

Written Comments from Ireland on the Draft Recommendations on Public Participation in Decision-making in Environmental Matters

11th April 2013

Ireland subscribes to the contribution made by the EU and its Member States. The contribution from Ireland should be considered as complementary to the EU+MS contribution.

Ireland welcomes the recognition that the recommendations are non-binding and wishes to thank both the secretariat and Mr Jerzy Jendroska for the opportunity to meet at the recent task force meeting.

Notwithstanding this, Ireland's wishes to reiterate that these recommendations must be based upon the obligations of the Convention. In this regard, it remains Ireland's position that it is not possible to support the use of the wording "should" in instances where recommendations exceed the obligation of the Convention.

At the meeting during the Task Force meeting, it was agreed that Mr Jendroska, in conjunction with the secretariat, would draft an explanatory note of what is understood by the term "legal framework" in the document and to include an explanation of the term "effective administrative practices". Ireland looks forward to the receipt of this note and its inclusion in the draft recommendations.

Recommendations that could place onerous requirements on public authorities should be optional. Examples include:

- The amendments to the paragraph on individual notification (paragraph 31) are noted. However, these should be reflected in the associated sub-paragraph 53(d) through the inclusion of a clause stating "where mechanisms have been established for individual notification..."
- Paragraph 96 refers to good practice as being the acknowledgement of each comment received. In certain instances this could be an onerous task for public authorities. It is suggested that this be amended to read "As a good practice, an acknowledgement may be sent to each member of the public submitting comments, etc. ... and their comments made public on the website of the authority. Making comments available on the website of the authority may act as confirmation of receipt of the comments, where appropriate"
- Paragraph 75 calls for the removal of barriers to the provision of information, including, removal of excess irrelevant information that may make it difficult for the public to access the relevant information. Ireland supports this reasonable and logical recommendation. However, it appears to be at odds with a number of other suggestions in the draft recommendations e.g. the requirement that "all expert opinions" (paragraph 74) and information should be made available regardless of its quality and whether it is considered "accurate, comprehensive or upto date".

- Paragraph 80 should be amended by the clause “In accordance with national law”, as without this amendment it could be interpreted as going beyond the requirements of the Convention.