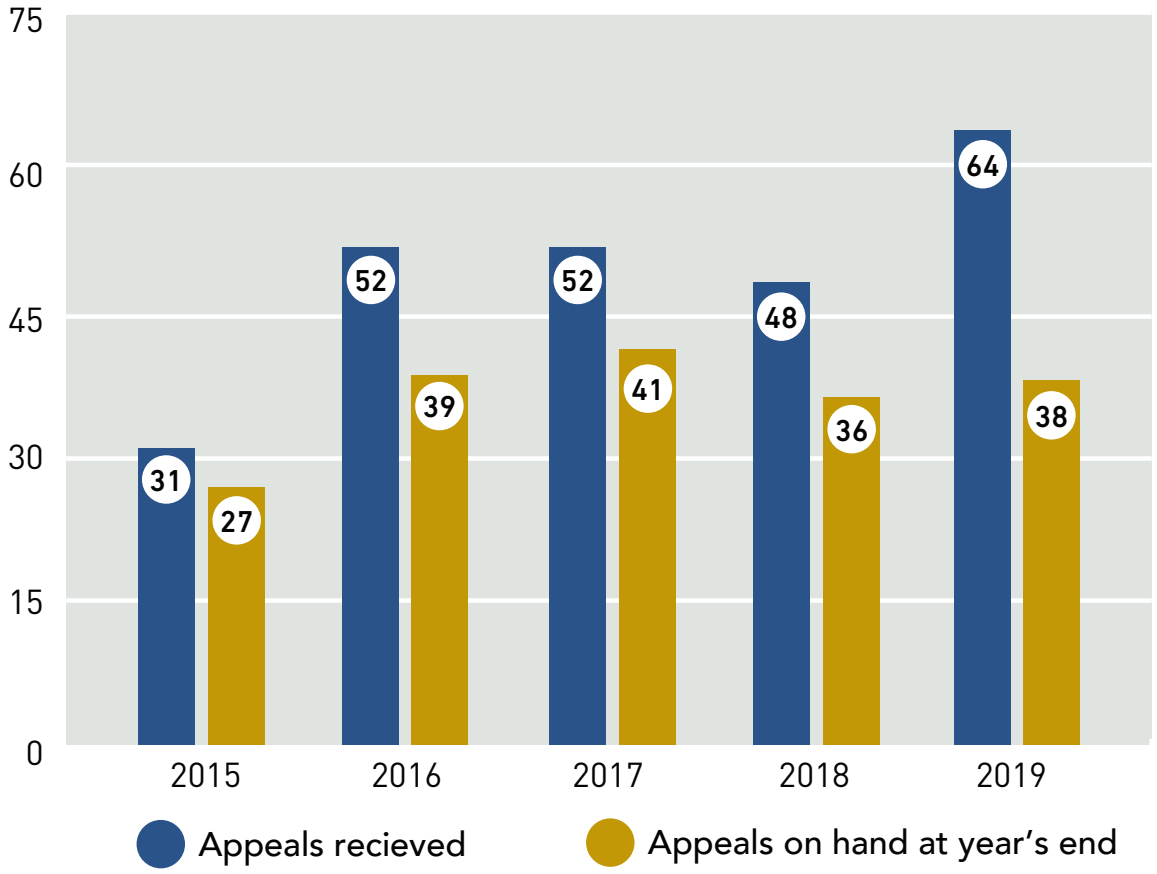
I recognise that the time taken in the processing of an AIE appeal could be reduced if my investigators had better tools available for identifying key decisions and authorities of guidance value. I note as Information Commissioner that staff working on FOI appeal cases have an excellent resource in the form of Guidance Notes prepared in-house and published on OIC's website. I had hoped that we would have been, in OCEI, in a position to start similar work last year but we could not do so, due to the unprecedented pressure of work. Preparation of such guidance has begun in-house at the time of writing.

My Office was consulted by the Department in the course of its plans to revise the guidance that the Minister publishes to assist both public authorities and the public in relation to the practical operation of the AIE scheme.

