



SEANAD ÉIREANN

**AN BILLE UM AN NGEILLEAGAR CIORCLACH, UM
BAINISTIÚ DRAMHAÍOLA (LEASÚ) AGUS UM FHORBAIRT
MIANRAÍ (LEASÚ), 2022**

**CIRCULAR ECONOMY, WASTE MANAGEMENT
(AMENDMENT) AND MINERALS DEVELOPMENT
(AMENDMENT) BILL 2022**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

AN BILLE UM AN NGEILLEAGAR CIORCLACH, UM BAINISTIÚ DRAMHAÍOLA (LEASÚ) AGUS UM FHORBAIRT MIANRAÍ (LEASÚ), 2022 —AN COISTE

CIRCULAR ECONOMY, WASTE MANAGEMENT (AMENDMENT) AND MINERALS DEVELOPMENT (AMENDMENT) BILL 2022 —COMMITTEE STAGE

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

SECTION 1

- *1. In page 6, lines 4 and 5, to delete “Circular Economy, Waste Management (Amendment) and Minerals Development (Amendment) Act 2022” and substitute “Circular Economy and Miscellaneous Provisions Act 2022”.
- *2. In page 6, line 6, after “Act” to insert “, other than *Part 7#*,”.

[#*This is a reference to Part 7 proposed to be inserted by amendment No. 127.*]

SECTION 2

3. In page 6, between lines 21 and 22, to insert the following:

“ “ISO standard life-cycle impact assessment” means the quantitative tool “Life Cycle Assessment” (LCA), as defined by the ISO14040 and ISO14044 published by the International Organisation for Standardisation;”.

—*Senators Timmy Dooley, John McGahon.*

4. In page 6, between lines 24 and 25, to insert the following:

“ “the Waste Management Directive” means Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, as amended by Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste.”.

—*Senators Timmy Dooley, John McGahon.*

SECTION 6

5. In page 8, between lines 3 and 4, to insert the following:

“ “climate justice” reflects the United Nations Framework Convention on Climate Change commitments on equity and “common but differentiated responsibilities and respective capabilities” and requires that the decisions and actions taken to reduce greenhouse gas emissions and to adapt to the effects of climate change should—

- (a) support the people who are most affected by climate change but who have done the least to cause it and are the least equipped to adapt to its effects, and

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- (b) safeguard the human rights of the most vulnerable persons;”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

6. In page 8, between lines 4 and 5, to insert the following:

“‘just transition’ means a transition that ensures the economic, environmental and social consequences of the ecological transformation of economies and societies are managed in ways that maximise opportunities of decent work for all, reduce inequalities, promote social justice, and support industries, workers and communities negatively affected, in accordance with nationally defined priorities, and based on effective social dialogue;”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

7. In page 9, between lines 28 and 29, to insert the following:

“(c) contains more than 10 per cent plastic;”.

—*Senators Timmy Dooley, John McGahon.*

SECTION 7

- *8. In page 10, to delete lines 33 and 34 and substitute the following:

“(b) ensure that a poverty impact assessment in respect of the strategy has been carried out.”.

9. In page 11, between lines 20 and 21, to insert the following:

“(V) transport, including shipping and aviation;”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

10. In page 11, to delete lines 26 and 27 and substitute the following:

“(iii) shall ensure that criteria relating to the circular economy including, but not limited to, life-cycle costing and waste prevention criteria are utilised in public procurement.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

11. In page 11, line 34, after “levels” to insert “and availability”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

12. In page 12, between lines 12 and 13, to insert the following:

“(b) actions necessary to further just transition and climate justice in the context of the development of a circular economy, and”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

13. In page 12, between lines 13 and 14, to insert the following:

“(c) how to achieve greater harmonisation of civic amenity site services in terms of opening hours, materials accepted, accessibility, tariffs charged and an examination of the co-location of these facilities with cooperative and social

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enterprises such as Men’s Sheds.”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

SECTION 8

14. In page 12, between lines 23 and 24, to insert the following:

“Right to Repair

8. (1) The Minister shall, within 12 months of the passing of this Act, prepare and publish a report examining how a right to repair can be introduced in Ireland.
- (2) This report shall examine how the introduction of minimum design requirements, allowing for the easy disassembly and replacement of key components, can assist in giving people a right to repair products.
- (3) The report shall also examine whether a Scoring System on Repairability as part of the existing energy label for all energy-consuming products, can be introduced, to inform consumers of the repairability of a product at the point of purchase.”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

15. In page 13, line 7, after “institutions” to insert “operating in the State”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

16. In page 13, between lines 33 and 34, to insert the following:

“(d) to assist the establishment, equipping and, where appropriate, the operation of facilities which provide repair services;”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

17. In page 13, line 34, after “promote” to insert “public”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

18. In page 13, between lines 35 and 36, to insert the following:

“(e) to assist, support or promote initiatives to restore, conserve and renovate buildings in order to reduce embodied emissions resulting from demolition;”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

19. In page 13, between lines 35 and 36, to insert the following:

“(e) to assist the establishment of public-public partnerships for research and development in the area of the circular economy and waste management;”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

20. In page 14, between lines 21 and 22, to insert the following:

“(n) to assist, support or promote actions or initiatives undertaken by international organisations or non-governmental organisations to further climate justice;”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

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21. In page 14, between lines 21 and 22, to insert the following:

“(n) to assist, support or promote actions undertaken by indigenous community groups internationally to protect the environment or to curb or oppose the extraction or exploitation of natural resources;”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

22. In page 14, line 23, to delete “or other persons”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

23. In page 15, between lines 16 and 17, to insert the following:

“(15) Where a member of a committee established under *subsection (14)* has a material interest in a matter under consideration by the committee, they must declare that interest and subsequently recuse themselves from such deliberations.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

