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UNITED NATIONS

ECONOMIC COMMISSION  
FOR EUROPE

Tel: +41 (0)22 917 4226 (direct)  
+41 (0)22 917 1234 (Palais des Nations)  
E-mail: aarhus.compliance@unece.org

Palais des Nations, Room 429-4  
CH-1211 GENEVA 10

Ref: PRE/ACCC/C/2016/139

24 August 2016

Louise Gilligan  
Irish Underwater Council  
Dublin  
Ireland

Dear Ms. Gilligan,

**Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Ireland in connection with dumping at sea (PRE/ACCC/C/2016/139)**

At its fifty-third meeting (Geneva, 21 - 24 June 2016), the Compliance Committee considered the preliminary admissibility of the communication submitted by you on 12 May 2016. The communication alleged non-compliance with provisions of the Convention concerning a permit for dumping at sea. The Compliance Committee decided to defer its preliminary determination of admissibility in order to seek further clarification from you.

Please find attached a set of questions prepared by the Committee for your attention. The Committee would be very grateful to receive your responses to the attached questions by **Tuesday, 6 September 2016** in order that they may be considered by the Committee at its upcoming fifty-fourth meeting (Geneva, 27-30 September 2016).

Please do not hesitate to contact the secretariat if you have any questions.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'F Marshall'.

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Fiona Marshall  
Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of Ireland to the United Nations Office and other international organizations in Geneva  
Ms. Aoife Joyce, Environment Policy and Awareness, Department of Communications, Climate Action and Environment, Ireland

Enc: Questions for the communicant

## Questions for the communicant

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1. The Aarhus Convention entered force for Ireland on 18 September 2012. The Compliance Committee can therefore only examine the compliance of decisions to permit activities covered by article 6 of the Convention that were taken **after 18 September 2012**. In your communication you state that Dumping at Sea (DaS) Permit Reg. No. S0004-01 was issued on 28 July 2011, i.e. before the Convention's entry into force for Ireland. In the light of the above, please explain how the decision-making on Permit Reg. No. S0004-01 is subject to the requirements of article 6 of the Convention.
2. Please explain how a permit for the disposal of dredge spoil into the sea issued under the Dumping at Sea Act 1996 qualifies as a decision on a proposed activity within the scope of article 6, paragraph 1(a) or (b) of the Convention.
3. What domestic remedies (e.g. administrative or judicial review or other domestic procedure) has the communicant or another member of the public used to challenge each of the following:
  - (a) The EPA's alleged statement that it "does not maintain correspondence relating to Dumping at Sea permits when the EPA's own guidance allegedly states that "All permit application documents, correspondence, submissions etc. are available on the EPA website";
  - (b) The alleged use of DaS Permit Reg. No. S0004-1 to dispose of contaminated material;
  - (c) The alleged failure to make publicly available the notification that the EPA requires permit holders to give at least two weeks prior to the intended commencement of loading and dumping activities;
  - (d) The alleged failure by the permit holder to comply with Condition 3.10 of DaS Permit Re. No. S0004-01 regarding the recording of the source of the dredged substance or material.

Please provide relevant dates as well as the outcome of each domestic procedure used to challenge each of (a) – (d) above. If, for any of the above, no domestic remedy was used, please explain why not.

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