Key Statistics

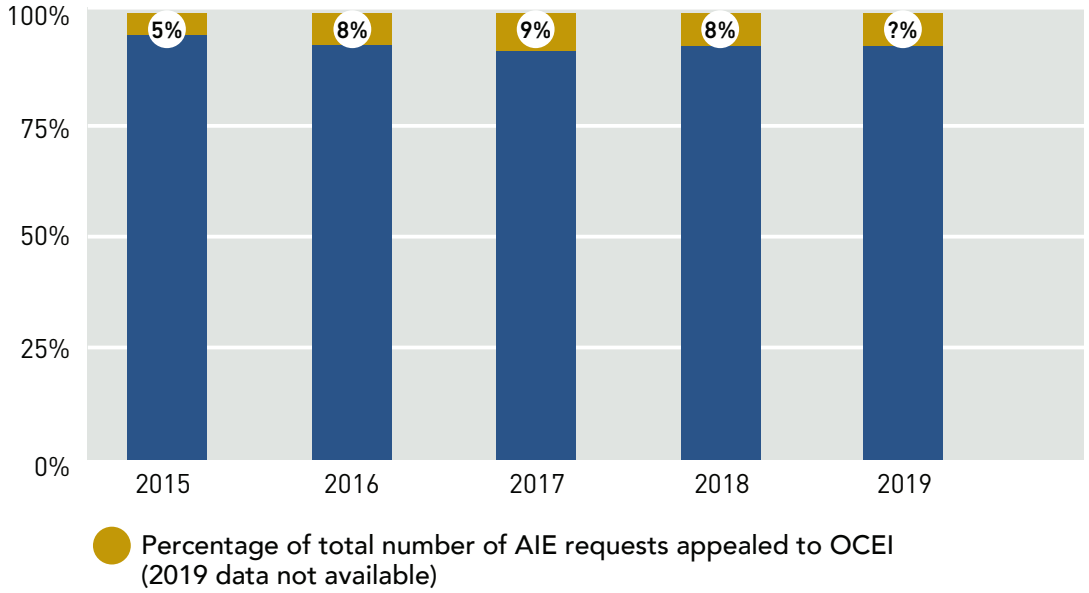
Number of Appeals Recieved and on hand from 2015 to 2019

Chart 1



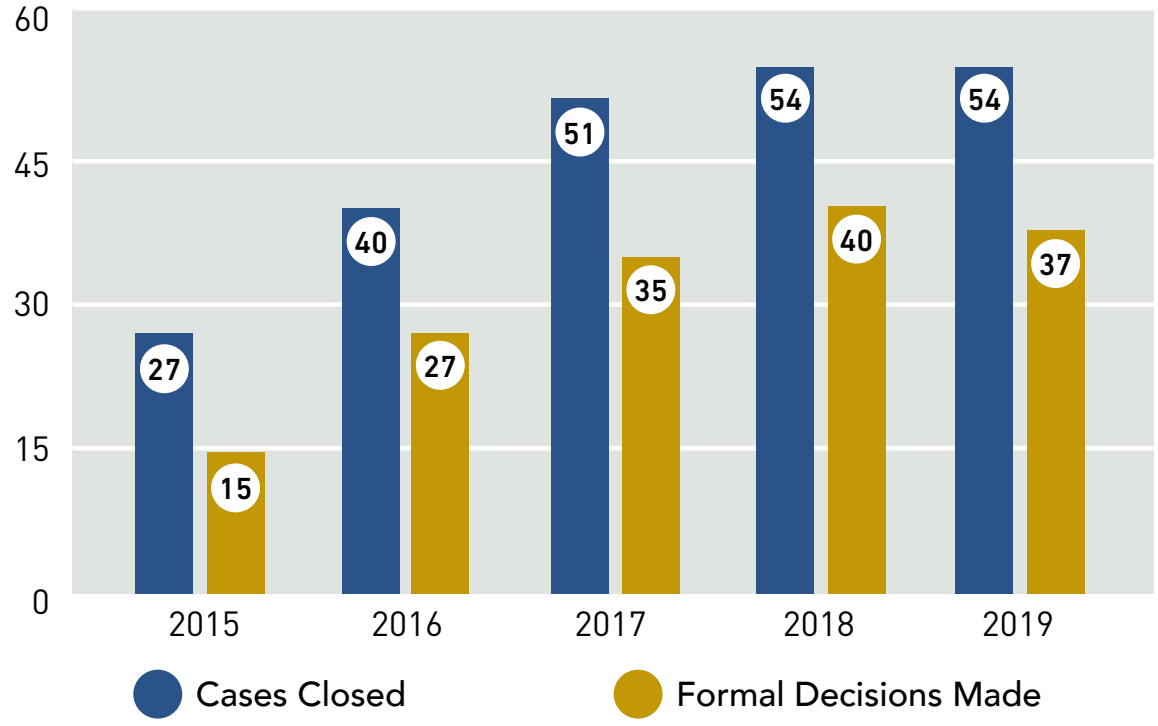
Percentage of AIE requests appealed to the OCEI from 2015 to 2019