SECTION 10

24. In page 16, line 4, to delete “Agency” and substitute “Minister”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

25. In page 16, between lines 13 and 14, to insert the following:

“(ii) reflect the principles of just transition and climate justice;”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

26. In page 16, between lines 20 and 21, to insert the following:

“(4) In developing a circular economy programme, the Agency shall ensure that an effective right to repair is afforded to persons and may, for the purpose of facilitating the repair of goods, develop programmes or initiatives for the purposes of promoting community repair facilities.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

27. In page 16, line 21, after “The” to insert “Minister and the”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

28. In page 16, line 22, to delete “6 years” and substitute “3 years”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

29. In page 16, between lines 33 and 34, to insert the following:

“(ii) the Joint Oireachtas Committee on Environment and Climate Action;”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

SECTION 11

30. In page 17, between lines 24 and 25, to insert the following:

“(iv) reusable alternatives, of such class or classes as may be specified for the purposes of this section, to the single-use items referred to in *subparagraphs*

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(i) to (iii), where those alternatives are supplied for less than a monetary amount as may be specified for the purposes of this section.”.

—*Senator Pauline O'Reilly.*

31. In page 17, between lines 33 and 34, to insert the following:

“(c) the production of any of the following;

- (i) single-use cups;
- (ii) single-use containers;
- (iii) single-use packaging;
- (iv) such class or classes of the single-use items referred to in *subparagraphs (i) to (iii)* as may be prescribed for the purposes of this section.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

32. In page 17, between lines 33 and 34, to insert the following:

“(c) the production of clothing with a life-cycle of less than 2 years.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

33. In page 17, between lines 33 and 34, to insert the following:

“(c) materials which present substantial difficulty for recycling, where suitable alternatives exist.”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

34. In page 17, to delete lines 34 to 36 and substitute the following:

“(2) In making regulations under *subsection (1)* in relation to a single-use item, the Minister shall have regard to:

- (a) the material wastage associated with the single-use item or, as the case may be, the class or classes of single-use item, concerned; and
- (b) the total percentage of plastic content within the material of the single-use item or, as the case may be, the class or classes of single-use item, concerned.”.

—*Senators Timmy Dooley, John McGahon.*

35. In page 17, to delete lines 37 and 38, and in page 18, to delete lines 1 to 4 and substitute the following:

“(3) Regulations may be made by the Minister under *subsection (1)* where he or she is satisfied that, having regard to the purpose for which, and circumstances in which, the single-use item or class of single-use item concerned is supplied, in respect of the single-use item or, as the case may be, the class or classes of single-use item, concerned:

- (a) a suitable re-usable alternative;
- (b) a suitable alternative with a lower level of material wastage; and

[SECTION 11]

- (c) a suitable alternative that provides a better environmental outcome justified through ISO standard life-cycle impact assessment is, or could be made, readily available.”.

—*Senators Timmy Dooley, John McGahon.*

36. In page 18, between lines 4 and 5, to insert the following:

- “(4) The Minister may make regulations to exclude an environmental levy charge on customers for certain single-use items where those items are required by that person due to disability.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

37. In page 18, line 8, to delete “aim” and substitute “aims”.

—*Senators Timmy Dooley, John McGahon.*

38. In page 18, between lines 11 and 12, to insert the following:

- “(c) reducing material wastage,”.

—*Senators Timmy Dooley, John McGahon.*

39. In page 18, between lines 11 and 12, to insert the following:

- “(c) encouraging the use of single-use items made with materials which containing relatively lower levels of plastic, and”.

—*Senators Timmy Dooley, John McGahon.*

40. In page 18, between lines 11 and 12, to insert the following:

- “(c) improving environmental outcomes through compliance with, and implementation of, the waste hierarchy referred to at Article 4 of the Waste Management Directive,”.

—*Senators Timmy Dooley, John McGahon.*

41. In page 18, to delete lines 12 and 13.

—*Senator Barry Ward.*

42. In page 18, line 13, to delete “less than €0.20 or more than €1.00” and substitute “less than €0.01 or more than €1.00”.

—*Senators Timmy Dooley, John McGahon.*

43. In page 18, between lines 13 and 14, to insert the following:

- “(5) In making regulations under *subsection (1)* in relation to a single-use item, and in prescribing the amount of any levy under *subsection (4)*, the Minister shall ensure that any such regulations and any such levy are—

- (a) proportionate, having regard to:

- (i) the aims referred to in *subsection (4)*,

- (ii) the level of plastic used in the material contained in the single-use item or

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class of single-use item concerned, and

- (iii) encouraging the best overall environmental outcome through compliance with, and implementation of, the waste hierarchy referred to at Article 4 of the Waste Management Directive,

and

- (b) non-discriminatory as between producers and retailers of the single-use items referred to at *paragraph (a) of subsection (1)*.”.

