



# EU Environmental Law

## *Enforcement Challenges in the Irish Context*

*University College Cork*

*Centre for Law and the Environment*

*8 December 2020*

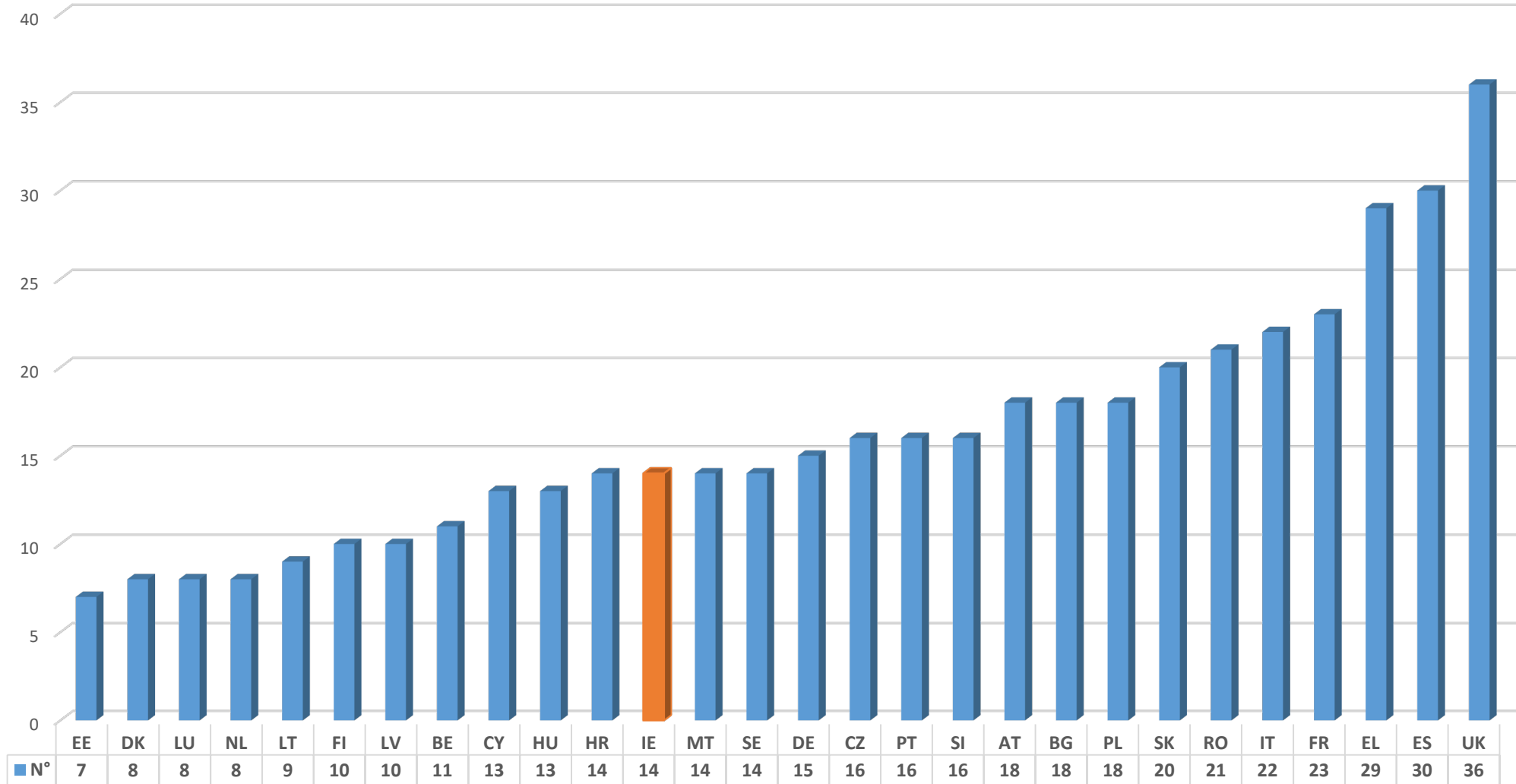
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European Commission, DG Environment