Chart 2



Number of cases closed and formal decisions made from 2015 to 2019

Chart 3

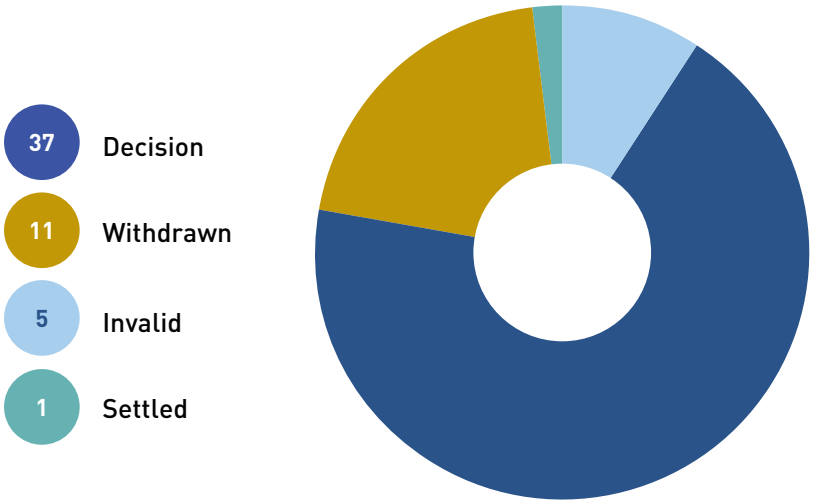


The outcome of the 54 cases closed in 2019 was:

- 5 cases were invalid.
- Of the 49 valid cases, 37 were closed by decision, 11 were withdrawn and 1 was settled.

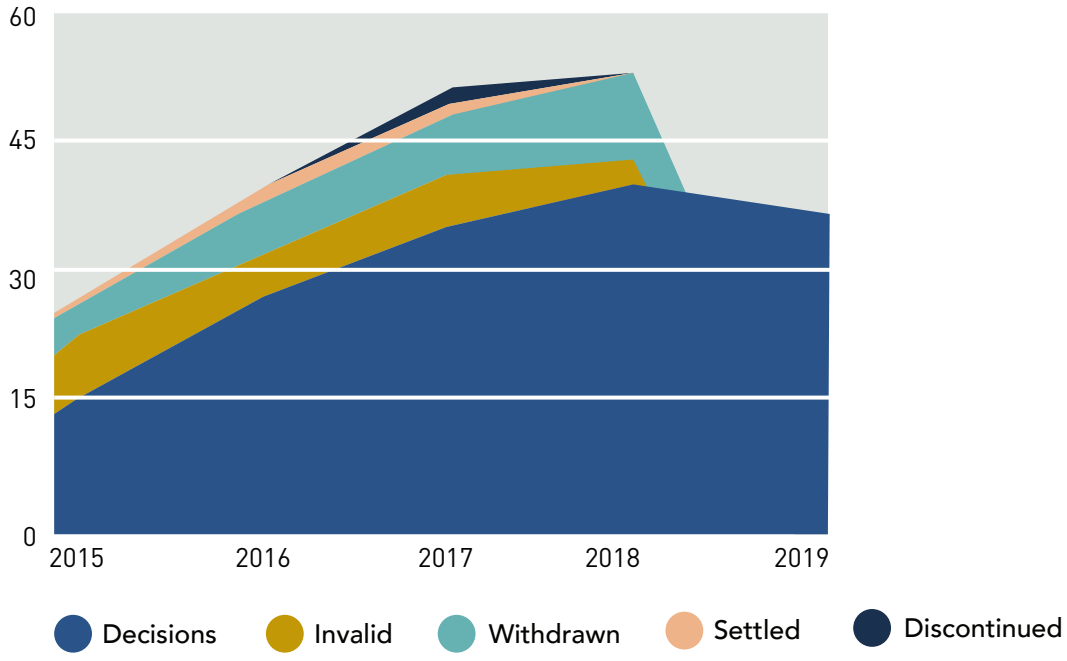
Outcome in cases closed in 2019

Chart 4



Outcome of cases from 2015 to 2019

Chart 5



In 2019, 37 cases were closed by decision, 11 were withdrawn, 1 was settled and five were found to be invalid. Of those withdrawn, 9 were withdrawn voluntarily and I deemed two others to have been withdrawn.

Third party appeals against decisions made by public authorities

I reported last year that, in late 2018, my Office received its first ever third party appeals (two) against AIE decisions made by public authorities. These were appeals taken under article 12(3)(b) of the AIE Regulations, where:

> "a person other than the applicant or third party, would be incriminated by the disclosure of the environmental information concerned".

This Office accepts that article 12(3)(b) applies where a third party believes that their interests would be affected by the disclosure concerned. Both of the appeals were withdrawn in 2019, so I did not review the respective decisions of the public authorities.

