

*Ireland's Report on the Implementation of EU Directive 2003/4/EC on access
to information on the environment*

Review Questionnaire for Period 1 May 2007 to 31 December 2008

**Review of Implementation of EU Directive 2003/4/EC on Public
Access to Information on the Environment**

Report by Ireland

Monitoring period: 1 May 2007 – 31 December 2008

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1. General description

Summarize the implementation of the Directive in particular at national and regional level.

Directive 2003/4/EC on Public Access to Information on the Environment has been transposed in Ireland through the European Communities (Access to Information on the Environment) Regulations 2007 (Statutory Instrument No. 133 of 2007). In accordance with the Directive, these Regulations give legal rights to those seeking access to information on the environment from public authorities. The Regulations came into effect in Ireland on 1 May 2007, at which time the previous legislative instrument, the European Communities (Access to Information on the Environment) Regulations 1998, was revoked.

Subject to certain exceptions, information relating to the environment held by, or for, a public authority must be made available on request to any person. The regulations provide a definition of environmental information in line with the Directive and outline the manner in which requests for information should be submitted to public authorities. The regulations also provide for a formal appeals procedure in the event that a person is unhappy with a decision on their request.

The European Communities (Access to Information on the Environment) Regulations 2007 (S.I. 133 of 2007) are available at the following web address:

<http://www.environ.ie/en/AboutUs/AccessToInformationOnTheEnvironment/RHLegislation/FileDownload,2479,en.pdf>

A guidance document on the Regulations is available on the Department of the Environment, Heritage and Local Government website at the following web address:

<http://www.environ.ie/en/AboutUs/AccessToInformationOnTheEnvironment/RHLegislation/FileDownload,2481,en.pdf>

In preparation for the compilation of this report, the Department of Environment, Heritage and Local Government, which is responsible for AIE policy in Ireland, issued a questionnaire to all Government Departments and Local Authorities. Each Government Department was requested to provide a copy of the questionnaire to each body under its aegis and instruct them to respond. The full text of this questionnaire is available in Appendix 2 of this report.

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The questionnaire which issued covered the time period from 1 May 2007 to 31 December 2008. For the specified monitoring period, the questionnaire looked at:

- the volume and type of AIE request(s) being received
- the length of time taken to process individual requests
- Fees
- Refusal of Requests
- Appeals processes in place
- Arrangements in place to deal with AIE requests and to enhance the availability and quality of environmental information

The questionnaire also looked at the experience gained by participating organisations in this time period and what improvements and refinements could be implemented.

The data received in response to this questionnaire forms the basis of this document.

2. Experience gained

Describe which have been, according to your experience, positive and negative impacts of the application of the Directive so far (for instance, increased involvement of civil society/stakeholders in specific environmental matters, facilitating the decision-making-process and implementation of the consequent decisions, administrative burden).

In the specified time period, and with many participating organizations having a relatively low level of exposure to AIE requests, it is not considered possible to conclusively demonstrate a linkage between the introduction of the Directive and increased or decreased involvement of civil society/stakeholders in environmental matters, decision making process etc. The principle of public access to information, including information on the environment, has been accepted for some time. Many public bodies have been providing online access to environmental information and it is considered that the public would use such mechanisms in the first instance. As regards participation in the decision-making process it is worth noting that Ireland provides for extensive public notification and direct participation in environmental decision-making. There is some evidence however that civil society also makes use of entitlements under AIE to facilitate and enhance participation in environmental matters it.

The questionnaire sought general commentary and feedback from participating organisations on the implementation of the Access to Information on the Environment Regulations.

The majority of respondents reported that there have been no significant difficulties associated with the implementation of the AIE Regulations. However the administrative burden has

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inevitably risen and can be expected to continue to increase as awareness and familiarity with the Regulations increases. One area of concern that has been highlighted is that the AIE Regulations could be used as a means to circumvent the fees which apply under Ireland's Freedom of Information legislation.

In the event of a significant increase in the volume of AIE requests, particularly given the statutory time limits imposed on public authorities and having regard to resource constraints, public authorities would face an increased administrative burden. However, due to the relatively low level of requests received to date, this has not been an insurmountable difficulty to date.

3. Definitions (Article 2)

3.1 Have you encountered any particular difficulties relating to the interpretation and management of the definition of 'environmental information'?