—*Senators Timmy Dooley, John McGahon.*

SECTION 12

44. In page 19, line 11, after “selling” to insert “or producing”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

45. In page 19, between lines 15 and 16, to insert the following:

“(c) where *section 11(1)(c)* applies, in or at the production site of single-use plastics,”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

SECTION 14

46. In page 22, between lines 14 and 15, to insert the following:

“(e) electronic devices constructed with absolute obsolescence built in;”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

47. In page 22, between lines 14 and 15, to insert the following:

“(e) products which require precious metals or rare earth minerals to complete;”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

48. In page 22, between lines 14 and 15, to insert the following:

“(e) electronic devices constructed with relative obsolescence built in;”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

49. In page 22, between lines 14 and 15, to insert the following:

“(e) food contact materials in which perfluoroalkyl and polyfluoroalkyl substances (PFAS) have been used;”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

50. In page 22, line 15, to delete “*paragraphs (a) to (d)*” and substitute “*paragraphs (a) to (e)*”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

51. In page 22, between lines 19 and 20, to insert the following:

“(3) In making regulations under this section, the Minister shall have regard to the methods of disposal of single-use items outside the State and the effects upon local communities where waste arising from the disposal of such items is processed or

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delivered to.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

52. In page 22, line 22, after “suitable” where it secondly occurs to insert “recyclable”.

—*Senators Timmy Dooley, John McGahon.*

53. In page 22, after line 37, to insert the following:

“(8) In this section—

“absolute obsolescence” refers to a product or item which is constructed with a planned finite lifespan so it will not function mechanically after a certain period of time;

“relative obsolescence” refers to a product or item which is constructed to remain functional after a certain period of time but is obsolete due to—

- (a) a desire for a new item due to psychological, aesthetical, or cosmetic reasons,
- (b) a new product having better quality, functionality or effectiveness, or
- (c) the price of repair or upgrade is too high compared with a new product making it economically obsolete.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

SECTION 15

54. In page 23, line 4, after “food” where it firstly occurs to insert “loss and”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

55. In page 23, line 4, after “food” where it secondly occurs to insert “loss and”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

56. In page 23, line 5, after “food” to insert “loss and”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

57. In page 23, between lines 7 and 8, to insert the following:

“(2) Within the first national food loss and waste prevention strategy, the Minister shall set annual food loss and waste reduction targets, sector by sector, to reach the 50 per cent food loss and waste reduction target by 2030, based on 2020 food loss and waste figures.”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

58. In page 23, line 8, after “food” to insert “loss and”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

59. In page 23, line 10, after “food” to insert “loss and”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

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60. In page 23, line 12, after “food” to insert “loss and”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

61. In page 23, line 14, after “food” to insert “loss and”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

62. In page 23, between lines 16 and 17, to insert the following:

“(b) climate justice;”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

63. In page 23, line 14, to delete “Goals.” and substitute the following:

“Goals;

(l) the International Food Loss and Waste Protocol;

(m) the Food Waste Hierarchy in line with EU Waste Directive 2018 to encourage food donation and other redistribution for human consumption.”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

64. In page 23, line 26, after “Goals” to insert “and in particular Goal 17 along with its targets and indicators”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

65. In page 23, between lines 26 and 27, to insert the following:

“(4) The Minister shall prepare a review on an annual basis, to evaluate outcomes against stated deliverables of the national food loss and waste prevention strategy, based on data collected from all food sectors and waste industry, and provide recommendations on the adjustment of the national food loss and waste prevention strategy or other measures, including financial measures, to address any barriers or shortfalls as may be identified by the review.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

66. In page 23, between lines 26 and 27, to insert the following:

(4) The Minister shall ensure the national food loss and waste prevention strategy is accompanied by powers, authority and accountability.”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

67. In page 23, line 27, after “food” to insert “loss and”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

68. In page 23, to delete line 39 and substitute the following:

“ “food waste” refers to food that completes the food supply chain up to a final product, of good quality and fit for consumption, but still doesn't get consumed because it is discarded, whether or not after it is left to spoil or expire. Food waste typically (but not exclusively) takes place at retail and consumption stages in the food

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supply chain;

“food loss” refers to food that gets spilled, spoilt or otherwise lost, or incurs reduction of quality and value during its process in the food supply chain before it reaches its final product stage. Food loss typically takes place at production, post-harvest, processing, and distribution stages in the food supply chain.”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

SECTION 16

69. In page 23, after line 39, to insert the following:

“Report on circular economy in respect of clothing

16. The Minister shall, within 18 months of the passing of this Act, lay a report before both Houses of the Oireachtas outlining measures which have been taken to reduce waste arising from the disposal of clothing and to ensure the protection of indigenous clothing industries in countries to which such clothing is exported to as waste or in the form of donations.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

70. In page 23, after line 39, to insert the following:

“Report on planning for oil and gas scale-down and clean-up in line with circular economy

16. The Minister shall, within 12 months of the passing of this Act and in consultation with the Minister for Finance, lay a report before both Houses of the Oireachtas outlining—
- (a) estimated timelines and costs in relation to the scaling down or exit of oil and gas companies from Ireland including a consideration of potential costs associated with the clean-up of associated infrastructure and waste,
 - (b) an assessment of the potential financial risks or costs to the State in relation to the matters outlined in *paragraph (a)*,
 - (c) consideration of potential option for levies on the capital or other assets of such companies or other instruments that might be deployed to reduce the future financial risk or potential impact on the Exchequer associated with matters outlined in *paragraph (a)*,
 - (d) an assessment of the impact of such costs described in *paragraph (b)* on implementation of the circular economy strategy and the circular economy programme.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

71. In page 23, after line 39, to insert the following:

“Report on supply chain due diligence

16. The Minister shall, within 12 months of the passing of this Act, lay a report before both

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Houses of the Oireachtas outlining the mechanisms employed to ensure that both the circular economy strategy and the circular economy programme protect human rights and the environment along the supply chain of goods and services entering the State and the mechanisms employed to ensure compliance with any European Union legislative change on the issue.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

72. In page 23, after line 39, to insert the following:

“Supermarket Refill Station Report

16. (1) The Minister shall, within 12 months of the passing of this Act, prepare and publish a report examining how retailers can reduce plastic packaging in Ireland through by encouraging customers to use reusable containers through greater requiring a minimum amount of floor space be dedicated to refill stations dedicated to the provision of staples like rice, pasta, cereals, and beans.
- (2) This report shall examine the size of the supermarket retailer that should be obligated (e.g. greater than 400 metres squared).”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