Late in 2019 my Office received two new third party appeals against decisions made by public authorities on AIE requests.

Powers under article 15(5) of the AIE Regulations

A case closed by withdrawal can be withdrawn either:

- by the appellant or
- by me pursuant to article 15(5) of the AIE Regulations which recognises that a case may be resolvable otherwise than by way of a binding decision. Article 15(5) provides that:

  "The Commissioner may deem an appeal to be withdrawn if the public authority makes the requested information available, in whole or in part, prior to a formal decision of the Commissioner under article 12(5)."

In 2019 I deemed two cases to be withdrawn pursuant to article 15(5). The appellant in each case expressed the wish that I would make a decision on issues that had arisen prior to the release of the information concerned. However, in circumstances where, following the intervention of my Office, the requested information had been released to the appellant in full, I did not consider that my Office had a further role in the matter. In my view, it would not have been an appropriate use of my Office's limited resources to carry out a comprehensive first instance review, and make a decision, where the environmental information requested had been released in full. In the circumstances, I considered it appropriate to deem the appeals to be withdrawn under article 15(5) of the AIE Regulations, and, as is my Office's practice in such cases, to refund the appeal fee.

Powers under article 12(6) of the AIE Regulations

Article 12(6) of the AIE Regulations provides that in the course of carrying out a review of an appeal I may:

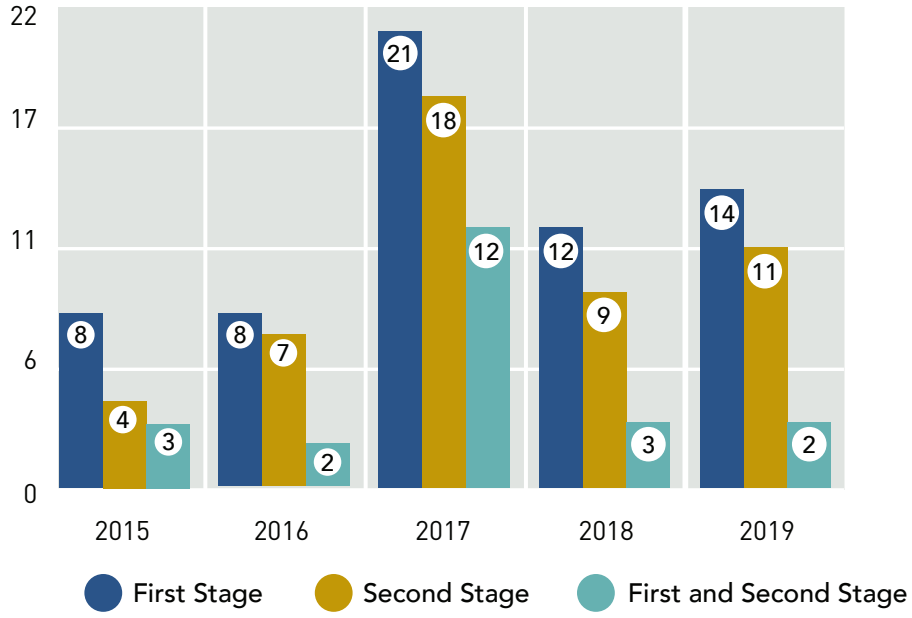
- require a public authority to make environmental information available to me.
- examine and take copies of environmental information held by a public authority.
- enter any premises occupied by a public authority so as to obtain environmental information.

I am pleased to report that I had no need to apply these powers in 2019.

Increased number of deemed refusals

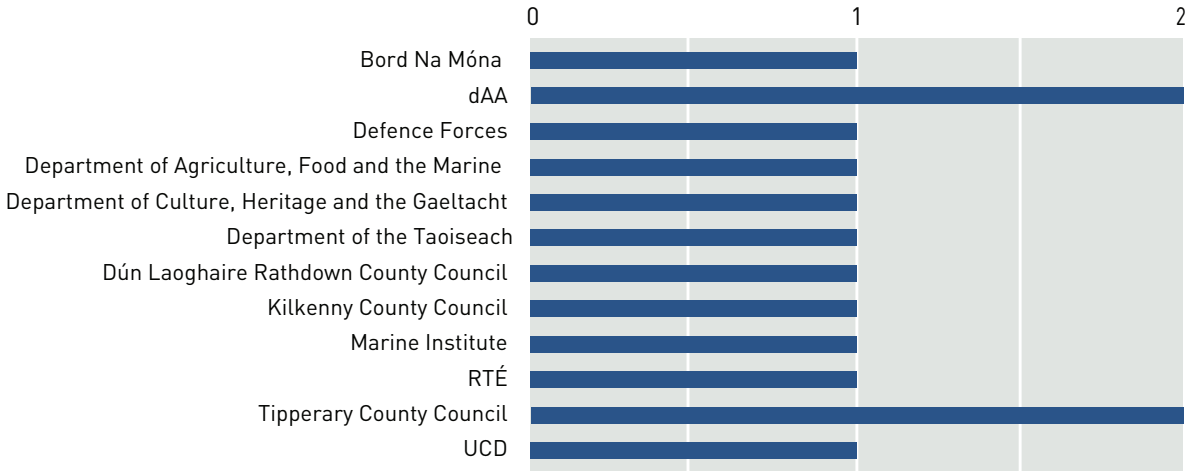
Cases in which public authorities failed to deliver a decision in time, 2015 – 2019

