



Ms Fiona Marshall  
Secretary to the Aarhus Convention Compliance Committee  
United Nations Economic Commission for Europe  
Palais des Nations, Room 429-4  
CH-1211 GENEVA 10  
Switzerland

21 May 2021

**Re: Communication ACCC/C/2016/141**

Dear Ms Marshall,

Further to your email of 14 May 2021, please see below an update on the developments that have taken place since the adoption of the Committee's findings on communication ACCC/C/2016/141 on 9 November 2020.

**Introduction**

1. On 9 November 2020, the Aarhus Convention Compliance Committee (ACCC) adopted findings in ACCC/C/2016/141. These found that Ireland:

“(a) By failing to put in place measures to ensure that the OCEI and the courts decide appeals regarding environmental information requests in a timely manner, the Party concerned fails to comply with the requirement in article 9 (4) of the Convention to ensure timely procedures for the review of environmental information requests;

(b) By maintaining a system whereby courts may rule that information requests fall within the scope of the AIE Regulations without issuing any directions for their adequate and effective resolution thereafter,

fails to comply with the requirement in article 9 (4) of the Convention to ensure adequate and effective remedies for the review of environmental information requests.

2. Ireland submitted a response to draft findings on this communication which were issued by the ACCC in August 2020. In this Ireland committed to amend the AIE Regulations to introduce a requirement which will bring Ireland into conformity with the draft findings in respect of decisions of the OCEI and to introduce a requirement that Courts hearing an appeal brought pursuant to Article 13 of the AIE Regulations act ‘as expeditiously as possible’.



## Legislation

3. The AIE Regulations are part of the legislative package which implements the first pillar of the Aarhus Convention and the AIE Directive in Irish law.

4. 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 have been amended three times: 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).

5. As the Regulations have been in place since 2007 and have been amended previously on three occasions, a decision was taken to review and consolidate the existing regulations. The review commenced with a public consultation which was launched on 8th March 2021. The closing date for submissions was 16th April 2021. 33 submissions were received and the Department of Environment, Communications and Climate Action is currently reviewing the submissions and preparing amending legislation. It is proposed to include the amending legislation Ireland has undertaken to introduce to respond to the findings and recommendation in ACCC/C/2016/141 as referred to above with the amendments to be made following the completion of review of the Regulations.

6. It is not currently possible to provide an accurate indication as to when the amending regulations will be signed into law however, the Department is actively working on the amending regulations and a draft will be prepared as soon as possible.

7. The Committee's offer to consider the draft text is welcomed. The Department will revert when the amending regulations are at a more advanced stage.

I would be grateful if you could confirm receipt.

Yours sincerely

Aoife Joyce  
National Focal Point - Aarhus Convention