73. In page 23, after line 39, to insert the following:

“Ban on Fossil Fuel Advertising and Sponsorship

16. (1) The Minister shall, within 12 months of the passing of this Act, prepare and publish a report examining how fossil companies use misleading advertising and sponsorships to increase their social acceptance to block measures which would reduce demand for their products including but not limited to single use plastics and thus inhibits the drive to the circular economy.
- (2) This report shall examine the role of prohibiting advertisements from any undertakings active in the market for fossil fuels, in particular by extracting, refining, supplying, distributing or selling fossil fuels.
- (3) This report shall examine the role of prohibiting sponsorships from any undertakings active in the market for fossil fuels, in particular by extracting, refining, supplying, distributing or selling fossil fuels.”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

74. In page 23, after line 39, to insert the following:

“Ban on dumping of new non-food products

16. (1) Producers, importers and distributors of new non-food products intended for sale are required to reuse them by donating such products to charities, NGOs, secondhand shops, or social enterprises, as may be defined in regulation by the Minister.
- (2) In this section, “non-food products” may be defined in regulation by the Minister and shall include but not be limited to the following:

[SECTION 16]

- (a) electronic products;
 - (b) textiles, clothes and shoes;
 - (c) furniture;
 - (d) ink cartridges;
 - (e) hygiene products;
 - (f) food preservation and cooking equipment;
 - (g) leisure products;
 - (h) books and school equipment.
- (3) The obligations outlined in *subsection (1)* shall not apply to products whose reuse and recycling involves serious risk to health or safety, whose disposal is prescribed, or whose material recovery is prohibited.
- (4) Any person or entity who disposes of new non-food products contrary to *subsection (1)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €3,000 in respect of each such offence by such person or entity.”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

- *75. In page 24, lines 6 and 7, to delete “*Circular Economy, Waste Management (Amendment) and Minerals Development (Amendment) Act 2022*” and substitute “*Circular Economy and Miscellaneous Provisions Act 2022*”.

SECTION 20

76. In page 28, line 9, to delete “deterrence, prevention, detection and”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

77. In page 28, delete lines 12 and 13 and substitute the following:

“(a) details of the precise location and number of the devices to be used in the CCTV scheme,”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

78. In page 28, between lines 13 and 14, to insert the following:

“(b) a detailed technical specification of the devices to be used in the CCTV scheme, including the hardware, software and any artificial intelligence used to record, store or process the recorded visual data,”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

79. In page 28, between lines 26 and 27, to insert the following:

“(iii) the deletion and destruction of recordings made and documents produced pursuant to that scheme,”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

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80. In page 28, between lines 26 and 27, to insert the following:

“(b) shall include an assessment of the ethical, environmental and social class considerations and implications of the CCTV scheme,”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

81. In page 28, line 36, after “shall” to insert “, in consultation with relevant persons,”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

82. In page 29, between lines 25 and 26, to insert the following:

“(c) the precise location of any recording devices provided by the CCTV scheme shall be recorded in a local authority database of CCTV recording devices, which is accessible to the public on the website of the local authority concerned.”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

83. In page 29, line 27, to delete “5 years” and substitute “1 year”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

84. In page 29, to delete lines 33 to 36 and substitute the following:

“(ii) shall, not later than 1 year from the date on which the approval in respect of the CCTV scheme was given under subsection (5) and thereafter at intervals of not more than 1 year from the date of the immediately preceding review,”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

85. In page 30, line 11, after “shall” to insert “, in consultation with relevant persons,”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

86. In page 30, lines 26 to 28, to delete all words from and including “or” in line 26 down to and including “scheme” in line 28.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

87. In page 30, line 35, to delete “one month” and substitute “28 days”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

SECTION 21

Section opposed.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

SECTION 22

88. In page 31, lines 32 and 33, to delete “as soon as practicable after the” and substitute “prior to the”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

[SECTION 22]

89. In page 32, line 30, to delete “any” and substitute “the”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

90. In page 32, line 30, to delete “or”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

91. In page 33, between lines 4 and 5, to insert the following:

“(v) the Irish Human Rights and Equality Commission,”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

SECTION 23

92. In page 34, to delete line 5 and substitute the following:

“(a) may, where obtained on foot of a valid search warrant, be admitted as evidence in criminal proceedings, and”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

93. In page 34, to delete lines 32 to 40.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

SECTION 24

94. In page 35, between lines 24 and 25, to insert the following:

“(III) the quantity of embodied emissions resulting from the demolition of buildings;”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

95. In page 35, between lines 26 and 27, to insert the following:

“(b) in subsection (6)(b) by the insertion of the following after subparagraph (xi):

“(xii) targets for re-manufacturing, and reuse of products across different categories such as textiles, furniture and electronics.”.

—*Senators Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Fintan Warfield.*

SECTION 29

96. In page 41, to delete line 26.

—*Senator Barry Ward.*

97. In page 41, line 30, to delete “either or both of”.

—*Senator Barry Ward.*

98. In page 41, lines 32 and 33, to delete “the reduction of the quantity of waste recovered or sent for recovery by means of an activity referred to in subsection (1)” and substitute “the recycling of waste”.

—*Senator Barry Ward.*

[SECTION 29]

99. In page 41, after line 39, to insert the following:

“(5) The Minister shall, prior to the introduction or amendment of the amount of the recovery levy, conduct a comprehensive review of the existing landfill exemptions, as appropriate.”.

—*Senator Barry Ward.*

100. In page 42, to delete lines 1 to 3.

—*Senator Barry Ward.*

SECTION 31

*101. In page 45, lines 22 and 23, to delete “*Circular Economy, Waste Management (Amendment) and Minerals Development (Amendment) Act 2022*” and substitute “*Circular Economy and Miscellaneous Provisions Act 2022*”.