It is within the spirit of both the Directive and the Aarhus Convention to facilitate and encourage the provision of environmental information to a wide audience, which is generally accepted by public bodies. Given the relatively low volume of requests received to date and the fact that most of society would use other channels to obtain environmental information, it is difficult to gauge at this point in time. One issue raised however is that due to its broad nature, There is potential for the definition of 'environmental information', as set out in the Directive, to cause the AIE Regulations to be invoked for requests which may not be entirely appropriate. Other than this, there have been no difficulties reported.

3.2 According to your national/regional situation, give examples of the types of bodies that have been found to be covered by the provisions of Article 2, paragraph 2, letter b, 'any natural or legal person performing public administrative functions under national law, including specific duties, activities or services in relation to the environment..' and letter c, 'any natural or legal person having public responsibilities or functions, or providing public services, relating to the environment under the control of a body or person falling within (a) or (b)'?

The AIE Regulations apply to 'public authorities' as defined in Section 3 of the Regulations. A public authority is broadly defined to encompass all bodies that have a role in public administration and that may possess environmental information. It is important to note that this definition is wider in scope than the definition of 'public body' in Ireland's Freedom of Information legislation. The Irish AIE Regulations elaborate somewhat on the definition provided in the Directive in order to clearly establish the nature of those public authorities which are covered. There is currently no exhaustive list of the public authorities to which the Regulations apply however and it would not be practical to compile such a list.

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The Commissioner for Environmental Information made a decision relating to this part of the Directive in appeal reference CEI/08/05, which is available on www.ocei.ie. The case related to environmental information held by the Courts Service. The Commissioner found that, in the case in question, the Courts Service was acting on behalf of the Courts who were acting in a judicial capacity in relation to the information at issue. Accordingly, the Commissioner had no jurisdiction to direct the release of the environmental information sought.

Where appropriate, formulate suggestions on how the meaning of 'public authority' may be further clarified.

Given the vast array of functions carried out by public authorities across the EU, it may be appropriate to clarify what is meant by the terms public administrative functions and public responsibilities for the purposes of the Directive.

For example, publicly owned commercial companies arguably come within the remit of the term 'public authority'. The Irish AIE Regulations clarify this issue in Section 3(1). Equivalent companies in other Member States may be in private ownership however and therefore not subject to the requirements of the Directive, which means there are potential inconsistencies in the environmental information available to the public under the provisions of the Directive.

3.3 Do you have any other observations relating to the practical application of Article 2?

Not at this time.

4. Access to environmental information (Article 3)

4.1 What are the practical arrangements as referred to in Article 3(5) c), set up by, in particular, national and regional authorities? Please provide examples of these practical arrangements

Participating organisations were asked about the practical arrangements that have been put in place for dealing with AIE requests.

Most organisations indicated that they have designated information officer(s) to deal with AIE. In some cases, this officer is also the Freedom of Information Officer. In most instances, requests are co-ordinated by these officer(s), and are referred onwards to the relevant personnel within organisations, who are responsible for identifying, sourcing and retrieving the information, while also being responsible for deciding whether or information will be released or otherwise.

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The majority of organisations use their website as their main information portal for environmental information. Electronic copies of relevant reports, studies, circulars, etc are routinely made available on-line. Organisations have endeavoured to ensure that data is readily reproducible and accessible by electronic means. Local Authorities maintain online registers on topics such as planning, waste permits, discharge licences etc, where relevant information is updated regularly. Contact details are also included on websites to provide assistance to customers in accessing information.

Many respondents indicated that responses to AIE requests are generally made electronically, although print copies are facilitated, depending on the preference of the requestor. Facilities are also available for members of the public to view environmental information at the premises of public authorities if they so wish.

A particular section of the questionnaire focused on measures taken by organisations to organise environmental information, with a view to its active and systematic dissemination to the public, in particular by electronic means. In most cases, responses on this issue focused on the organisation's website. Electronic copies of relevant reports, studies, circulars, etc are routinely made available online. Some organisations have endeavoured to reproduce their Electronic Document Management Systems in an online format.

Organisations have also endeavoured to ensure that data is readily reproducible and accessible by electronic means and that the website helps to direct interested parties to an appropriate contact point within the organisation.

