

Format for the Protocol on Pollutant Release and Transfer Registers Implementation Report in accordance with Decision I/5 (ECE/MP.PRTR/2010/2/Add.1)

CERTIFICATION SHEET

The following report is submitted on behalf of

Ireland

in accordance with decision I/5

Name of officer responsible for submitting the national report:	Aoife Byrne
Signature:	
Date:	4 th January 2017

IMPLEMENTATION REPORT

Please provide the following details on the origin of this report.

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Provide a brief description of the process by which this report has been prepared, including information on which types of public authorities were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account and on the material which was used as a basis for preparing the report.

Answer:

Government Consultation:

The Department has closely engaged with the Environmental Protection Agency, as competent authority for the Irish PRTR, in preparing this report.

Public/Stakeholder Consultation:

Ireland's draft National PRTR Implementation Report was open to public consultation. The consultation process opened in November 2016 and closed for submissions on 1st December 2016.. Notices were placed on the Department's [website](#), inviting comments on the draft Report. In addition, notification was sent to all Government Departments inviting them to disseminate it further to bodies under their aegis, and welcoming submissions. Notification was also sent to other public authorities and interested parties such as institutes of third level education, agencies and environmental NGOs inviting participation.

Articles 3, 4 and 5

List legislative, regulatory and other measures that implement the general provisions in articles 3 (general provisions), 4 (core elements of a pollutant release and transfer register system (PRTR)) and 5 (design and structure).

In particular, describe:

(a) With respect to **article 3, paragraph 1**, measures taken to ensure the implementation of the provisions of the Protocol, including enforcement measures;

Answer:

- Ireland made the Pollutant Release and Transfer Register Regulations 2011 (S.I. No. 649 of 2011 available at <http://www.irishstatutebook.ie/2011/en/si/0649.html>) in December 2011 to place the Irish PRTR on a statutory footing.*
- The Regulations designate the Environmental Protection Agency as*

<p><i>competent authority for the purposes of the Irish PRTR (Regulation 4) and assign functions relating to the design and structure of the register to the EPA (Regulation 6). Reporting obligations are placed on both operators (Regulation 7) and the EPA (Regulation 9).</i></p> <ul style="list-style-type: none"> <i>• The Regulations provide for quality assurance of data and assessment (Regulation 10), access to information (Regulation 11, 12, 14), public participation (Regulation 13) and awareness raising (Regulation 16).</i> <i>• The Regulations create offences and provide for related penalties (Regulation 17).</i>
<p>(b) With respect to article 3, paragraph 2, measures taken to introduce a more extensive or more publicly accessible PRTR than required by the Protocol;</p> <p><i>Answer:</i></p> <ul style="list-style-type: none"> <i>• The pollutants and the relevant thresholds for release to air, water and land included in the Irish PRTR are detailed in Schedule 2 to the Pollutant Release and Transfer Register Regulations 2011.</i> <i>• The 91 pollutants included in this Schedule exceed the list covered by the Protocol.</i> <p><i>The additional pollutants included in the Irish PRTR are:</i></p> <p><i>Octylphenols and Octylphenol ethoxylates (CAS No. 1806-26-4)</i></p> <p><i>Fluoranthene (CAS No. 206-44-0)</i></p> <p><i>Isodrin (CAS No. 465-73-6)</i></p> <p><i>Hexabromobiphenyl (CAS No. 36355-1-8)</i></p> <p><i>Benzo(g,h,i)perylene (CAS No. 191-24-2)</i></p> <ul style="list-style-type: none"> <i>• The Irish PRTR website has user-friendly maps and a search function to enhance public accessibility; http://www.epa.ie/enforcement/prtr/ http://www.epa.ie/enforcement/prtr/about/ and here; .</i>
<p>(c) With respect to article 3, paragraph 3, measures taken to require that employees of a facility and members of the public who report a violation by a facility of national laws implementing this Protocol to public authorities are not penalized, persecuted or harassed for their actions in reporting the violation;</p> <p><i>Answer:</i></p> <ul style="list-style-type: none"> <i>• The Environmental Protection Agency's complaint system, 'Making an Environmental Complaint', provides for making complaints relating to the environment and allows individuals to have their details kept confidential.</i> <i>• The Protected Disclosures Act 2014 provides a comprehensive suite of employment and other protections to whistleblowers that are penalised by their employer or suffer a detriment from a third party as a result of raising concerns regarding possible wrongdoing in their workplace. The Act closely reflects international best practice recommendations on whistleblower protection made by the G20/OECD, the UN and the Council of Europe and draws on recent developments in legislative models adopted or being put in place in other jurisdictions.</i>

(d) With respect to **article 3, paragraph 5**, whether the PRTR system has been integrated into other reporting mechanisms and, if such integration has been undertaken, into which systems. Did such integration lead to elimination of duplicative reporting? Were any special challenges encountered or overcome in undertaking the integration, and how?