SECTION 32

102. In page 46, line 26, to delete “deterrence, prevention, detection and”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

103. In page 46, to delete lines 29 and 30 and substitute the following:

“(a) details of the precise location and number of the devices to be used in the CCTV scheme,”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

104. In page 46, between lines 30 and 31, to insert the following:

“(b) a detailed technical specification of the devices to be used in the CCTV scheme, including the hardware, software and any artificial intelligence used to record, store or process the recorded visual data,”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

105. In page 47, between lines 4 and 5, to insert the following:

“(iii) the deletion and destruction of recordings made and documents produced pursuant to that scheme,”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

106. In page 47, between lines 4 and 5, to insert the following:

“(b) shall include an assessment of the ethical, environmental and social class considerations and implications of the CCTV scheme,”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

107. In page 47, line 14, after “shall” to insert “, in consultation with relevant persons,”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

[SECTION 32]

108. In page 48, between lines 2 and 3, to insert the following:

“(c) the precise location of any recording devices provided by the CCTV scheme shall be recorded in a local authority database of CCTV recording devices, which is accessible to the public on the website of the local authority concerned.”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

109. In page 48, line 29, after “shall” to insert “, in consultation with relevant persons,”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

110. In page 49, lines 4 to 6, to delete all words from and including “or” in line 4 down to and including “scheme” in line 6.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

111. In page 49, line 14, to delete “one month” and substitute “28 days”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

SECTION 33

112. In page 49, lines 30 and 31, to delete “as soon as practicable after the” and substitute “prior to the”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

113. In page 50, line 26, to delete “any” and substitute “the”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

114. In page 50, line 26, to delete “or”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

115. In page 50, after line 40, to insert the following:

“(v) the Irish Human Rights and Equality Commission,”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

SECTION 34

116. In page 51, to delete line 42 and substitute the following:

“(a) may, where obtained on foot of a valid search warrant, be admitted as evidence in criminal proceedings, and”.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

117. In page 52, to delete lines 26 to 34.

—*Senators Lynn Ruane, Alice-Mary Higgins.*

SECTION 37

[SECTION 37]

*118. In page 53, lines 24 to 26, to delete “*Circular Economy, Waste Management (Amendment) and Minerals Development (Amendment) Act 2022*” and substitute “*Circular Economy and Miscellaneous Provisions Act 2022*”.

119. In page 53, line 26, after “coal,” to insert “precious metals,”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

120. In page 53, line 26, after “coal,” to insert “natural gas,”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

SECTION 38

*121. In page 54, lines 2 to 4, to delete “*Circular Economy, Waste Management (Amendment) and Minerals Development (Amendment) Act 2022*” and substitute “*Circular Economy and Miscellaneous Provisions Act 2022*”.

122. In page 54, line 4, after “coal,” to insert “precious metals,”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

123. In page 54, line 4, after “coal,” to insert “natural gas,”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

SECTION 39

124. In page 54, between lines 5 and 6, to insert the following:

“Amendment of section 8 of Minerals Development Act 1940

39. Section 8A(4) of the Mineral Development Act 1940 is amended by the insertion of the following paragraph after paragraph (a):

“(aa) where there is the free, prior and informed consent of the local community in full compliance with the Akwé: Kon Guidelines under the Convention on Biological Diversity,”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

NEW SECTION

[NEW SECTION]

*125. In page 54, after line 11, to insert the following:

“PART 6

AMENDMENT OF ENVIRONMENTAL PROTECTION AGENCY ACT 1992

Amendment of section 87 of Environmental Protection Agency Act 1992

41. Section 87 of the Environmental Protection Agency Act 1992 is amended—

- (a) in subsection (1A), in paragraph (b) of the definition of “application for permission”, by the insertion of “181(2A),” after “177AE,”,
- (b) in subsection (1B)—
 - (i) by the insertion of “or that involves development that is carried out or is proposed to be carried out by or on behalf of a Minister of the Government pursuant to an order made, or proposed to be made, under section 181(2)(a) of the Act of 2000 (in this section referred to as a ‘section 181(2)(a) order’),” after “grant of permission is required”,
 - (ii) in paragraph (a)(ii), by the insertion of “or was exempted, in accordance with that Act, from being so required” after “Act of 2000”, and
 - (iii) in paragraph (b)—
 - (I) by the insertion of “, or where a section 181(2)(a) order has been made, a copy of that order,” after “by the planning authority concerned or An Bord Pleanála”, and
 - (II) in subparagraph (ii), by the insertion of “or was exempted, in accordance with that Act, from being so required” after “Act of 2000”,
- (c) by the substitution of the following subsection for subsection (1C):

“(1C) Where an application for a licence is made to the Agency in respect of an activity referred to in subsection (1B) but the applicant does not comply with that subsection, the Agency shall refuse to consider that application and shall inform the applicant accordingly.”,
- (d) in subsection (1D), by the substitution of the following paragraph for paragraph (d)—

“(d) ensure that—

 - (i) a grant of permission has been made or a decision has been made to refuse a grant of permission for development comprising or for the purposes of the activity to which the application for the licence relates and the period for any appeal under section 37 of the Act of 2000 has expired without an appeal being made before notifying under section 87(2), indicating its proposed determination in relation to the

[NEW SECTION]

application for a licence, or

- (ii) a section 181(2)(a) order has been made for development comprising or for the purposes of the activity to which the application for the licence relates or An Bord Pleanála has refused to grant approval under section 181(2L) of the Act of 2000 in respect of the development before notifying under section 87(2), indicating its proposed determination in relation to the application for a licence.”,

