

STATEMENT BY NESSA CHILDERS MEP

Labour Party MEP for Leinster/Ireland East

Wednesday, 5 May 2010

“IRELAND DRINKING IN LAST CHANCE SALOON” OVER EU ENVIRONMENTAL RULING

The Irish government's failure to amend national legislation to comply with a European Court of Justice ruling on the application of the Environmental Impact Assessment (EIA) Directive to certain fish farm projects may leave the Irish taxpayer liable to pay millions of Euros in daily fines imposed by the EU, Nessa Childers MEP has said.

Ms. Childers, speaking in Brussels explained, “The European Environment Commissioner, Janez Potocnik today issued a final warning to Ireland demanding that the government amend Irish law on EIAs as they apply to certain fish farm projects. Ireland is obliged to take the necessary steps following a European Court of Justice judgment issued in November 2008 in regard to this matter.

“Ireland is drinking in the last chance saloon on this and many other important areas relating to the application of the EIA Directive. Failure to comply will see the hard-pressed Irish taxpayer stung for millions of Euros in cumulative daily fines which the EU has a right to impose until such time as we get our house in order and change the law as we are now obliged to do.”

She added, “During Commissioner Potocnik's recent confirmation hearing in the European Parliament, I demanded that he take a tough, zero-tolerance line against serial environmental offenders. It gives me no pleasure to include Ireland in this rogue's gallery non-compliant countries when it comes to EIAs and the transposing of other significant EU environment legislation. Mr. Potocnik also made a commitment to me that the operation of the EIA Directive will be reviewed this year and tightened up as I believe it is warranted.

“In March, the Commissioner also informed me that there are currently three ongoing infringements being pursued following judgments from the European Court of Justice condemning Ireland for breaches of its obligations under the EIA Directive. These cases involve several issues including quarrying, afforestation and intensive fish farming. They all have one thing in common and that is a failure to ensure that projects identified in the EIA Directive are subjected to a proper assessment for the need for an EIA to be taken prior to consent for the development being given. Indeed, a fourth case is currently before the Court awaiting judgment.

“Ireland must get its act together and ensure that the relevant legislation is changed to ensure that we are good EU environmental citizens and to avoid the daily fines set to be

imposed soon.”

ENDS.

Contact Ged Nash at 087 271 6816

www.labour.ie/press

NOTE TO EDITOR:

WRITTEN QUESTION E-0245/10 by Nessa Childers (S&D) to the Commission

Subject: Failure of Irish Government to implement Environmental Impact Assessment Directive

The Environmental Impact Assessment Directive (85/337/EEC, as amended by 97/11/EC and 2003/35/EC) commits Member States to carrying out environmental impact assessments before certain types of public and private projects which are likely to have a significant impact on the environment are authorised.

The Irish Government's failure to transpose and implement this directive correctly has given rise to numerous legal actions in the ECJ and extensive correspondence between the Government and the Commission over recent years.

What will the Commission do to enforce compliance with the EIA Directive in future?
What is the latest situation as regards the Irish Government's compliance with this directive?

E-0245/10EN

Answer given by Mr Potocnik on behalf of the Commission (17.3.2010)

The Commission can confirm that it is committed to ensuring that the requirements of Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (the “EIA Directive”) are fully complied with throughout the EU, including Ireland.

There are currently three ongoing infringements under Article 260 of the Treaty on the Functioning of the European Union (TFEU) following judgements from the Court of Justice condemning Ireland for breaches of the its obligations under the EIA Directive. The cases address a number of issues, notably a failure to ensure that a number projects identified in the EIA Directive are made subject to a proper assessment for the need for an EIA being undertaken prior to consent being given. The projects concerned include quarries, wind farm developments, afforestation projects, projects for the restructuring of rural landholdings and intensive fish farming. The Commission is actively pursuing these cases to ensure that the requirements of the judgment in each case are met and obligations under the EIA Directive fully adhered to.

In addition, a fourth case is currently before the Court awaiting judgment, addressing, amongst other issues, the failure to ensure the required proper coordination between authorities and the failure to apply the Directive to demolition works. Further to the abovementioned cases, the Commission is pursuing a number of other complaints and infringements under Article 258 TFEU addressing alleged breaches of the EIA Directive in Ireland.