Answer:

- *The obligation on operators to submit PRTR data to the Environmental Protection Agency has been incorporated into the Integrated Pollution Control (IPC) / Industrial Emissions Directive (IED) / Waste / Wastewater Discharge Authorisations (WWDA) licensing codes.*
- *It is a standard condition of new or revised IPC / IED / Waste / WWDA licences (above a specific population equivalent threshold) that the licensee must prepare and report a PRTR for the site. The licensee is obliged to prepare the PRTR report in accordance with any guidelines issued by the EPA and to submit the report electronically in specified format and as part of the Annual Environmental Report for the site, where applicable.*
- *The integration of PRTR reporting into the IPC / IED / Waste / WWDA licensing systems means that PRTR reporting is incorporated into the annual reporting requirements of those licences, where applicable.*
- *The single PRTR dataset submitted by the operator is used for Ireland's annual returns to the European-PRTR and the National dataset is used to facilitate and inform other national reporting (e.g. waste reporting) and enforcement activities undertaken by the EPA.*

(e) With respect to **article 5, paragraph 1**, how releases and transfers can be searched and identified according to the parameters listed in subparagraphs (a) to (f);

Answer:

- *In accordance with Regulation 6 of the [Pollutant Release and Transfer Regulations 2011](#), the Irish PRTR has been designed in a manner to allow releases and transfers to be searched for and identified by the parameters set down in Article 5(1) of the Protocol.*

The Irish PRTR website has a section dedicated to explaining how to use the search functions at <http://www.epa.ie/enforcement/prtr/map/>. This section also explains the map tools and the facility report. Users can currently search by

- *Year (currently a choice of 2007-2014, with the latest year set as the default year);*
- *River Basin District - RBD (select from a drop down list); or*
- *County (select from a dropdown list);*
- *Licence Number e.g. P0XXX (Enter in only the first 5 digits of the licence number, e.g. leave out the '-01' or '-02' etc. so that it is not necessary to know which version of the licence is on the web application);*
- *Facility name;*
- *Sector (from a selection of 9 sectors in the drop down list);*
- *Pollutant (from the drop down list).*

Further development was carried out in 2014 which provided search functions for the parameters: environmental media into which the pollutant is released; the destination of the transfer and, where appropriate, the disposal or recovery operation for waste. Hazardous

and non-hazardous wastes can also be distinguished.

(f) With respect to **article 5, paragraph 4**, provide the Universal Resource Locator (url) or Internet address where the register can be continuously and immediately accessed, or other electronic means with equivalent effect;

Answer:

The Irish PRTR is available at <http://prtr.epa.ie/map/default.aspx>

(g) With respect to **article 5, paragraphs 5 and 6**, provide information on links from the Party's register to relevant existing, publicly accessible databases on subject matters related to environmental protection, if any, and a link to PRTRs of other Parties.

Answer:

- The Irish PRTR website (<http://www.epa.ie/enforcement/prtr/>) provides links to existing databases such as those maintained by the Environmental Protection Agency and other public bodies in Ireland, to the E-PRTR, and to other international databases.

Links to the PRTRs of other parties are provided via:

<http://prtr.ec.europa.eu/> - the European-wide PRTR register contains environmental data from EU Member States Iceland, Liechtenstein, Norway, Serbia and Switzerland;

<http://www.unece.org/env/pp/prtr.html> - the UNECE PRTR website;

<http://www.unece.org/env/pp/prtr.html> global portal to Pollutant Release and Transfer Register (PRTR) contains information and activities from countries and organisations around the world;

Geographical information compiled by the EPA on environmental data is available to search through the Browse a Map link - <http://gis.epa.ie/SeeMaps>

Special Areas of Conservation (SACs), wildlife conservation areas in the country, considered to be important on a European as well as Irish level - <http://www.npws.ie/protectedsites/specialareasofconservationsac/>.

