



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

19 July 2021

Re: Communication ACCC/C/2016/141

Dear Ms Marshall,

Further to your email of 4 July 2021 which enclosed the draft report to the seventh session of the Meeting of the Parties please see below comments.

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’.

3. In May 2021 Ireland provided 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. In this update Ireland noted that, a decision was taken to review and consolidate the existing regulations. It was also noted that 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 which were being reviewed by the Department of the Environment, Climate and Communications. The Department of the Environment, Climate and Communications is currently preparing Regulations which will amend the existing European Communities (Access to Information on the Environment) Regulations 2007 – 2018. The amending Regulations will address the findings and recommendations in ACCC/C/2016/141 referred to above.

Current status of Legislation

4. Ireland is committed to amending the AIE Regulations to 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'.

5. The review of the current AIE Regulations is underway and the preparation of revised regulations are at an advanced stage. That is an ongoing process which is not yet complete but in respect of which the Department of the Environment, Climate and Communications is actively engaged. It is not currently possible to provide a definitive date as to when the amending regulations will be signed into law. However, at this time, it is envisaged that the revised Regulations will be published before the end of 2021.

6. Ireland notes the proposal at point 26 of the draft report of the Seventh Session whereby Ireland would provide updates to the Committee in respect of the measures to be taken in response to the findings made by the Committee. Ireland confirms that it will be in a position to provide updates to the Committee in accordance with this proposal.

7. Finally, we note from previous correspondence that the Department has been referred to erroneously as "Department of Environment, Communications and Climate Action". For the avoidance of doubt the Department's title is "Department of the Environment, Climate and Communications".

I would be grateful if you could confirm receipt.

Yours sincerely

Orlagh Kehoe
National Focal Point - Aarhus Convention