



An Bille Comhshaoil (Forálacha Ilghnéitheacha), 2025
Environment (Miscellaneous Provisions) Bill 2025

Meabhrán Miniúcháin
Explanatory Memorandum



**AN BILLE COMHSHAOIL (FORÁLACHA
ILGHNÉITHEACHA), 2025
ENVIRONMENT (MISCELLANEOUS PROVISIONS) BILL
2025**

EXPLANATORY MEMORANDUM

Introduction

The purpose of the Environment (Miscellaneous Provisions) Bill 2025 is to streamline the Environmental Protection Agency (the Agency) licencing system by providing the power to prescribe definite timeframes for licencing decisions and more options for the Agency to efficiently regulate lower risk activities and minor changes to licences. It also ensures that appropriate and proportionate environmental protections continue to be firmly in place.

The Bill aims to provide more certainty around the timeframe for decisions on applications for EPA licences for the energy, food, pharma, chemicals, waste and other industrial sectors and will complement the statutory timelines being introduced under the Planning and Development Act 2024.

In order to achieve this, the Bill amends both the *Environmental Protection Agency Act 1992* (EPA Act) and the *Waste Management Act 1996* (WMA).

In addition, the Bill includes some further miscellaneous provisions under the *Circular Economy and Miscellaneous Provisions Act 2022*, detailed at Part 4 below.

The Bill contains 25 provisions in 4 Parts.

Part 1-Preliminary and General

Short title, collective citation and construction, and commencement

Section 1 contains standard provisions relating to the short title, construction and commencement of the Bill.

Definitions

Section 2 proposes definitions for the purpose of this Bill.

Repeals

Section 3 proposes to repeal certain provisions of the Environmental Protection Agency Act 1992 (the EPA Act). These repeals are consequential amendments as a result of the provisions of this Bill.

Part 2-Amendments to Environmental Protection Agency Act 1992

Amendment of section 3 of Act of 1992

Section 4 amends section 3 of the EPA Act to insert additional definitions consequential to the provisions of this Bill.

Amendment of section 51 of Act of 1992

Section 5 amends section 51 of the EPA Act to oblige the Agency to capture the number of licence decisions made within new timeframes as may be prescribed. The Agency already provides the total number of decisions made in their annual report and this is an additional reporting requirement to promote accountability of Agency in meeting new timeframes. This provision also covers the WMA.

Amendment of section 82D of Act of 1992

Section 6 amends section 82D of the EPA Act to oblige the Agency when considering applications in emergency circumstances to do so in a manner consistent with the objectives of Section 15(1) of the Climate Action and Low Carbon Development Act 2015 to the extent that it is practicable taking into account the emergency nature of the application. This section of the Climate Action and Low Carbon Development Act 2015 requires public bodies to integrate climate considerations into their decision-making processes.

Amendment of section 83 of Act of 1992

Section 7 amends section 83 of the EPA Act to allow derogation from the obligation on the Agency to carry out an Environmental Impact Assessment (EIA). The derogation will only apply where an Order has been made under new section 88C (civil emergency or defence situation) or an exemption granted under new section 88D (exceptional circumstances). This is in line with derogations provided for under Articles 1(3) and Article 2(4) of the Environmental Impact Assessment Directive (EIAD).

Amendment of section 85 of Act of 1992

Section 8 amends section 85 of the EPA Act to expand an existing provision to now cover Transboundary Convention states. This amendment intends to ensure transboundary consultation where an activity is likely to have transboundary effects on another state outside of the European-Union.

Amendment of section 87 of Act of 1992

Section 9 amends section 87 of the EPA Act to make reference to a new section 87B. This is a consequential amendment to support the provision introduced under Section 10 of the Bill regarding the disapplication of proposed determinations in emergency situations.

Non-application of proposed determination procedure to certain applications

Section 10 proposes a new section 87B to the EPA Act which introduces an amended proposed determination procedure for licences in emergency situations.