Special Protection Areas (SPAs) - <http://webgis.npws.ie/npwsviewer/>.

Article 7

List legislative, regulatory and other measures that implement article 7 (reporting requirements).

Describe or identify as appropriate:

(a) With respect to **paragraph 1**, whether the reporting requirements of paragraph 1 (a) are required by the national system, or whether those of paragraph 1 (b) are required by the national system;

Answer:

*The Irish PRTR requires operators to submit the information specified in **Article 7(1)(a)** of the Protocol, in accordance with Regulation 7 of the [Pollutant Release and Transfer Register Regulations 2011](#).*

(b) With respect to **paragraphs 1, 2 and 5**, whether it is the owner of each individual facility that is required to fulfil the reporting requirements or whether it is the operator;

Answer:

The Irish PRTR requires the operator to fulfil the reporting obligations contained in the [Pollutant Release and Transfer Register Regulations 2011](#) (Regulation 7).

“Operator” is defined in Regulation 2 of the PRTR Regulations to mean “the natural or legal person responsible for operating or controlling the facility or the person to whom decisive economic power over the technical functioning of the facility has been delegated.”

(c) With respect to **paragraph 1 and annex I**, any difference between the list of activities for which reporting is required under the Protocol, or their associated thresholds, and the list of activities and associated thresholds for which reporting is required under the national PRTR system;

Answer:

The activities covered by the Irish PRTR are the same activities included in Annex I of the Protocol. Unlike the Protocol, the Irish PRTR does not specify an employee threshold for the activities concerned.

(d) With respect to **paragraph 1 and annex II**, any difference between the list of pollutants for which reporting is required under the Protocol, or their associated thresholds, and the list of pollutants and associated thresholds for which reporting is required under the national PRTR system;

Answer:

The pollutants and the relevant thresholds for release to air, water and land are detailed in Schedule 2 to the [Pollutant Release and Transfer Register Regulations 2011](#). (Column 3 of Annex II to the Protocol does not appear in Schedule 2 to the PRTR Regulations as the Irish register requires operators to submit the information required in Article 7(1)(a) of the Protocol).

The 91 pollutants included in this Schedule exceed the list covered by the PRTR Protocol (86 pollutants).

The additional pollutants included in the Irish PRTR are:

Octylphenols and Octylphenol ethoxylates (CAS No. 1806-26-4)

Fluoranthene (CAS No. 206-44-0)

Isodrin (CAS No. 465-73-6)

Hexabromobiphenyl (CAS No. 36355-1-8)

Benzo(g,h,i)perylene (CAS No. 191-24-2)

Under national PRTR reporting, the Environmental Protection Agency also requests licensed facilities to report their licensed parameter emissions in addition to the PRTR pollutants. It should be noted that this information is not included on the national PRTR website, as the reporting task is not mandatory for facilities to report.

(e) With respect to **paragraph 3 and annex II**, whether for any particular pollutant or pollutants listed in annex II of the Protocol, the Party applies a type of threshold other than the one referred to in the responses to paragraph (a) above and, if so, why;

Answer: No.

(f) With respect to **paragraph 4**, the competent authority designated to collect the information on releases of pollutants from diffuse sources specified in paragraphs 7 and 8;

Answer: Environmental Protection Agency.

(g) With respect to **paragraphs 5 and 6**, any differences between the scope of information to be provided by owners or operators under the Protocol and the

information required under the national PRTR system, and whether the national system is based on pollutant-specific (paragraph 5 (d) (i)) or waste-specific (paragraph 5 (d) (ii)) reporting of transfers;

The Irish PRTR is based on waste-specific (paragraph 5 (d) (ii)) reporting of transfers.