Chart 6



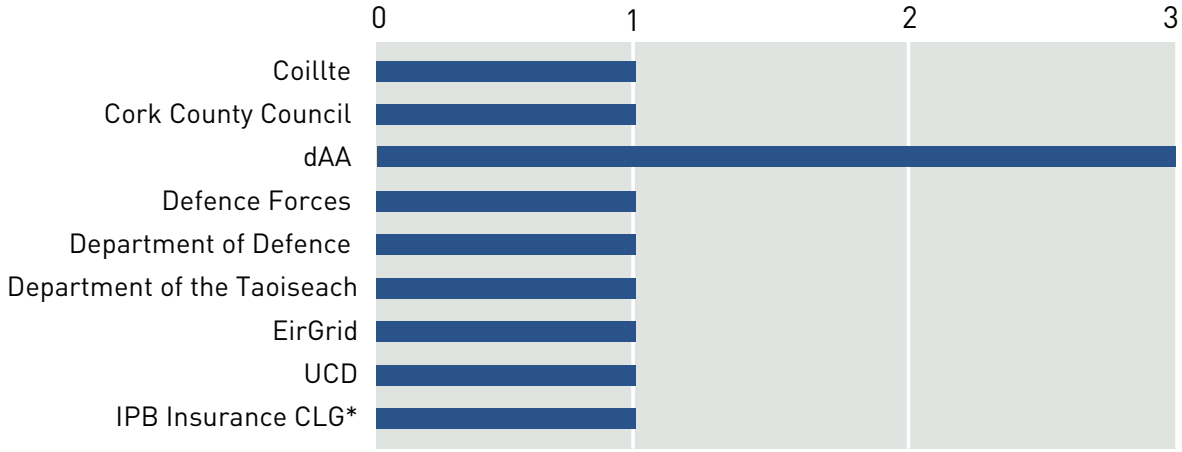
Deemed refusals at first stage

Chart 7



Deemed refusals at second stage

Chart 8



*The issue in this case was whether the entity which received the AIE request is a public authority within the meaning of the AIE Regulations.

Attendance at conferences

It is important that my investigative staff endeavour to keep up to date on matters both legal and environmental. With that in mind, investigators from my Office attended a number of conferences during the year, including the annual Environment Ireland conference held at Croke Park and the Law and Environment Conference held at University College Cork.

There is also an international aspect to AIE, since the AIE Directive was introduced to give effect to the Aarhus Convention. (The full title of this international convention is the "**Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters"**.) This Convention was drawn up by the United Nations Economic Commission for Europe (UNECE), based in Geneva. In December 2018, a representative from my Office was invited to give a presentation at an international symposium held in Berlin on "Best Practices on Access of Environmental Information". Following on from this successful event, my Office gave a presentation in Geneva in Spring 2019 at the UNECE's 12th meeting of the Task Force on Access to Justice under the Aarhus Convention. In our presentation we spoke about the benefits and challenges that we face in carrying out administrative reviews of AIE decisions in Ireland. We were also able to build on the contacts that had been made with European colleagues in Berlin and share information about our respective experiences in operating under the Convention and the Directive, including how we deal with the interplay between AIE and domestic freedom of information legislation, as well as the pressures arising from resource constraints and the complexity of the casework. We learned, however, that the OCEI is apparently unique in Europe, leading the Chair of the Task Force to describe Ireland as providing a particularly good and innovative example of access to justice in environmental information cases. Accordingly, we considered it appropriate to make another contribution based on our experience at the 6th meeting of the Task Force on Access to Information under the Aarhus Convention in October 2019, where we spoke about the challenges we face in interpreting the environmental information definition in the context of the dual regime for access to information through AIE and FOI legislation.