(e) in subsection (1E)—

- (i) in paragraph (a)(i), by the insertion of “or by an approval granted under section 181(2L) of the Act of 2000, as the case may be,” after “referred to in subsection (1B)(b)”, and
- (ii) in paragraph (a)(ii), by the insertion of “or an approval granted under section 181(2L) of the Act of 2000, as the case may be,” after “referred to in subsection (1B)(b)”,

(f) in subsection (2), by the insertion of the following paragraph after paragraph (aa):

“(ab) where a section 181(2)(a) order has been made for development comprising or for the purposes of the activity to which the application for a licence relates, the Minister who made the order,” and

(g) in subsection (8)(a)—

- (i) in subparagraph (iia), by the substitution of “An Bord Pleanála,” for “An Bord Pleanála.”, and

(ii) by the insertion of the following subparagraph after subparagraph (iia):

“(iib) where a section 181(2)(a) order has been made for development comprising or for the purposes of the activity to which the application for a licence relates, the Minister who made the order.”.

***126.** In page 54, after line 11, to insert the following:

“PART 7

AMENDMENT OF ELECTRICITY REGULATION ACT 1999

Amendment of Electricity Regulation Act 1999

42. The Electricity Regulation Act 1999 is amended—

- (a) in section 11(1), by the insertion of “or a registration granted under Part IIIA” after “authorisation”;
- (b) in section 12, by the insertion of “or a registration granted under Part IIIA” after

[NEW SECTION]

“authorisation”, and

(c) by the insertion of the following Part after section 28:

“PART IIIA

REGISTRATION OF MARKET PARTICIPANTS THAT ARE NOT ELECTRICITY UNDERTAKINGS

Interpretation (Part IIIA)

28A. In this Part—

‘active customer’ means a final customer, or a group of jointly acting final customers, who consumes or stores electricity generated within its premises located within confined boundaries or, where so provided for in rules made by the Commission in that regard under Regulation 10 of the Regulations of 2022, within other premises, or who sells self-generated electricity or participates in flexibility or energy efficiency schemes, provided that those activities do not constitute its primary commercial or professional activity;

‘electricity activity’ means—

- (a) in relation to a relevant market participant other than a relevant market participant that is an active customer or a citizen energy community, an activity referred to in the definition of “market participant” in Article 2(25) of the 2019 Internal Electricity Market Regulation,
- (b) in relation to a relevant market participant that is an active customer, an activity referred to in the definition of “active customer” in Regulation 2(1) of the Regulations of 2022, and
- (c) in relation to a relevant market participant that is a citizen energy community, an activity referred to in paragraph (c) of the definition of “citizen energy community” in section 2(1).

‘Register’ means the register established and maintained under section 28AB;

‘registration’ means a registration granted to a relevant market participant by the Commission under section 28AE;

‘Regulations of 2022’ means the European Union (Renewable Energy) Regulations 2022 (S.I. No 76 of 2022);

‘relevant market participant’ means a market participant that is not an electricity undertaking;

‘terms and conditions’ means terms and conditions specified in a registration for the purpose of ensuring compliance by a relevant market participant with the obligations referred to in Article 59(1)(b) of the 2019 Internal Electricity Market Directive in so far as those obligations relate

to the relevant market participant.

Register of relevant market participants

- 28AB.** (1) The Commission shall establish and maintain a register of relevant market participants registered under this Part which shall, in particular, include—
- (a) the name of the relevant market participant,
 - (b) the names, addresses and contact numbers of relevant contact persons, including, in the case of a body corporate, the names, addresses and contact details of the directors of the company,
 - (c) the address of the relevant market participant or in the case of a body corporate, its registered office,
 - (d) the electricity activity that is the subject of the registration,
 - (e) the date on which the relevant market participant will commence the electricity activity that is the subject of the registration.
- (2) The Register may be in book form, electronic form or such other form as the Commission may determine.
- (3) The holder of a registration to which an entry in the Register relates, shall as soon as practicable after the holder becomes aware of any error in the entry, or any change in circumstances that is likely to have a bearing on the accuracy of the entry, give notice in writing to the Commission of the error, or change in circumstances, as the case may be.

Registration for purpose of engaging in electricity activity

- 28AC.** (1) Subject to subsection (2), a relevant market participant who wishes to engage in an electricity activity may not engage in the activity unless the relevant market participant has been registered under this Part in respect of that activity.
- (2) (a) The Commission may, by order, specify—
- (i) a class or classes of relevant market participant who are not required to be registered under this Part, or
 - (ii) a class or classes of electricity activity the engaging in which by relevant market participants does not require the relevant market participants to be registered under this Part,
- or both.
- (b) In specifying a class or classes of relevant market participant for the purposes of paragraph (a)(i), the Commission shall have regard to—
- (i) the obligations of the class or classes of relevant market participant concerned were the class or classes concerned to be

required to register, and

- (ii) the requirements of Regulations 3(2)(a) and 7(3)(b) of the Regulations of 2022.
 - (c) In specifying a class or classes of electricity activity for the purposes of paragraph (a)(ii), the Commission shall specify the class or classes by reference to the scale of the class or classes of electricity activities concerned.
 - (d) The Commission may by order amend or revoke an order under this subsection.
 - (e) The Commission shall not make an order under this subsection unless a notice of intention to make such an order is published on its website at least one month before the making of the order.
 - (f) The draft order shall be published by the Commission in such manner as it shall determine, so as to bring it to the attention of those likely to be affected by it and the notice of intention published under paragraph (e) shall state the manner in which a copy of the draft order may be obtained.
- (3) An application to be registered shall be made in accordance with section 28AD.