The Irish PRTR collects a broader scope of information than is required by the Protocol, for example:

- *Operators of IPC / IED / Waste / WWDA licensed facilities are requested to report their licensed parameter emissions in addition to the PRTR pollutants.*
- *Additional waste data is collected to assist in the national compilation of waste statistics in relation to waste treated onsite of generation and whether waste is imported onto sites.*

(h) With respect to **paragraphs 4 and 7**, where diffuse sources have been included in the register, which diffuse sources have been included and how these can be searched and identified by users, in an adequate spatial disaggregation; or where they have not been included, provide information on measures to initiate reporting on diffuse sources;

Diffuse sources are not currently included in the Irish PRTR but this information is compiled and displayed on the European website <http://prtr.ec.europa.eu/#/diffemissionsair> and <http://prtr.ec.europa.eu/#/diffemissionswater>. They are currently reported to the United Nations Economic Commission for Europe (UNECE) Convention on Long-range Transboundary Air Pollution (CLRTAP) and United Nations Framework Convention on Climate Change (UNFCCC) for air reporting and diffuse water emissions are reported in the context of the implementation of the Water Framework Directive, International River Basin Commission reports.

(i) With respect to **paragraph 8**, the types of methodology used to derive the information on diffuse sources.

Answer: As described in (h) above diffuse sources are not included in the Irish PRTR.

Article 8

For each reporting cycle since the last national implementation report (or date of entry into force of the Protocol), please indicate:

(a) The reporting year (the calendar year to which the reported information relates);

(b) The deadline(s) by which the owners or operators of facilities were required to report to the competent authority;

(c) The date by which the information was required to be publicly accessible on the register, having regard to the requirements of **article 8** (reporting cycle);

(d) Whether the various deadlines for reporting by facilities and for having the information publicly accessible on the register were met in practice; and if they were delayed, the reasons for this;

(e) Whether methods of electronic reporting were used to facilitate the incorporation of the information required in the national register, and if such methods were used, the proportion of electronic reporting by facilities and any software applications used to support such reporting.

Answer:

Ireland ratified the PRTR Protocol on 20 June 2012. Under Article 8 of the Protocol, the first reporting year for the Irish PRTR is 2013. However, as the first reporting year for the European-PRTR was 2007, Ireland has taken 2007 to be the first reporting year for the Irish PRTR also.

(a) The first reporting year for the Irish PRTR is 2007.

(b) The operator is required to furnish the required information for the preceding year to the Agency not later than 31st March in each year (Regulation 7(1) of the Pollutant Release and Transfer Regulations 2011). The licensed wastewater discharge agglomerations are required to report the required information to the Environmental Protection Agency by 28th February in each year, where applicable.

(c) The EPA is obliged to ensure that information submitted by operators is publicly accessible on the [Irish PRTR website](#) within 15 months after the end of the reporting year (Regulation 9(1) of the [Pollutant Release and Transfer Register Regulations 2011](#)).

(d) The deadline for reporting by facilities is not met each year by a number of facilities (reasons provided include burden of reporting commitments and resource issues). These facilities are followed up on as part of the data validation process undertaken by the EPA. Ireland does generally meet the deadline for reporting the data to the European Commission (within 15 months after end of the reporting year). The national deadline for having the information publicly available on the national register (also 15 months after end of the reporting year) has generally not been met. The main reasons are to enable the data to be prepared and uploaded to the national register in the correct technical format and also to await confirmation that the dataset has been technically accepted by the European Commission and to follow up where necessary. The upload of the data to the national register generally occurs within the timeframe that the data is made available on the [European Commission E-PRTR website](#).

(e) All the PRTR information is reported electronically in the national system and is publicly accessible electronically on the national website.

Article 9

Describe the legislative, regulatory and other measures ensuring the collection of data and the keeping of records, and establishing the types of methodologies used in gathering the information on releases and transfers, in accordance with article 9 (data collection and record-keeping).

Answer: Regulation 7(1) of the [Pollutant Release and Transfer Register Regulations 2011](#) provides that the operator shall by 31st March in each year submit PRTR information to the Environmental Protection Agency for the preceding calendar year. The obligation on operators to submit PRTR data to the EPA has also been incorporated into the IPC / IED / Waste / WWDA licensing system. In accordance with Regulation 7(7) of the PRTR Regulations, the operator in preparing his / her PRTR report is obliged to use the best available information which may include monitoring data, emission factors, mass balance equations, indirect monitoring or other calculation, engineering judgements and other methods in accordance with internationally approved methodologies, where these are available. In this regard and in order to assist

operators, the EPA has published a series of guidance documents in relation to compiling the relevant information on emissions and off-site transfers of waste materials from a facility prior to reporting to the EPA <http://www.epa.ie/enforcement/prtr/operator/>). Regulation 15(2) provides that the operator must have regard to any guidelines published by the EPA.

