



EUROPEAN COMMISSION

DIRECTORATE-GENERAL
ENVIRONMENT

Directorate E - Implementation & Support to Member States
ENV.E.3 - Environmental Enforcement

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Subject: EU pilot 8542/16 concerning Waste Water Discharge Licensing and the EIA Directive / planned waste water treatment plant in Moville, Co. Donegal

I would like to provide you with an update of the assessment of your complaint file registered under the above mentioned reference number. As you will recall, our focus in opening this EU pilot file was to look more closely at the implementation of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (EIA Directive). In the EU pilot file we asked the Irish authorities to provide us with details of the legislation in place and any possible amendments. We were informed by the Irish authorities shortly before the end of last year of draft legislation which has now been adopted to remedy the lacunae identified by your complaint. The Waste Water Discharge (Authorisation)(Environmental Impact Assessment) Regulations 2016, S.I. No. 652 of 2016 were signed on 21 December 2016. Our assessment of this legislation is that it now aligns the EIA legislation in Ireland with the CJEU's judgment in case C-50/09. Furthermore, you are aware that the Irish authorities committed themselves to awaiting the adoption of this new legislation before proceeding to consider a permit application for the functioning of any waste water treatment plant in Moville.

I am of the opinion that the adoption of this new legislation enables the Commission to propose to close this complaint file. Before making this proposal I would like to give you time to assess these new Regulations and to provide me with any comments you may have. Please could I ask you to provide these within one month of your receipt of this letter.

Yours sincerely

Paul Speight
Head of Unit