Application for registration

28AD. (1) An application by a relevant market participant for registration under this Part shall—

- (a) be in writing,
- (b) specify—
 - (i) the name of the relevant market participant proposing to engage in the electricity activity that is to be the subject of the registration, including, in the case of a body corporate, the company registration number,
 - (ii) the names, addresses and contact numbers of relevant contact persons including, in the case of a body corporate, the names, addresses and contact details of the directors of the company,
 - (iii) the address of the relevant market participant or in the case of a body corporate, the address of its registered office,
 - (iv) the electricity activity that is to be the subject of the registration,
 - (v) the date on which it is estimated that the relevant market participant will commence the electricity activity that is to be the subject of the registration,
- (c) be in such form, contain such other information and be accompanied by such documents, if any, as the Commission shall

specify on its website in accordance with subsection (3), and

- (d) be accompanied by such fee as the Commission may determine.
- (2) The Commission may request an applicant to provide it with such additional information and documents as the Commission may reasonably request for the purpose of the application and where such a request is made the applicant shall provide such information and documents to the Commission.
- (3) The Commission shall publish on its website the procedures for making an application under this section and any other requirements relating to the making of such an application.

Consideration of application by Commission

- 28AE.** (1) The Commission shall grant an application for registration duly made in accordance with section 28AD by a relevant market participant who is required, pursuant to section 28AC, to be registered, unless the Commission is satisfied, having regard to the application and the information and documentation (if any) provided to it under section 28AD, that the relevant market participant concerned would, if registered, not be able to comply with the terms and conditions to be specified in the registration.
- (2) Where an application for registration is granted, the registration granted shall be subject to such terms and conditions as may be specified in the registration and the Commission shall—
 - (a) record the appropriate particulars in the Register, and
 - (b) issue the relevant market participant with a registration permitting it to engage in the electricity activity concerned in accordance with the registration and the terms and conditions specified therein.
 - (3) (a) Where the Commission proposes to refuse an application for registration it shall give a written notice of the proposal to refuse to the relevant market participant concerned and the notice shall—
 - (i) state the reasons for the proposal to refuse, and
 - (ii) specify the period (being not less than 28 days from the date on which the notice is given) within which representations or objections with respect to the proposal to refuse may be made.
 - (b) The Commission shall consider such representations or objections, if any, as are made under paragraph (a) and not withdrawn and shall respond in writing to the relevant market participant concerned in respect of any such representations and objections within a reasonable period of the Commission having received them.
 - (c) Where the Commission, having considered such, if any, representations or objections referred to in paragraph (b), decides to refuse to grant the application, it shall give a written notice of

the decision to the applicant accordingly and such notice shall state the reasons for the decision and inform the applicant that it may, within a period of 28 days from the date the notice is given, appeal the decision to the Circuit Court.

- (d) On hearing an appeal under paragraph (c) in relation to the decision of the Commission to refuse to grant the application, the Court may either confirm the decision or allow the appeal and where the appeal is allowed, the Commission shall grant the application and subsection (2) shall apply accordingly.

Modification of registration

28AF. (1) Where the Commission is of the opinion that a registration granted to a relevant market participant under this Part, including any terms and conditions specified in the registration, should be modified, it may make such modification in accordance with this section.

- (2) Where the Commission proposes to make a modification under subsection (1), it shall serve a written notice of the proposal on the relevant market participant concerned and the notice shall—

- (a) state the nature of the modification,
- (b) state the date on which it is proposed the modification is to come into effect, which date shall be stated to be subject to the making of representations or objections or the taking of an appeal, under this section in respect of the modification,
- (c) state the reasons for the modification, and
- (d) specify the period (being not less than 28 days from the date on which the notice is given) within which representations or objections with respect to the modification may be made.

- (3) The Commission shall consider any representations or objections which are made under subsection (2)(d) and not withdrawn and shall respond in writing to the relevant market participant concerned in respect of any such representations and objections within a reasonable period of the Commission having received them.

- (4) The Commission, having considered such, if any, representations and objections referred to in subsection (3) shall decide whether or not to make the modification proposed under subsection (2), and, where representations or objections are made and the Commission considers, on foot of those representations or objections, that a modification other than that proposed should be made, it may decide to make that other modification.

- (5) The Commission shall give the relevant market participant a written notice of its decision under subsection (4) and, where its decision is to make the modification proposed under subsection (2) or to make, in accordance with subsection (4), a modification other than that

modification, the notice shall state the reasons for that decision and shall inform the relevant market participant of the matters set out in subsections (6) to (8).

- (6) A modification under this section shall come into effect on the day that is 28 days after the date on which the notice referred to in subsection (5) is given, unless an appeal is made under subsection (7), in which case the modification shall not come into effect unless confirmed in accordance with that subsection in which case it shall come into effect in accordance with subsection (8).
- (7) A relevant market participant may, not later than 28 days from the date on which a notice is given under subsection (5), appeal to the Circuit Court and on hearing an appeal under this subsection the Court may confirm or vary the modification or allow the appeal and cancel the modification.
- (8) Where an appeal is taken under subsection (7), the modification shall, unless cancelled by the Court, come into effect on the day next following the day on which the modification is confirmed or varied, on appeal or the appeal is withdrawn, or on such day as is specified by the Court, whichever is later.

Functions of Commission for purpose of ensuring compliance by relevant market participant with registration

28AG. (1) The Commission shall monitor, in accordance with this Act, the compliance by relevant market participants with registrations granted to them and any terms and conditions specified in those registrations (in this section referred to as ‘obligations’).