Press releases are used by most public authorities to draw attention to major initiatives, published materials and events. Local Authorities also make use of local papers and newsletters to highlight web-content.

4.2 In which way has it been ensured that the public has adequate information of the rights they enjoy, as referred to in Article 3 (5) last paragraph?

In addition to the practical arrangements described above, the following measures have been taken;

- The Citizen's Information Board, which is the statutory body with responsibility for the provision of information on all aspects of public services and entitlements for citizens in Ireland provides information on AIE;

<http://www.citizensinformation.ie/categories/environment/environmental-protection/access-to-environmental-information>

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- The Department of the Environment, Heritage and Local Government has published guidance on AIE on the Department's website.

This section of the website also contains the texts of the regulations and of the Directive, along with contact details for any further queries.

<http://www.environ.ie/en/AboutUs/AccessToInformationontheEnvironment/>

- The Commissioner for Environmental Information has created a dedicated website for the Office of the Commissioner for Environmental Information;
<http://www.ocei.gov.ie/en/>

Information on the environment is provided through our *ENFO* service, which has been reformed and enhanced, both in scope and in delivery and provides a cornerstone in the delivery of the awareness agenda. The online aspect www.enfo.ie (<http://www.enfo.ie/>), hosted by An Chomhairle Leabharlanna (The Library Council), provides high quality, authoritative, user-friendly environmental content and a gateway to the many existing online resources available from the State and other bodies. It allows individual libraries to add content on local heritage, local environmental topics and so on. The *ENFO Kids* facility includes a wide range of online educational resource material. There is online access to environmental reference databases through the library system and an information query service. The service also includes hosting of environmental exhibitions with associated school trips in libraries countrywide, access to journals, books and DVDs on environmental matters. The site currently attracts 20,000+ visits per week, which will be built on as the site is developed.

4.3 Do you have any other observations relating to the practical application of Article 3?

As indicated in this document, the statutory timeframe for dealing with AIE requests is 'as soon as possible or at the latest, within one month', which is considered restrictive. The only instance in which an extension of the timeframe is permitted is if the complexity of the information requested is such that the timeframe cannot be adhered to. A one-month statutory timeframe may not, in certain circumstances, allow sufficient time for consideration of issues such as the public interest, commercial sensitivity, confidentiality etc.

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5. Exceptions (Article 4)

5.1 Amongst the possible exceptions listed in Article 4, which ones have been retained in the implementation of Directive, to refuse access to environmental information?

Sections 8 and 9 of the AIE Regulations (S.I. No. 133 of 2007) deal with exceptions, although it is important to note that these are subject to Section 10 of the Regulations. In transposing the Directive, Ireland has distinguished between the mandatory grounds by which a public authority shall refuse access to information (Article 8, but subject to Section 10) and the discretionary grounds under which the authority may refuse such information (Section 9). The approach adopted follows the distinction between mandatory and discretionary grounds for protecting information set out in the previous AIE Regulations of 1998.

The release of information will be refused on mandatory grounds if the information in question discloses information which would adversely affect:

- the confidentiality of personal information,
- the interests of any person who supplied such information (unless they consent to the release of the information),
- the protection of the environment to which the information relates,
- the confidentiality of the proceedings of public authorities, where such confidentiality is other wise protected by law, including the Freedom of Information legislation.

Any information which would disclose discussions at meetings of the Government is also prohibited from release, in accordance with Article 28 of Bunreacht na hÉireann (the Constitution of Ireland).

5.2 Have the Member States or regions issued any guidance (such as circulars or guidelines) governing the granting of exceptions?

The primary guidance on this issue is provided by the Guidance Document to the Regulations. In addition to this, the Department of Environment, Heritage and Local Government has written to Government Departments concerning AIE requests which seek information which would involve the disclosure of discussions at one or more meetings of Government.

5.3 Have any steps been taken to ensure the accessibility of a list of criteria, as mentioned under Article 4(3), on the basis of which the authority concerned may decide how to handle requests?

The primary guidance on this issue is provided by the Guidance Document to the Regulations, which is publicly available and details how requests should be dealt with by public authorities.

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It should be noted that the guidance requires that the grounds for refusal mentioned in Article 4 of the Directive and in Sections 8 and 9 of the Regulations should be interpreted in a restrictive way, taking the public interest served by disclosure into account.

