



**Rialtas na hÉireann**  
Government of Ireland

# **Public consultation on the review of the European Communities (Access to Information on the Environment) Regulations 2007-2018**

**2021**

Prepared by the Department of  
the Environment, Climate and Communications  
**gov.ie**

# 1 Purpose of the Consultation

The purpose of this consultation is to seek your views on the review of the AIE Regulations 2007-2018 which transpose the AIE Directive, [Directive 2003/4/EC](#), in Irish law.

## 2 Reasons for the Review

In 2020, Ireland committed to amending the AIE Regulations in response to findings of non-compliance by the Aarhus Convention Compliance Committee (ACCC). As the Regulations have been in place since 2007 and have been amended previously on three occasions, it is proposed to use this opportunity to review and consolidate the existing regulations. The review will consider updating the Regulations to ensure continued compatibility with EU law.

## 3 Overview of Regulations

The AIE Regulations form part of a legislative package that implements the first pillar of the Aarhus Convention and transposes the AIE Directive in Irish law.

These Regulations came into effect on 1 May 2007 ([S.I. No. 133 of 2007](#)), repealing the previous statutory instrument, the European Communities (Access to Information on the Environment) Regulations 1998 ([S.I. 125 of 1998](#)). They were amended by the European Communities (Access to Information on the Environment) (Amendment) Regulations 2011 ([S.I. No. 662 of 2011](#)), the European Communities (Access to Information on the Environment) (Amendment) Regulations 2014 ([S.I. No. 615 of 2014](#)), and the European Communities (Access to Information on the Environment) (Amendment) Regulations 2018 ([S.I. 309 of 2018](#)).

The AIE Regulations, amongst other things, provide a definition of environmental information and outline the manner in which public authorities are required to deal with requests.

The AIE Regulations also provide for three levels of review procedure: an internal review; an appeal to the Commissioner for Environmental Information and an appeal to the High Court on a point of law.

## 4 Consultation Document

The closing date for submissions is 5.30pm Friday 16 April 2021

Submissions should be sent by email to [environmentpolicy@decc.gov.ie](mailto:environmentpolicy@decc.gov.ie) or by post to:

Review of the Access to Information on the Environment (AIE) Regulations 2007-2018

Department of the Environment, Climate and Communications

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Enquiries concerning this consultation can be made to [environmentpolicy@decc.gov.ie](mailto:environmentpolicy@decc.gov.ie)

To facilitate the public consultation, the Department of the Environment, Climate and Communications has suggested questions on which we would welcome your views.

## 5 Data Protection

We are committed to engaging with stakeholders in a clear, open and transparent manner. Any person or organisation can make a submission in relation to this consultation. All submissions and feedback will be considered before the final version of the Review is published.

Please note that responses to this consultation are subject to the provisions of the Freedom of Information Act 2014 (FOI), Access to Information on the Environment Regulations 2007-2014 (AIE) and the Data Protection Act 2018.

Please also note that the Department intends to publish the contents of all submissions received to this consultation on its website. The Department will redact personal data prior to publication. In responding to this consultation, parties should clearly indicate where their responses contain personal information, commercially sensitive information or confidential information which they would not wish to be released under FOI, AIE or otherwise published.

We would like to draw your attention to the Department's [Data Privacy Notice](#) which is available on our website and explains how and when we collect personal data, why we do so and how we treat this information. It also explains your rights in relation to the collection of personal information and how you can exercise those rights.

### Consultation Questions

<b>Q1</b>	What, in your opinion, are the positive benefits of the AIE Regulations?
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<p><b>Q2</b></p>	<p>Should any specific part of the Regulations be amended? If yes, please provide details of the suggested amendment and why you consider such an amendment to be necessary. Please note you must include the article of the AIE Regulations to which you are referring i.e.:</p> <p>Article 3 - Interpretation  Article 4 - Scope  Article 5 - A public authority shall-  Article 6 - Request for environmental information  Article 7 - Action on a request  Article 8 - Grounds that, subject to article 10, mandate a refusal  Article 9 - Discretionary grounds for refusal of information  Article 10 - Incidental provisions relation to refusal of information  Article 11 - Internal review of refusal  Article 12 - Appeal to Commissioner for Environmental Information  Article 13 - Appeal to high court on a point of Law  Article 14 - Guidelines  Article 15 - Fees</p>
<p><b>Q3</b></p>	<p>Any other comments on the existing AIE Regulations and their implementation of the AIE <a href="#">Directive 2003/4/EC?</a></p>