- (2) If, in the opinion of the Commission, a relevant market participant may not be, or is likely to not be, complying with its obligations, the Commission may give a written notice in accordance with subsection (3) to the relevant market participant concerned.
- (3) A notice under subsection (2) shall—
 - (a) specify the acts or omissions that in the opinion of the Commission, may constitute, or would be likely to constitute, a failure to comply with the registration concerned, and
 - (b) specify the period (being not less than 28 days from the date on which the notice is given) within which representations or objections may be made.
- (4) The Commission shall consider any representations or objections which are made under subsection (3) and not withdrawn.
- (5) The Commission, having considered any representations or objections, referred to in subsection (4), may make a determination that a relevant market participant is not complying with its obligations.

[NEW SECTION]

- (6) The Commission may issue a direction to a relevant market participant where it has made a determination under subsection (5) that a relevant market participant is not complying with its obligations.
- (7) A direction issued under subsection (6) shall specify the acts or omissions that in the opinion of the Commission constitute the failure by the relevant market participant to comply with its obligations and shall direct the relevant market participant to take, within the period of time specified in the direction, such remedial actions as are specified in the direction.
- (8) As soon as practicable after giving a direction under subsection (6), the Commission shall give a written notice of the direction to the relevant market participant concerned.
- (9) A relevant market participant may make representations or objections to the Commission in respect of a direction issued to it under subsection (6) within a period of 28 days from the date on which the notice of the direction is given.
- (10) The Commission shall consider any representations or objections made to it in accordance with subsection (9) and shall respond in writing to the relevant market participant concerned in respect of any such representations or objections within a reasonable period of the Commission having received them.
- (11) The Commission may withdraw a direction and where it does so it shall give a written notice of the withdrawal to the relevant market participant concerned that sets out the effect of the withdrawal.
- (12) A relevant market participant that is aggrieved by a direction issued to it under subsection (6) may—
 - (a) if no representations or objections are made under subsection (9), within the period of 28 days from the date on which the notice of the direction is given, or
 - (b) if representations or objections are made under subsection (9), within the period of 28 days from the date of the response of the Commission in respect of those representations or objections,appeal to the Circuit Court against the direction, and in determining the appeal, the Court may make such order as it considers appropriate, including to confirm, vary or revoke the direction.
- (13) Where a relevant market participant fails to comply in full or in part with a direction issued under subsection (6) within the period specified in the direction or fails to cooperate with the Commission with regard to the direction, and the period within which an appeal may be made under subsection (12) has passed, the Commission may apply to the Circuit Court for an order directing the relevant market participant to comply with the direction.

[NEW SECTION]

- (14) Where a direction is issued to a relevant market participant under subsection (6) (in this subsection referred to as the ‘current direction’) and a direction under this section has previously been issued to the market participant concerned (in this subsection referred to as the ‘previous direction’) in circumstances where—

- (a) the previous direction was not withdrawn or revoked by the Circuit Court under this section, or
- (b) an appeal in respect of the previous direction is not awaiting determination by the Circuit Court under this section,

the Commission may, where it considers it necessary to do so, temporarily suspend the registration of the relevant market participant concerned in accordance with this section until the non-compliance with the obligations which is the subject of the current direction has been rectified, and where it does so the Commission shall give a written notice, in accordance with this section, to the relevant market participant of the temporary suspension and the relevant market participant shall not engage in the activity during the period of the temporary suspension.

- (15) Where the Commission proposes to temporarily suspend a registration, it shall give a written notice to the relevant market participant concerned of the proposal and the notice shall—

- (a) state the reasons for the proposed temporary suspension, and
- (b) specify the period (being not less than 28 days from the date on which the notice is given) within which representations or objections with respect to the proposal may be made.

- (16) The Commission shall consider such representations or objections, if any, as are made under subsection (15)(b) and shall respond in writing to the relevant market participant concerned in respect of any such representations and objections within a reasonable period of the Commission having received them.

- (17) Where the Commission, having considered such, if any, representations or objections as are made under subsection (15)(b), decides to temporarily suspend a registration, it shall give a written notice to the relevant market participant concerned of the decision and that notice shall state the reasons for the decision.

- (18) Where the Commission decides to temporarily suspend a registration, the relevant market participant concerned may, not later than 28 days from the date of the notice referred to in subsection (17) is given, appeal to the Circuit Court.

- (19) On hearing an appeal under subsection (18), the Circuit Court may either confirm or vary the decision of the Commission or allow the appeal and annul the decision.

[NEW SECTION]

- (20) Where an appeal is taken under subsection (18), the decision of the Commission under subsection (17) shall, unless cancelled by the Circuit Court, take effect on the day following the day on which the decision is confirmed on appeal or the appeal is withdrawn, or on such day as is specified by the Circuit Court, whichever is later.
- (21) Where no appeal is made under subsection (18), the decision of the Commission under subsection (17) shall take effect on the day on which the time allowed for an appeal has elapsed.
- (22) Any decision of the Circuit Court on an appeal under subsection (18) shall be final, save that, an appeal from the decision may be made to the High Court on a specified point of law.
- (23) Sections 23 to 26 shall not apply in respect of the holder of a licence or an authorisation in respect of the obligations of such a person that arise by reason of holding a registration granted under this Part.”.”.

TITLE

***127.** In page 5, line 30, after “2017;” to insert the following:

“to make provision in respect of applications to the Environmental Protection Agency for licences, reviews of licences or revised licences in circumstances where an order under section 181(2)(a) of the Planning and Development Act 2000 has been made, or is proposed to be made, by a Minister of the Government for development comprising or for the purposes of the activity to which the application relates and for that purpose to amend the Environmental Protection Agency Act 1992; to give further effect to Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019¹ and for that purpose to amend the Electricity Regulation Act 1999; ”.

1. OJ No. L 158, 14.6.2019, p.125