Chapter 2 - Some Decisions of Interest

***Indicates that this decision has been appealed to the High Court and that further details can be found in Chapter 3.**

CEI/16/0041 Right to Know CLG and the Department of Defence

This case concerned a request for information on journeys made by the President on Air Corps aircraft. The Department refused the request on the basis that "the President is not a public authority". It later maintained that the requested information is not environmental information and that, even if it were, articles 8(a)(i), 8(a)(ii) and 9(1)(a) would justify refusal.

I concluded that the information was held by the Department within the meaning of the Regulations, notwithstanding that it related to the President, who is excluded from the scope of the Regulations. I found that information on dates of travel, departure points and destinations, flying time and the number of passengers on flights is environmental information. I was not satisfied that articles 8(a)(i), 8(a)(ii) or 9(1)(a) applied to the information. Accordingly, I annulled the Department's decision and required it to make the withheld information available to the appellant.

*CEI/17/0017 Right to Know CLG and the Office of the Secretary General to the President (OSGP)

The appellant was refused access to a copy of records relating to two speeches given by the President on the basis that the OSGP was not a public authority for the purposes of the Regulations. The issue at the centre of this case was whether the President's immunity in the exercise of his or her powers and functions of his or her office or for any act done or purporting to be done by him or her in the exercise and performance of those powers and functions under Article 13.8.1° of the Constitution extended to include the OSGP in the circumstances of the case. I found that, insofar as the information requested related to the exercise and performance of the powers and functions of the President, Article 13.8.1° of the Constitution precluded the OSGP from being subject to the review procedure under Article 6 of the AIE Directive. I therefore found that the OSGP was not a public authority within the meaning of the Regulations for the purposes of the review. Accordingly, I found that I had no jurisdiction to review the OSGP's decision on the AIE request.

*CEI/17/0033 Right to Know CLG and the Office of the Secretary General to the President (OSGP)

The appellant was refused access to a copy of records relating to two Bills considered by the Council of State, including any communications between the Council of State and the President, minutes of the meetings of the Council of State and any submissions, memoranda and briefing notes, on the basis that the OSGP was not a public authority for the purposes of the AIE Regulations. The issue at the centre of this case was whether the President's immunity in the exercise of his or her powers and functions of his or her office or for any act done or purporting to be done by him or her in the exercise and performance of those powers and functions under Article 13.8.1° of the Constitution extended to include the OSGP and the Council of State in the circumstances of the case. I found that, insofar as the information related to the exercise and performance of the powers and functions of the President, Article 13.8.1° of the Constitution precluded the Council of State and the OSGP from being subject to the review procedure under Article 6 of the AIE Directive. I found that neither the OSGP nor the Council of State was a public authority within the meaning of the Regulations for the purposes of this review. Accordingly, I found that I had no jurisdiction to review the OSGP's decision on the AIE request.

*CEI/18/0039 Right to Know CLG and Raheenleagh Power DAC

Raheenleagh Power DAC is a wind energy company which arose from a joint venture between the ESB and Coillte Teo. The company refused an AIE request on the basis that it was a not a public authority within the meaning of the Regulations. The Regulations provide three categories of public authority, and I considered the company in relation to each of those categories. Amongst the matters I took into consideration were the following: the company was not vested with special powers beyond those which result from the normal rules applicable in relations between persons governed by private law; it did not have public responsibilities or functions; and it did not provide a public service. On completion of my review, I found that the company was not a public authority within the meaning of the Regulations.

*CEI/18/0032 and CEI/19/0033 (Right to Know CLG and IPB Insurance CLG (Joined Cases)

IPB Insurance is a mutual insurance company with a commercial mandate in selling insurance products to its clients, including local authorities. It is a private company, limited by guarantee, established under the Companies Act 2014, with registration pursuant to the Companies Acts 1908 – 1917.

It refused two AIE requests on the basis that it is not a public authority for the purposes of the Regulations. The Regulations provide three categories of public authority, and I considered the company in relation to each of those categories.

I was satisfied that it did not perform services of public interest and it is not for such a purpose vested with special powers beyond those which result from the normal rules applicable in relations between persons governed by private law. I was also satisfied that it did not have public responsibilities or functions relating to the environment . Accordingly, I found, in a single decision on both cases, that IPB Insurance CLG was not a public authority within the meaning of the Regulations.