The EPA has also developed calculation tools for the Intensive Agriculture and Wastewater Discharge and Landfill licensed sectors (and the quarrying sector which is not licensed by the EPA) to assist in the compilation and reporting of better quality data.

The electronic workbook used nationally to collect the PRTR data requires the operators to specify the methodologies used in measuring / calculating / estimating the information on releases and transfers. These methodologies are randomly checked during manual validation of the data.

The operators complete the PRTR workbook and submit this to the EPA electronically.

Under Regulation 7(8), an operator is required to retain the records of the data from which the PRTR reported information was derived for a period of 5 years starting from the end of the reporting year concerned. The IPC / IED / Waste / WWDA licensed facilities are also required by licence to keep relevant records. The reporting facilities are asked to submit their retained records as appropriate e.g. their data calculations may be checked / verified during manual validation of the data.

Article 10

Describe the rules, procedures and mechanisms ensuring the quality of the data contained in the national PRTR and what these revealed about the quality of data reported, having regard to the requirements of article 10 (quality assessment).

Answer:

Regulation 10(1) of the [Pollutant Release and Transfer Register Regulations 2011](#) places an obligation on operators to ensure that robust quality assurance procedures are employed to all data collection and that operators should have regard to PRTR guidance documents published by the Environmental Protection Agency. In addition, section 13(5)(c) of the [Environmental Protection Agency Act 1992](#) requires that information submitted by licensed facilities shall not be false or misleading.

The EPA has engaged with operators regarding their obligations under the PRTR Regulations through written correspondence, training seminars and the publication of PRTR guidance documents. The guidance documents are available at <http://www.epa.ie/enforcement/prtr/operator/>. PRTR documents published by the EPA include guidance for operators in relation to compiling the relevant information on emissions and off-site transfers of waste materials from a facility prior to reporting via a PRTR Electronic Reporting Worksheet on the EPA's website at <http://aer.epa.ie/reporting/pgLogon.aspx>.

Validation of the PRTR data submissions from operators consists of 2 separate stages:

(a) Automatic validation

Automatic validation of the content of the PRTR Electronic Reporting Workbook xml file on upload to the EPA database. The PRTR Electronic Reporting System contains a 5-step Automatic Validation process to ensure that information is only uploaded by those users who are permitted to use the system, and that all required information is inputted correctly.

The Automatic Validation steps are;

- *User authentication - the licensee logs into the EPA PRTR Reporting website to download their PRTR Reporting Workbook or to upload their XML file containing their data for submission.*
- *Cell input validation / workbook rules - this helps to ensure good quality and consistent data is received from the licensees.*
- *Xml validation - includes reference year check to verify that the year of the XML data in the file matches the year selected on the Reporting website, codes validation e.g. if an EWC code is missing or invalid. The overall structure or schema of the XML file is also checked to ensure that it conforms to the expected structure.*
- *Uploading to website validation - this is the same process as the user authentication referred to above.*
- *Uploading to EPA server validation - similar validation steps here to the XML validation and any errors encountered would be emailed back to the licensee.*

(b) Manual validation of the submitted data

The EPA is obliged under Regulation 10(2) of the PRTR Regulations to assess the quality of the data submitted by operators, in particular as to their completeness, consistency and credibility. Moreover, the EPA is responsible for the development of Irish inventories of emissions to the environment and requires that the data collected for these purposes is of a sufficient quality and reliability.

All information submitted to the EPA is therefore subject to a process of Manual Validation and verification by the EPA. For example, errors in or omissions from an operator's submission might subsequently be detected during the EPA's review of the information or during on-site inspections by the Agency of the facility concerned; this may necessitate correcting and resubmitting the information in question.

The EU also carries out automatic validation checks when the national data is uploaded, and they provide feedback in the format of a country-specific report on the uploaded data.

Quality of data reported

Automatic validation rules have developed and improved over time as a result of the identification of common errors and on-going issues. This has resulted in the elimination of incomplete reporting in error i.e. the upload of blank datasets or datasets with missing or invalid information.