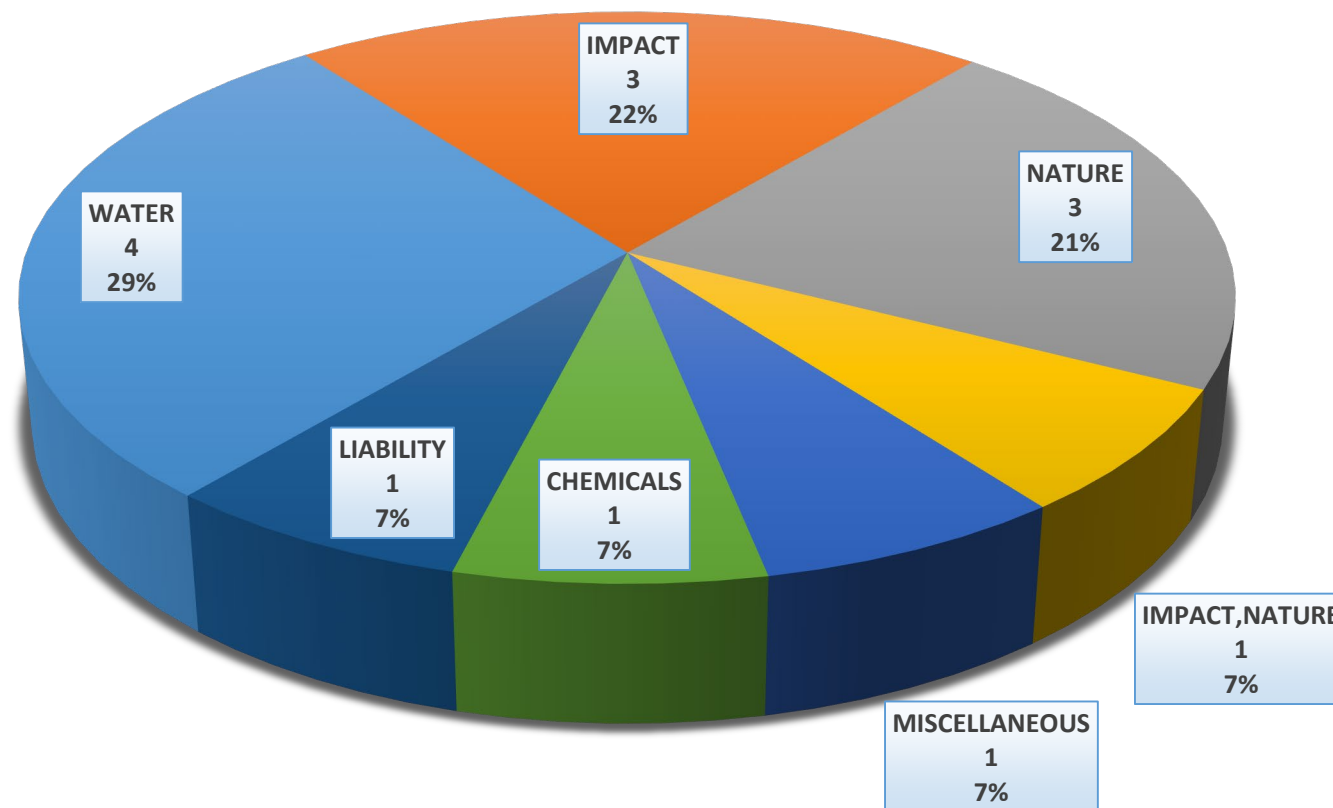
## *Key Sectors*

- *Water*
- *Nature*
- *Impact Assessment*
- *Air Quality*
- *Governance*

DG ENV - Open infringement cases per MS on 04-12-2020 (451)



# DG ENV - Open infringement cases per sector for IE on 04-12-2020 (14)





## **Water Sector**

- 1. Urban Waste Water Treatment Directive – judgment in C-427/17 and additional concerns about management of Individual and Appropriate Systems (IAS).***
- 2. Water Framework Directive – Additional Reasoned Opinion in case 2007/2238 raising concerns about the lack of controls over water abstraction and hydromorphology.***
- 3. Drinking Water Directive – Reasoned Opinion in case 2017/4007 – trihalomethanes.***



## *Nature Sector*

- 1. Birds Directive – Case C-418/04*
- 2. Habitats Directive – Court Referral in case 2015/2006*
- 3. Peat Bogs – Raised and Blanket Bogs Priority Habitats*



## *Impact Assessment Sector*

- 1. Late Transposition EIA Directive – Reasoned Opinion - case 2017/0368*
- 2. Derrybrien Implementation – C-261/18 fines*
- 3. Peat Extraction - Reasoned Opinion – case 2019/4007*
- 4. Afforestation and forestry management*



## *Air Quality Sector*

- 1. Air Quality Directive - NO<sub>2</sub>, PM<sub>2.5</sub> & PAH levels -  
Dublin breaching NO<sub>2</sub> limits in 2019. Concerns about PM<sub>2.5</sub> and  
PAH levels from residential burning of solid fuel (coal & peat).***
- 2. National Emissions Ceilings Directive – Ammonia –  
Breaches from agricultural sources***





## **Governance**

- ***Overall improvements in access to environmental justice over the years. Still issues with high costs, delays and predictability.***
- ***Increased engagement from the national courts in EU environmental law***
- ***Concerns about lack of clarity for future amendments - Aarhus consolidation Bill and/or 2019 Housing Bill. New concerns about forestry appeals.***
- ***EU level: Proposed Aarhus Regulation***  
[https://ec.europa.eu/environment/aarhus/pdf/communication\\_improving\\_access\\_to\\_justice\\_environmental\\_matters.pdf](https://ec.europa.eu/environment/aarhus/pdf/communication_improving_access_to_justice_environmental_matters.pdf)



## *The New Green Deal*

- 1. Biodiversity Strategy – increasing focus on protected areas, High Nature Value land, freeing up river flows, forestry and linkages to biodiversity friendly farming.*
- 2. Farm to Fork Strategy – ambitions for increasing organic farming, reducing pesticide and fertiliser use.*
- 3. Do No Significant Harm Principle (DNSH)*
- 4. Circular Economy and Zero Pollution*



**[https://ec.europa.eu/ireland/news/key-eu-policy-areas/environment\\_en](https://ec.europa.eu/ireland/news/key-eu-policy-areas/environment_en)**