*CEI/19/0007 Right to Know CLG and RTÉ

RTÉ received an AIE request for copies of records relating to how RTÉ should report on climate change issues. It refused to release the information sought, which comprised emails sent by members of the public to RTÉ commenting on the quality and quantity of its reporting, on the basis that it was not environmental information. I considered the emails in light of the six categories of environmental information set out in the Regulations. I took account of the following: while the concept of 'environmental information' is broad, it is not unlimited; a mere connection or link to an environmental factor or element is not sufficient to bring it within the scope of the AIE regime; the withheld information did not contain or provide information on or about the state of the elements of the environment or the interaction between those elements nor did it provide or contain information on or about factors or other release into the environment affecting or likely to affect the state of the elements of the environment and the connection between RTÉ's reporting on climate change issues and any effect on factors of the environment were, to my mind, too indirect and too uncertain for the reporting to qualify as a measure or activity within the meaning of the definition of environmental information; and the connection between the emails themselves and any environmental impact was even more tenuous. I concluded that the withheld information did not fall under any of the categories of environmental information provided in the Regulations and therefore found that the information is not environmental information.

*CEI/18/0027 Mr XY and Fingal County Council

Conditions attached to waste collection permits require permit holders to submit an Annual Environmental Report (AER) containing information on their waste collection activity to the National Waste Collection Permit Office. The Council part-granted a request for the information in one AER, but refused to provide access to information showing the onward destination of processed waste, on the ground that that information was commercially or industrially sensitive and fell under the exception in article 9(1)(c) of the Regulations. I found that article 9(1)(c) applied to the withheld information but I also found that the public interest in disclosure outweighed the interest served by refusal on that ground. I therefore required the Council to provide the requester with access to the withheld data.

*CEI/17/0025 Right to Know CLG and Celtic Roads Group DAC

Celtic Roads Group DAC (CRGDAC) operates a section of the M1 motorway under a Public Private Partnership (PPP) Programme agreement made with Transport Infrastructure Ireland (TII) and a local authority. The appellant sent an AIE request to CRGDAC seeking data from traffic counters on that section of road. CRGDAC refused the request on the ground that it is not a public authority within the meaning of the Regulations. The requester appealed to my Office, arguing that all PPP companies are public authorities for AIE purposes. The Regulations provide for three types of public authority: (a), (b) and (c). I was satisfied that CRGDAC was not a type (a) authority. The appellant argued that it is a public authority of type (b). I found that CRGDAC has not been vested with special powers under Irish law and that it is not a public authority of type (b). I found that CRGDAC is not under the control of TII and was satisfied that it is not a public authority of type (c). I therefore found that CRGDAC is not a public authority within the meaning of the Regulations.

CEI/18/0029 Right to Know CLG and the Department of Culture, Heritage and the Gaeltacht

The issue in this case was whether the Department was justified in refusing access to certain records concerning the impact on wildlife of the Heritage Bill providing for the reduction of the closed period for the cutting and burning of vegetation. I found that article 8(a)(iv), which provides that requests shall be refused where disclosure would adversely affect the confidentiality of the proceedings of public authorities, applied to a note of legal advice (on the basis of legal professional privilege) but not to a record of an actual Government meeting. While I accepted that the process undertaken by a Department of State in preparing Memoranda may qualify as "the proceedings of public authorities", I did not accept that article 8(a)(iv) applied to factual information within such Memoranda. Moreover, while I found that the relevant records, including the Government Decision, qualified as internal communications that were subject to refusal under article 9(2)(d) of the Regulations, taking into account the public interest served by disclosure, and also applying article 10 of the Regulations, I found it appropriate to require the Department to make parts of the internal communications available to the appellant.

*CEI/18/0046 Right to Know CLG and Transport Infrastructure Ireland

The question in this case was whether article 9(2)(a) of the AIE Regulations applied to the appellant's request for access to the Public Private Partnership (PPP) contract concerning the design, build and operation of part of the M8 motorway. That article allows a request to be refused where it is manifestly unreasonable. While the appellant did not dispute that the contract at issue was voluminous, it did not accept that volume was a basis for finding that a request was manifestly unreasonable. The appellant also disputed that it was necessary to examine the contract in order to separate the environmental information from the non-environmental information, since it considered that the contract as a whole was environmental information. I found no reason to depart from the approach that my Office had taken in relation to article 9(2)(a) in the past. I accepted that volume is not itself a determinative factor, but found that it is relevant in determining whether the processing of a request would result in an unreasonable interference with the work of the public authority concerned. Moreover, while I accepted that the construction of a motorway is an activity that affects or is likely to affect the environment, I did not agree that it was possible to find that all of the information contained in the extensive PPP contract was environmental information for the purposes of the AIE Regulations without an examination of its contents. I also noted that, given the range of information involved, fully processing the request would likely require detailed analysis in light of other refusal grounds provided for under the Regulations. Having regard to the circumstances, including the amount of information about the M8 PPP Scheme already in the public domain, I found that the public interest served by disclosure in the case did not outweigh the interests served by refusal. Accordingly, I found that article 9(2)(a) applied.