The manual validation process has improved the quality of data reported by operators by highlighting changes from previous years. Comparison with other reported datasets in the EPA allows validators to cross-check data from different reporting sources. Also a reduction in common reporting errors such as incorrect units, incorrect EWC codes and incorrect final destinations of waste transfers has been noted as a result of manual validation work, which has led to an improvement in quality and consistency of data.

Article 11

Describe the way(s) in which public access to the information contained in the register is facilitated, having regard to the requirements of article 11 (public access to information).

Answer:

- The Irish PRTR can be accessed electronically, free of charge, at <http://prtr.epa.ie/map/default.aspx>. Further information and guidance is available on the EPA PRTR website (<http://www.epa.ie/enforcement/prtr/>)
- Electronic access to the register is also facilitated at the EPA's regional offices on request.
- PRTR data can be accessed via the EPA's geoportal (<http://gis.epa.ie/>)
- A link to <http://prtr.epa.ie/> is also available on the following websites www.askaboutireland.ie (<http://www.askaboutireland.ie/enfo/irelands-environment/aarhus-convention/prtr-protocol/index.xml>) and the Citizen's Information website at http://www.citizensinformation.ie/en/environment/environmental_law/aarhus_convention.html which are accessible (free of charge) through internet access in public libraries.

Article 12

Where any information on the register is kept confidential, give an indication of the types of information that may be withheld and the frequency with which it is withheld, having regard to the requirements of article 12 (confidentiality). Please provide comments on practical experience and challenges encountered with respect to dealing with confidentiality claims, in particular with respect to the requirements set out in paragraph 2.

Answer:

Reporting of PRTR information is obligatory under Regulation 7 of the [Pollutant Release and Transfer Register Regulations 2011](#). Article 12 of the Irish PRTR Regulations provide that an operator may request that specific information concerning releases or off-site transfers should be kept confidential; that is, that such specific information should be excluded from the Irish PRTR. In order to benefit from the confidentiality provision, the operator must make a case to the Environmental Protection Agency explaining the reasons for the requested confidentiality.

Following consideration, the EPA may decide to approve the request. In such a case the Irish PRTR will have to indicate what type of information has been withheld and for what reason it has been withheld.

Where an operator considers that information they report to the EPA is confidential they have to complete a Confidentiality Questionnaire which is available on the website <http://www.epa.ie/pubs/advice/aerprtr/prtr/confidentialinformationquestionnaire.html>. The information in the questionnaire is assessed by the EPA and a decision on the confidential nature of the information is returned to the operators.

To date, the only example that the EPA has encountered, where confidential information is excluded from the PRTR due to its commercially sensitive nature, has been in relation to the destination addresses of waste. Information on releases which is relevant for the protection of the environment has not been encountered by the EPA as an issue to date.

Article 13

Describe the opportunities for public participation in the development of the national PRTR system, in accordance with article 13 (public participation in the development of national pollutant release and transfer registers), and any relevant experience with public participation in the development of the system.

Answer:

- *In November 2008, a consultation paper outlining how Ireland proposed to implement the PRTR Protocol was published by the Department of the Environment, Heritage and Local Government on its website: <http://www.environ.ie/en/Environment/UNECEProtocolonPRTRsPublicConsultation/>. Comments were invited from interested parties. At the same time, the Department invited comments and circulated a copy of the consultation paper to over 110 relevant stakeholders including Government Departments/Offices, State Agencies, Regulatory Authorities including local authorities, environmental NGOs, representative groups and associations and private enterprises. The comments received were taken into account in developing the Irish PRTR which was launched on 12th October 2011.*
- *Regulation 13 of the [Pollutant Release and Transfer Regulations 2011](#) provides for ongoing opportunities for public participation in the further development of the register.*
- *The Irish PRTR website includes a feedback facility whereby any person can submit comments or queries regarding any aspect of the register/website (available at <http://prtr.epa.ie/Contact.aspx> and at <http://gis.epa.ie/ContactUs>).*
- *The PRTR reporting obligations on operators have been incorporated into the IPC / IED / Waste / WWDA licensing codes administered by the EPA. The Irish IPC / IED / Waste / WWDA licensing codes are open and transparent and the public is afforded early and effective opportunities to participate through written submissions and objections.*
- *Each reporting facility can provide feedback via the workbook they submit annually.*

Article 14

Describe the review procedure established by law to which all individuals have access if they consider that their request for information has been ignored, wrongfully refused or otherwise not dealt with in accordance with the provisions of article 14 (access to justice), and any use made of it.

