

Economic Commission for Europe

Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Seventh session

Geneva, 18–20 October 2021

Excerpt from the addendum to the report of the seventh session of the Meeting of the Parties (ECE/MP.PP/2021/2/Add.1)*

Decision VII/8i concerning compliance by Ireland with its obligations under the Convention

Adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its seventh session

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,¹

Taking note of the findings of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on communication ACCC/C/2013/107 concerning compliance by Ireland with respect to public participation in the decision-making to extend the duration of a quarry,² the Committee's report on the progress made by Ireland in implementing the recommendations contained in its findings on communication ACCC/C/2013/107,³ the findings of the Committee on communication ACCC/C/2016/141 concerning compliance by Ireland with respect to access to environmental information and review mechanisms thereof;⁴ the Committee's report on the progress made by Ireland in implementing the recommendations contained in its findings on communication ACCC/C/2016/141,⁵ and also the findings of the Committee on communication ACCC/C/2014/112 concerning compliance by Ireland with respect to the implementation of its national plan for renewable energy,⁶

Encouraged by the willingness of Ireland to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the findings of the Committee with respect to communication ACCC/C/2013/107 that:

* The full text of addendum to the report of the seventh session of the Meeting of the Parties (ECE/MP.PP/2021/2/Add.1) will, in due course, be available in English, French and Russian from https://unece.org/environmental-policy/events/Aarhus_Convention_MoP7.

¹ ECE/MP.PP/2/Add.8.

² ECE/MP.PP/C.1/2019/9.

³ ECE/MP.PP/2021/52.

⁴ ECE/MP.PP/C.1/2021/8.

⁵ ECE/MP.PP/2021/52.

⁶ ECE/MP.PP/C.1/2021/17.

(a) By failing to provide opportunities for the public to participate in the decision-making on the 2013 permits to extend the duration of Trammon quarry, the Party concerned failed to comply with article 6 (10) of the Convention;

(b) By providing mechanisms through which permits for activities subject to article 6 of the Convention may be extended for a period of up to five years without any opportunity for the public to participate in the decision to grant the extension, section 42 (1) (a) (i) and (ii) of the Planning and Development Act 2000 do not meet the requirements of article 6 (10) and thus the Party concerned fails to comply with article 6 (10) of the Convention;

2. *Endorses* the findings of the Committee with respect to communication ACCC/C/2016/141 that:

(a) By failing to put in place measures to ensure that the Office of the Commissioner for Environmental Information 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 European Communities (Access to Information on the Environment) Regulations without issuing any directions for their adequate and effective resolution thereafter, the Party concerned 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;

3. *Endorses* the findings of the Committee with respect to communication ACCC/C/2014/112 that:

(a) By refusing the disclosure of the cost-benefit study prepared for the renewable energy export programme on the basis that the study was not “environmental information”, the Party concerned failed to comply with article 4 (1) in conjunction with article 2 (3) (b) of the Convention;

(b) By not putting in place measures to ensure that the Office of the Commissioner for Environmental Information decides appeals regarding environmental information requests in a timely manner, the Party concerned fails to comply with the requirement of article 9 (4) of the Convention to ensure timely procedures for the review of environmental information requests;

4. *Recommends* that the Party concerned take:

(a) With regard to section 42 (1) (a) (i) and (ii) of the Planning and Development Act 2000:

(i) The necessary legislative measures to ensure that permits for activities subject to article 6 of the Convention cannot be extended, except for a minimal duration, without ensuring opportunities for the public to participate in the decision to grant that extension in accordance with article 6 (2)–(9) of the Convention;

(ii) The necessary steps to ensure the prompt enactment of the measures to fulfil the recommendation in subparagraph (i) above;

(b) The necessary legislative or regulatory measures to ensure that:

(i) Appeals under the Access to Information on the Environment Regulations to the Office of the Commissioner for Environmental Information or the courts, whether commenced by the applicant or any other person, are required to be decided in a timely manner, for instance by setting a specified deadline;

(ii) There are mandatory directions in place to ensure that, should a court rule that a public authority or an information request falls within the scope of the Access to Information on the Environment Regulations, the underlying information request is thereafter resolved in an adequate and effective manner;

(c) The necessary legislative, regulatory, administrative and practical measures to ensure that:

(i) Access to cost-benefit studies used in environmental decision-making is not refused on the basis that it is not “environmental information” within the meaning of article 2 (3) (b) of the Convention;

(ii) Appeals under the Access to Information on the Environment Regulations to the Office of the Commissioner for Environmental Information are required to be decided in a timely manner, for instance by setting a specified deadline;

5. *Requests* the Party concerned to:

(a) Submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the recommendations in paragraph 4 above;

(b) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the plan of action and the above recommendations;

(c) Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing the above recommendations;

(d) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;

6. *Undertakes* to review the situation at its eighth session.