Chapter 3 - Court Appeals

In last year's report I listed six live court appeals. Five of those challenged my decisions and one challenged, in the Court of Appeal, a decision of the High Court to uphold one of my decisions.

Judgment has been delivered in two of those cases:

- **Redmond & Anor v Commissioner for Environmental Information 2016/27** concerned an appeal to the Court of Appeal against the decision of the High Court, following a judicial review, to uphold my decision in case CEI/14/0011. The Court delivered its judgment on 3 April 2020 and a copy is available **here**. It set aside the High Court judgment and held that, unless the appellant makes a new request for information to Coillte, the case should be remitted to me to reconsider, amongst other things, whether the sale of particular Coillte Land was a measure "likely to affect" the environment in the sense indicated in the judgment.
- **Electricity Supply Board v Commissioner for Environmental Information and Anor [2020] IEHC 190.** This related to my decision on case CEI/18/0003. The High Court delivered its judgment on 3 April 2020, setting aside my decision on some of the grounds put forward. A copy of the judgment is published on www.betacourts.ie **here**.

At the time of writing, we are carefully examining both of these judgments and I very much welcome the guidance that they have provided in relation to the definition of environmental information and my review role.

In May 2019 the High Court requested a preliminary ruling from the Court of Justice of the European Union in relation to Friends of the Irish Environment v Commissioner for Environmental Information 2017/298 MCA, which challenges my decision on case CEI/16/003.

The remaining cases are at various stages prior to hearing. They are:

- Right to Know CLG v Commissioner for Environmental Information 2018/119 MCA. The applicant challenges my decision on case CEI/17/0021. This case was listed for hearing over two days commencing 18 March 2020. However, in response to the Covid-19 crisis, the High Court indefinitely adjourned all non-jury cases with effect from 18 March 2020.
- Coillte Teoranta v Commissioner for Environmental Information 2018/453 MCA. The applicant challenges my decision on case CEI/17/0022. This case was adjourned pending a decision on Redmond.
- Right to Know CLG v Commissioner for Environmental Information 2019/87 MCA. The applicant challenges my decision on case CEI/18/0039. This case was listed for hearing over 4 days commencing 31 March 2020 and is now adjourned due to the Covid - 19 crisis.

Of the 36 decisions I made in 2019, seven (19%) were appealed to the courts. That represents a significant increase over 2018, which itself saw the number of court appeals rise sharply to 12.5% of my decisions.

Of the seven decisions made in 2019 which were appealed to the Courts, I agreed to the remittal of one (CEI/18/0031) to my Office for fresh consideration. The other six - the decisions themselves are described in more detail above in Chapter 2 - are still before the courts and, at the time of writing, are indefinitely adjourned due to the Covid-19 crisis. They are:

- High Court case 168/2019 MCA. The applicant, Right to Know CLG, challenges my decision on CEI/17/0025. The case was listed for hearing in May 2020.
- High Court case 249/2019 MCA. The applicant, Right to Know CLG, challenges my decision on CEI/17/0017. No date was set for hearing at the time of writing.
- High Court case 287/2019 MCA. A third party, M50 Skip Hire and Recycling Ltd, challenges my decision on CEI/18/0027. The case was listed for hearing in July 2020.
- High Court case 48/202 MCA. The applicant, Right to Know CLG, challenges my joint decision on cases CEI/18/0032 and CEI/19/0033. No date was set for hearing at the time of writing.
- High Court case 2020/33 MCA. The applicant, Right to Know CLG, challenges my decision on CEI/18/0046 . No date was set for hearing at the time of writing.
- High Court case 2020/34 MCA. The applicant, Right to Know CLG, challenges my decision on CEI/19/0007. No date was set for hearing at the time of writing.

Looking Ahead to 2020

When we began work in January 2020, my hopes for the year were:

- That forthcoming court decisions and Aarhus Convention Compliance Committee findings would assist my work by providing greater legal clarity.
- That the rate of incoming AIE appeals and court appeals might decline, so as to create a breathing space which we could use to consolidate our corporate knowledge. This could lead to greater efficiency and faster decisions.

Despite the unexpected difficulties posed by the Covid-19 crisis, those remain my hopes for 2020. The two court judgments delivered in 3 April 2020 have already provided welcome clarity on some aspects of the law and procedures which affect our work. I know that it was the intention of the Minister for Communications, Climate Action and Environment to carry out a review of the Regulations with a view to making amendments to them. My Office remains available to discuss this and to provide any input required based on our experience of applying the Convention, the Directive and the Regulations since 2007.