5.4 Do you have any other observations relating to the practical application of Article 4?

Not at this time.

6. Charges (Article 5)

6.1 According to Article 5 (2) public authorities may make a charge for supplying environmental information. Have public authorities fixed charges? Please give examples of what measures public authorities have implemented on charging.

Section 15 of the AIE Regulations (S.I. No. 133 of 2007) provides that public authorities may apply a charge for supplying information but also provides that such a charge may not exceed an amount which is considered reasonable, having regard to the actual cost of supplying the information requested. The questionnaire returns allowed for an evaluation of approaches taken by Departments\Authorities\Other monitored bodies.

A number of public authorities have fixed charges in place. However respondents indicated that only in around 3% of cases were charges actually applied. Generally, charges are only applied where there are considerable costs incurred in search and retrieval of records, and where this impacts on the normal work of the business unit concerned. Other public authorities have an organisational policy of not charging for the provision of environmental information.

Under Ireland's Freedom of Information legislation, there is a specific fee structure which governs the charges which may be applied for search and retrieval, copying of records etc. Whether a similar structure should be introduced under AIE is a matter worthy of consideration and has been suggested by the OECD in the conclusions of the recent environmental performance review of Ireland.

6.2 Please explain how it has been ensured that the applicants are aware of a schedule of charges and circumstances in which a charge may be levied or waived.

Section 15 (2) of the AIE Regulations requires that public authorities shall make a list of fees available, including information on how these fees are calculated and any circumstances under which they may be waived, available to the public. Some organisations list fees on their websites and others have published the information in local newspapers. Where charges were

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applied, applicants were notified in advance and also given an opportunity to revise their request so as to minimise expense.

6.3 Do you have any other observations relating to the practical application of Article 5?

Some participating organisations have suggested that the drafting of a list of recommended fees to be applied, so as to ensure consistency across public bodies, would be useful. This is an issue that Ireland will consider. The fact that there is currently no facility to charge a deposit where it is anticipated that significant search and retrieval fees will arise has also been raised (an equivalent provision is contained in the Freedom of Information legislation).

Access to justice (Article 6) –What kind of review procedure is provided for an applicant in cases mentioned in Article 6(1)? Please specify the appointed authority or independent body?

Section 11 of the Regulations establishes the right to internal review, and the procedure under which this right can be exercised. Public authorities must establish internal procedures to process such reviews by a person other than the original decision-maker. The review procedure is similar in many ways to the system of internal review which operates under the Freedom of Information Acts.

An applicant who considers that their original request for environmental information was refused wholly or partially, or was otherwise not properly dealt with in accordance with the provisions of Articles 3, 4, or 5 of the Directive may, not later than one month after they receive notification of that decision, request the public authority concerned to review the decision.

An applicant whose request is refused, either wholly or in part, or who considers that their request was not properly dealt with in accordance with the provisions of the Regulations may, within one month, request the public authority in question to review the decision. The public authority is then required to designate an official unconnected with the initial decision and who is either of the same or a higher rank than the original decision maker, to review the decision. The reviewer may affirm, vary or annul the decision and may also require the public authority to make the information requested available. Where the original decision is affirmed or varied in a manner that results in some or all of the required information still not being released, the applicant must be informed of the reasons for the decision. Furthermore, they must also be advised of their right of appeal to the Commissioner for Environmental Information and the time limits associated with such an appeal.

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7.2. What kind of procedure is provided for an applicant in cases mentioned in Article 6(2)? Please specify three institutions entitled to review.

Following receipt of a decision arising from an internal review, the applicant may, within one month, appeal the decision to the Commissioner for Environmental Information.

The Commissioner for Environmental Information is statutorily independent and in accordance with the Regulations, may review the decision of a public authority, affirm, vary or annul the decision concerned and/or require the public authority to make environmental information to the applicant. The Commissioner may also refer any question of law arising from an appeal, to the High Court for determination.

7.3 Is the decision issued by the institution referred to in question 7.2 final? If not, please specify what kind of procedures could follow this one to get a final decision?

A decision of the Commissioner for Environmental Information may be appealed to the High Court on a point of law, by either party to an appeal. To date, one decision has been appealed to the High Court. A judgement in the case is expected in January 2010. A copy of the Commissioner's decision is available on www.ocei.ie, case reference is CEI 07/005. The case concerns the release of documents containing information on discussions of the Government regarding emissions into the environment.