Answer:

On 28 January 2003, Directive 2003/4/EC of the European Parliament and of the Council on public access to environmental information and repealing Council Directive 90/313/EEC was adopted (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0004:EN:NOT>).

The European Union has therefore fulfilled the obligations of Article 14 of Protocol through this legislation. Ireland has accordingly transposed the provisions of Article 14 of the Protocol in accordance with the requirements of [Directive 2003/4/EC](#) through the European Communities (Access to Information on the Environment) Regulations 2007 to 2014 (S.I. No. 133 of 2007, S.I. No.662

of 2011 and S.I. No. 665 of 2014 – an unofficial consolidated version is available at http://www.environ.ie/en/Legislation/Environment/Miscellaneous/FileDownload_30002,en.pdf).

The Irish PRTR generally constitutes ‘environmental information’ as defined in the European Communities (Access to Information on the Environment) Regulations 2007 to 2014. As such, the provisions of these Regulations apply to issues relating to access to the Irish PRTR, subject to the exemption clauses included in these Regulations, which accord to the requirements of Directive 2003/4/EC of the European Parliament and of the Council on public access to environmental information.

In particular the following articles of the European Communities (Access to Information on the Environment) Regulations 2007 to 2014 establish the statutory obligations on public authorities (including the EPA) with respect to access to justice relating to a request for environmental information relating to the Irish PRTR:

(i) Article 11

(ii) Article 12

(iii) Article 13

Review Procedures

Ireland has provided a two tier system of review under the European Communities (Access to Information on the Environment) Regulations 2007 to 2014.

Article 11 of the European Communities (Access to Information on the Environment) Regulations 2007 to 2014 establishes the right to an internal review, free of charge, and the procedures under which this right may be exercised.

Article 11(1) establishes a right to a free internal review by the public authority, in the first instance.

Under article 11(3), a reviewer is required to make a decision within one month of the date of receipt of the request.

Under article 11(2), a reviewer can affirm, vary or annul the decision and require the public authority to make the information available to the applicant.

Article 12 sets out the appeals mechanism, which is an appeal to the Commission for Environmental Information (CEI), an independent office.

Article 12(5) sets out that following receipt of an appeal, the CEI shall-

(a) review the decision of the public authority,

(b) affirm, vary or annul the decision concerned, specifying the reasons for his or her decision, and

(c) where appropriate, require the public authority to make available environmental information to the applicant.

Article 13 provides that a party to an appeal to the CEI or any other person affected by a decision of the CEI may appeal the decision to the High Court on a point of law.

Article 15(3) provides that a fee of €50 shall apply to appeals to the CEI. In certain circumstances (e.g. medical card holders), a reduced fee of €15 applies. The fee may be waived in certain circumstances at the discretion of the

Commissioner – this provision was introduced by the European Communities (Access to Information on the Environment) (Amendment) Regulations 2011 (S.I. No. 662/2011 available at <http://www.environ.ie/en/Legislation/Environment/Miscellaneous/FileDownload.30003.en.pdf>).

Section 5 of the Environment (Miscellaneous Provisions) Act 2011 (available at <http://www.irishstatutebook.ie/pdf/2011/en.act.2011.0020.PDF>) provides for special cost rules under which each party to judicial proceedings bears their own costs in proceedings relating to a request for information under the European Communities (Access to Information on the Environment) Regulations 2007 to 2014.

In accordance with article 12(7), public authorities must comply with decisions of the CEI within 3 weeks of receipt of the decision. The CEI may apply to the High Court for an order directing a public authority to comply with a decision should it fail to do so.

Under article 12(8), if a public authority fails to comply with a decision of the Commissioner within the period specified in sub-article 7, the Commission may apply to the High Court for an order directing the public authority to comply with that decision and, on the hearing of such an application, the High Court may grant such relief accordingly.

Judicial Review

Regulation 14 of the [Pollutant Release and Transfer Register Regulations 2011](#) provides that a person can appeal a decision of the Agency relating to a request for information by means of Judicial Review.

