



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL  
ENVIRONMENT  
Directorate F - Strategy  
ENV.F.4 - Chief Scientist, Research and Innovation

Brussels, 26.05.2010  
ENV F4/PW/NB Ares(2010)281830

Professor Sharon Turner  
Chair  
EPA Review Group  
e-mail: [epa.review@environ.ie](mailto:epa.review@environ.ie)

**Subject: EPA Review Group**

Dear Professor Turner,

Thank you for your invitation to comment on a review of the performance and mandate of Ireland's Environmental Protection Agency. Commissioner Potočnik has asked me to reply on his behalf.

As an initial remark, I would like to share your observation that the Agency plays a vital role in environmental governance in Ireland. I would add that reviews of the kind you are undertaking can be very useful and I hope you will find the following comments of assistance. As far as possible, these comments follow the order of strategic themes that you have outlined.

To a significant extent, the legislative framework governing the EPA reflects changes that have been made to comply with EU legislation, sometimes following rulings of the European Court of Justice. In particular, the EPA has been charged with important licensing/authorisation functions in respect of municipal waste and urban waste water treatment infrastructure as well as an oversight role in relation to provision of drinking water.

Its responsibilities in relation to urban waste water are very recent and the way in which it exercises them may play a critical role in addressing the significant infrastructure gaps that still exist. It is important that lessons be drawn from previous authorisation experience, for example the protracted consideration of waste licence applications that was a factor in the ECJ's 2004 ruling on the Framework Waste Directive.

One of the innovative functions of the Agency, its role as an Office of Environmental Enforcement with oversight of local authority enforcement efforts in the field of waste, has attracted wide interest. Over the years, the Commission has received a particularly high number of complaints from citizens concerned at weak local authority enforcement. It therefore very much welcomed the establishment of the Office as well as subsequent initiatives. While complaints to the Commission about waste have not entirely disappeared, there is a noticeable decrease compared to a decade ago. This may reflect the fact that the Office has a structured approach to itself dealing with complaints. To the

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extent that concerns are still expressed to the Commission in areas addressed by the Office, they tend to focus on the lack of any serious sanctions where waste licence conditions are breached. This would appear to reflect the limited scope for the Agency to itself seek sanctions and to a general tendency for sanctions to only be sought at the level of the Irish District Court (where the maximum penalties are in the order of 5000 euro). It can be added that, outside the areas addressed by the Office, there continue to be worrying complaints about a lack of enforcement oversight in relation to activities such as illegal quarrying.

With regard to the Agency's role as a provider of environmental information, we would like to generally complement the Agency on regularly producing well structured and clearly written reports on key themes such as drinking water quality

The terms of the review also touch on the resources allocated to the Agency. It is not for us to comment in detail on these but it is perhaps useful to draw attention to the explicit reference to the polluter pays principle in the Framework Waste Directive as well as in the Water Framework Directive.

I would like to wish you well in undertaking this review and look forward to seeing the results in due course. If you require further information, I invite you to contact Mr Liam Cashman at +32 229 90325.

Yours sincerely,

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Nicholas Banfield

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