7.4 Do you have any other observations relating to the practical application of Article 6?

It has been the experience of the Commissioner for Environmental Information that many appeals take a considerable time to determine and that the issues involved can be complex. In certain instances however it has been possible for the Commissioner to deal with cases on an informal basis.

8. Dissemination of environmental information (Article 7)

8.1 Which measures have been taken to ensure that public authorities organise the environmental information, with a view to its active and systematic dissemination to the public, in particular by means of computer telecommunications and/or electronic technology?

A section of the questionnaire focused on measures taken by public organisations to organise environmental information, with a view to its active and systematic dissemination to the public, in particular by electronic means.

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In most cases, responses focused on the organisational website. Electronic copies of relevant reports, studies, circulars, etc were made available online. RSS Feeds have been put in place on some websites to alert interested parties to access new information when available.

Some organisations have endeavoured to reproduce their Electronic Document Management System in an online format. Local Authorities have also taken to scanning all files which the public are entitled to view, to enable swift dissemination by electronic means.

Organisations have endeavoured to ensure that data is readily reproducible and accessible by electronic means and that their websites help to direct interested parties to appropriate contact points within the organisation.

Press releases are used by some Departments to draw attention to major initiatives, published materials and events. Local Authorities make use of local papers and newsletters to highlight web-content.

8.2 What are the measures taken to ensure that information is updated, as appropriate?

In all cases, organisations are aware of the requirements of the Directive and understand the need for material to be maintained and up to date. Individual organisations have policies in place to ensure that this takes place, including customer service charters.

In some instances, individual sections within public organisations are responsible for ensuring that their website content is updated as necessary. .

8.3 Is there an obligation to report on the state of the environment, next to the national, also at regional and local levels and if so, according to which timetable?

On a national level the Environmental Protection Agency (EPA) produces State of the Environment Reports on a four-year cycle, in accordance with the provisions of the Environmental Protection Agency Act 1992. Reports were produced in 2008, 2004, 2000 and 1996.

The EPA also publishes environmental indicator reports in the middle of this cycle, which provide a mid-term assessment of the state of the environment.

The 2008 State of the Environment report presents the most recent information on the quality of Ireland's environment and the pressures being placed on it. The report details:-

- The state of the environment

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- Trends of change over time and the human dimensions or socioeconomic aspects that are linked with these changes
- Responses to current and emerging environmental issues
- Challenges for the future

The aim of the state of the environment and indicator reports is to provide ongoing, timely information and knowledge to the general public, as well as to policymakers and to key economic sectors so as to support action to protect and manage the environment.

Ireland's Environment 2008 evaluates the state of the environment across a number of themes including, climate change, water quality, air quality and emissions, waste, chemicals, land soil and biodiversity and environmental noise. The report is available at the following URL:

<http://www.epa.ie/downloads/pubs/other/indicators/irlenv/#d.en.25214>

8.4 What mechanisms are used to publicize these reports?

The State of the Environment report received widespread coverage in the media. Recent reports have been launched by the Minister for the Environment, Heritage and Local Government and this launch is associated with press release material to draw attention to the contents of the report. Such reports are also made available to members of the public on the Environmental Protection Agency's website; www.epa.ie

8.5 Do you have any other observations relating to the practical application of Article 7?

As yet there have been no negative issues raised concerning access to material by electronic means.

9. Quality of environmental information (Article 8)

9.1. What are the measures taken to ensure that any information that is compiled by public authorities or on their behalf is up to date, accurate and comparable?

It is the responsibility of each public authority to ensure the environmental information it holds and disseminates is accurate, up-to-date and of high quality.

9.2. To ensure that information is comprehensible, accurate and comparable, the method used in compiling the information is important. Have you received any request about the method used? Please give any other information you consider useful.

No requests concerning the methods used to compile the information have been received.

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9.3 Do you have any other observations relating to the practical application of Article 8?

Not at this time.

10. Statistics

Where statistical data has been collected on the items below, it would be useful to forward this data to the Commission.

- **Number of requests made.**
- **Areas to which the requests for information relate.**
- **Percentage of requests handled within the one-month period and those within the extended term.**
- **Percentage of requests accepted/refused; in the case of refusal, please give a breakdown by exemption cited in support of the refusal.**
- **Number of procedures introduced according to Article 6.1 and 6.2 of the Directive;**
- **average duration and average cost of the procedures;**
- **percentage failures and successes at the end of the procedures.**

This data is contained in Appendix 1.