It is open to a person to question the validity of a decision of the Environmental Protection Agency relating to a request for information under Regulation 11(2) of the [Pollutant Release and Transfer Register Regulations 2011](#) by means of Judicial Review.

Judicial review is the principal method available to members of the public demonstrating a sufficient interest to challenge acts and omissions which contravene provisions of national law relating to the environment. The judicial review procedure is governed by [Order 84 of the Rules of the Superior Courts](#).

Judicial review is a 2-stage process. An application for leave to bring judicial review proceeding must first be made. If leave is granted, the applicant may proceed to bring judicial review proceedings. The leave stage acts as a filtering process to identify, at an early stage, frivolous and unmeritorious claims.

Any use made of Review Procedures

To date, any request for information relating to the Irish PRTR has been acceded to by the EPA. The EPA has not refused any request for PRTR information. Accordingly, no review of a decision by the EPA has arisen specifically in relation to PRTR information.

Article 15

Describe how the Party has promoted public awareness of its PRTR and provide detail, in accordance with article 15 (capacity-building), on:

- (a) Efforts to provide adequate capacity-building for and guidance to public authorities and bodies to assist them in carrying out their duties under the Protocol;
- (b) Assistance and guidance to the public in accessing the national register and in understanding the use of the information contained in it.

Answer:

(a) *The Environmental Protection Agency has published a series of guidelines and calculation tools (available at <http://www.epa.ie/pubs/advice/aerprtr/>) for operators in complying with their obligations under the [Pollutant Release and Transfer Register Regulations 2011](#). The EPA has also held training seminars for operators to provide instruction regarding the submission of PRTR data to the EPA and operates a helpdesk facility to assist operators with their reporting. The EPA has also published national reports on the PRTR data that has been reported.*

(b) *The Irish PRTR at <http://prtr.epa.ie/> is a user-friendly website that seeks to facilitate ease of use by the public. A feedback facility is included on the EPA PRTR website (<http://www.epa.ie/enforcement/prtr/>) should a user encounter any difficulties or have any queries. The EPA responds to any feedback in a timely fashion.*

In addition, the EPA has established an Environmental Queries Unit; the public can contact this dedicated unit with any query of an environmental nature via email, a lo-call number or in person (see www.epa.ie/).

The Department of the Communications, Climate Action and Environment, (www.dccae.gov.ie) has a dedicated Awareness Unit, whose function is, inter alia, to enhance awareness of protecting our environmental resources through working with communities, environmental Non-Governmental Organisations and private and public sector stakeholders.

A link to <http://prtr.epa.ie/> is also available on the following websites www.askaboutireland.ie, and the Citizen's Information website at http://www.citizensinformation.ie/en/environment/environmental_law/aarhus_convention.html which are accessible (free of charge) through internet access, including in public libraries.

Article 16

Describe how the Party has cooperated and assisted other Parties and encouraged cooperation among relevant international organizations, as appropriate, in particular:

- (a) In international actions in support of the objectives of this Protocol, in accordance with **paragraph 1 (a)**;
- (b) On the basis of mutual agreements between the Parties concerned, in implementing national systems in pursuance of this Protocol, in accordance with **paragraph 1 (b)**;
- (c) In sharing information under this Protocol on releases and transfers within border areas, in accordance with **paragraph 1 (c)**;
- (d) In sharing information under this Protocol concerning transfers among

Parties, in accordance with **paragraph 1 (d)**;

(e) Through the provision of technical assistance to Parties that are developing countries and Parties with economies in transition in matters relating to this Protocol, in accordance with **paragraph 2 (c)**.

Answer:

Wherever possible information on the Irish PRTR and systems is shared with other countries. Visiting parties are guided through systems and technologies where relevant e.g. Northern Ireland Environment Agency visit to the EPA in 2016.

Provide any further comments relevant to the Party's implementation, or in the case of Signatories, preparation for implementation, of the Protocol. Parties and Signatories are invited to identify any challenges or obstacles encountered in setting up, gathering data for and filling in the register.

Answer:

The national system collects a wider scope of information than required by the Protocol e.g. on waste transfers and an additional 5 parameters / pollutants.

One challenge in gathering the PRTR is the absence of a cut off point for the re-upload of PRTR data by operators. In practice, a five year limit for re-uploading information may be appropriate to reduce the on-going validation effort required for newly submitted information.