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Appendix 1

<u>Review of implementation of EU Directive 2003/4/EC on Public Access to Information on the Environment (Regulations S.I. No. 133 of 2007)</u>		
<i>Monitoring period: 1 May 2007 – 31 December 2008</i>		
	<i>Total for all monitored Government bodies¹</i>	
<i>AIE written requests ...</i>	%	Number
Number received		323
Number accepted	84%	270
Number refused	16%	53
Refused on mandatory grounds (*expressed as % of total number of requests refused)	62%*	
Refused on discretionary grounds	28%*	
Refused on other grounds ²	10%*	
Number of internal reviews requested	6%	
AIE requests complied with within 1 month	85%	
AIE requests complied with in extended term	15%	
<i>Nature³ of requests received under AIE legislation relating in whole or in part to:</i>		
-state of elements of the environment	22%	
- factors such as substances, energy, noise, waste	19%	
- policy/legal/administrative measures	41%	
- reports on the implementation of environmental legislation	8%	
- cost benefit and other economic analyses	2%	
- the state of human health and safety	8%	
<i>Charges</i>		
Requests to which a charge was applied:	2%	

¹ This statistical information is based on data submitted by designated AIE officers in Government Departments, Local Authorities and other government bodies subject to the Access to Information on the Environment Regulations 2007, S.I. no. 133 of 2007) to Department of Environment, Heritage and Local Government.

² Includes requests for information: not held by the relevant government body; already publicly available; technically refused under Regulation 4(1) and 7(5).

³ The regulations do not apply to information held in connection with or for the purpose of any judicial or legislative function, or information which, under any statutory provision apart from these Regulations, is required to be made available, whether for inspection or otherwise, to persons generally.

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Total Revenue collected	€347.96
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Appeals data (Source: Office of the Commissioner for Environmental Information)

Year	No. of appeals received	Decisions issued	Invalid
1-May-2007 to 31-Dec-2008	18	4	7

The AIE Regulations (Regulation 15, S.I. 133 of 2007) provide that a fee of €150 must be charged for an appeal to the Commissioner for Environmental Information. However, provision is also made for a reduced appeal fee of €50 for medical card holders and their dependents and also for people, not party to the original request for access to information, who are appealing a decision to release information which they believe will affect them. The Office of the Commissioner for Environmental Information has adopted a position whereby fees are refunded when an appeal is withdrawn before formal decision (e.g. where the information is released by the public authority following the Commissioner's intervention or where, even though a fee has been paid, the appeal is otherwise invalid).

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Appendix 2

Questionnaire on the implementation of the European Communities (Access to
information on the Environment) Regulations, S.I. No. 133 of 2007

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Organisation:

Response prepared by:

Date:

I - Requests for Information on the Environment

1. How many written requests were received under the European Communities (Access to Information on the Environment) 2007 Regulations?

2. Please indicate how many of the requests received related to the following areas:

(a) the state of the elements of the environment (including air, atmosphere, water, soil, land, landscape, natural sites, wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms and the interaction among these elements);

(b) factors such as substances, energy, noise, radiation or waste (including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment);

(c) measures (including administrative measures) such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to at (a) and (b) above, as well as measures or activities designed to protect those elements;

(d) reports on the implementation of environmental legislation;

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(e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c) above;

(f) the state of human health and safety (including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are, or may be, affected by the state of the elements of the environment referred to at (a) above, or, through those elements, by any of the matters referred to at (b) and (c) above:

Note: The Regulations do not apply to information held in connection with or for the purpose of any judicial or legislative function, or information which, under any statutory provision apart from these Regulations, is required to be made available, whether for inspection or otherwise, to persons generally,

II - Processing of Requests

3. How many requests, at 1 above, were complied with;

(a) in part?

(b) in full?

4. (1) How many requests, at 1 above, were complied with;

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- (a) within one month?
- (b) within two months?
- (c) within more than two months?

III - Charges

Section 15 of the Regulations provides that public authorities may apply a charge for supplying information but also provides that such a charge may not exceed an amount which is considered reasonable having regard to the actual cost of supplying the information requested.

5. (1) Does your organisation apply charges for Access to Information on the Environment? If yes, please state if these are fixed charges.

YES NO

5. (2) Please state

- (a) the total number of cases where charges were applied;
- (b) the minimum and maximum charges applied;
- (c) the total revenue collected;

5. (3) Please state the basis for applying (or not applying) charges for the supply of information and also where charges were applied, please state the basis for their calculations:

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5. (4) Please explain how it has been ensured that the applicants are aware of a schedule of charges and circumstances in which a charge may be levied or waived:

5. (5) Please set out any observations you may have on your experience to date with charges:

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IV - Refusal of Requests

Sections 8, 9 and 10 of the Regulations set out the grounds that mandate a refusal to release information, both on mandatory and discretionary grounds.

- 6. How many requests, at 1 above, were refused?

- 7. Please indicate the number of refusals on **Mandatory Grounds** (under Section 8 and subject to Regulation 10 of the Regulations):

- 8. Please indicate the number of Refusals on **Discretionary Grounds** (under Section 9 of the 2007 Regulations):

V - Appeals

- 9. In the case of refusals, please state
 - (a) the number of further reviews requested;
 - (b) the number referred to the Office of the Commissioner for Environmental Information (where known);
 - (c) the number referred to the Courts on a point of law (where known):

- 10. In the case of review by the Courts, as per question 9 (c) above, please state (where known)
 - (a) the number where the decision of the public authority was upheld;
 - (b) the number where the decision of the public authority was overturned;
 - (c) the number where other decisions were applied;

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(d) the average duration until the decision of the Courts;

(e) the average costs of proceedings:

VI - Access to Environmental Information

11. (1) What practical arrangements does your organisation have in place for ensuring the right of access to environmental information? Examples could include a designated information officer, facilities for the examination of information and/or registers or lists of the environmental information. Please provide examples of the practical arrangements in place:

11. (2) Sections 4 and 5 of the Regulations place obligations on public bodies to make environmental information available to applicants, subject to statutory provision and to maintain environmental information, held by or for it, in a manner that is readily reproducible and accessible by electronic means. Please set out any observations you may have on your experience to date with these obligations:

11. (3) Section 7 of the Regulations places obligations on public bodies to reply to applicants for information on the environment within a specified time frame. Please set out any observations you may have with regard to the specified time lines for response to applicants:

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VII - Exceptions

12. (1) Section 8 of the Regulations sets out the criteria that, subject to Section 10, mandate a refusal. Do you have any observations regarding the mandatory grounds for refusal of information?

12. (2) Section 9 of the Regulations sets out the discretionary grounds for refusal of information. Do you have any observations regarding the discretionary grounds for refusal of information?

12. (3) Section 10 of the Regulations sets out the incidental provisions relating to refusal of information. Do you have any observations regarding the incidental provisions relating to refusal of information?

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VIII - Dissemination of Environment Information

13. (1) What measures has your organisation taken to organise environmental information, with a view to its active and systematic dissemination to the public, in particular by electronic means? Please state the measures taken:

13. (2) What measures does your organisation take to ensure that information held electronically is updated? Please explain how this is carried out:

13. (3) Section 5 of the Regulations places obligations on public bodies to make all reasonable efforts to maintain environmental information held by or for it in a manner that is easily reproducible and accessible by electronic means. Please set out any observations you may have on your experience to date with these obligations:

IX - Quality of Environmental Information

14. (1) What measures does your organisation take to ensure that any information held by you or on your behalf is up to date, accurate and comparable? Please provide examples of these measures:

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14. (2) Has your organisation received any request for information regarding the measures taken to ensure that information held by you is up to date, accurate and comparable? Please give details:

14. (3) Please set out any observations you may have with regard to the obligation to ensure that any information held by you or on your behalf is up to date, accurate and comparable:

X - General Comments

Does your organisation have any other comments to offer in relation to the implementation of the Access to Information on the Environment Regulations, or the extent of use of the Regulations in comparison with enquiries (not specific to the Regulations) for environmental information, enquiries for information under statutory provisions other than the regulations, or for information made available on a voluntary basis? (Additional pages may be used if required)

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Thank you for your time in completing this questionnaire.

**Environment Policy Section,
Department of the Environment, Heritage and Local Government.**