Provisions remove the obligation to issue proposed determinations in emergency situations where a derogation from EIA has been granted either under planning legislation or under this Bill. It is proposed to replace the current two stage decision process of issuing a proposed determination and a final decision with one consultation period inviting submissions on the licence and associated documents.

This amendment is confined only to licence applications in respect of which an exemption from EIA has been granted in emergency situations only under the planning legislative framework or under new section 88C, section 88D or section 88E (section 11 of this Bill).

A similar approach was taken for designated applications under the *Environmental Protection Agency (Emergency Electricity Generation) (Amendment) Act 2023*.

Applications for licences in certain emergency circumstances

Section 11 proposes five new sections to the EPA Act.

Section 88C Exemption from EIA Directive for civil emergency or defence

which enables the Minister to make an order allowing a derogation for certain licence applications from the requirements of the EIA Directive and the obligation to carry out an EIA.

This will apply only where a licence is required for an activity in the event of a civil emergency or for defence of the State.

The provision mirrors similar enabling provision for development consent in civil emergencies under Section 228 of the *Planning and Development Act 2024*.

Section 88D Exemption from requirement for EIA in exceptional circumstances

which allows an applicant to apply to the Agency to grant an exemption from the requirements of the EIA Directive before making an application for a licence. This exemption will apply in exceptional circumstances only. The provision obliges the Agency to ensure that the objectives of the EIA Directive will be achieved by other means. This will be achieved by the Agency's assessment of the activity on the environment and the requirements for this assessment will be specified by the Agency under 88D(6).

The provision mirrors similar enabling provision for development consent in exceptional circumstances under Section 227 of the *Planning and Development Act 2024*.

Section 88E Exemption from requirement to issue proposed determination

which removes the obligation for the Agency to issue a proposed determination in certain emergency circumstances where the Minister has made an order to that effect. The provision is included for future proofing purposes in the case of where an emergency arises where the planning process is either complete or planning permission is not required so that the Agency is not compelled to issue a proposed determination under the Act of 1992 in a scenario where planning permission has been granted or is not required and the Agency do not consider that an EIA is required.

Section 88F Agency to take account of information specified under section 88D

which provides details of the information that the Agency shall consider for applications where an exemption is granted under new Section 88D. This information will include the assessment as may be specified under Section 88D(6)(a) and details of the documentation that the Agency shall incorporate into its decision.

Section 88G Notice of decision in relation to application to which exemption under section 88D relates

which outlines notification procedures for a licence application where an exemption under new Section 88D has been granted. The Agency will be obliged to inform the public and any other prescribed persons of the content of the decision and other matters including the main reasons and considerations on which the decision is based.

Similar provision was made for designated applications at Section 88B of the Act under Section 7 of the Environmental Protection Agency (Emergency Electricity Generation (Amendment) Act 2023.

Review of part of licence or revised licence and periods for decision-making

Section 12 proposes two new sections to the EPA Act.

Section 90A Review of part of licence or revised licence

which allows the Agency to review a part of a licence or revised licence, but only where EIA is not required, and any change does not constitute a substantial change. Substantial change is defined within this provision.

Section 90B Periods for decision-making

which enables the Minister to specify timeframes for proposed determination decisions of the Agency. The new provision includes a ‘stop the clock’ provision to allow for requests for further information and response from the applicant. Time periods will be specified in subsequent regulations.

Amendment of section 96 of Act of 1992

Section 13 amends Section 96 of the EPA Act to enable the Agency to expand its consultation as appropriate, to include planning authority and other persons.

Amendment of section 99A of Act of 1992

Section 14 amends Section 99A of the EPA Act to allow the Minister to make regulations providing for the payment to the Agency of fees in relation to a request for an exemption under new section 88D, which is outlined at Section 11 of this Bill.

Part 3-Amendments to Waste Management Act 1996

Amendment of section 7 of Act of 1996

Section 15 amends section 7 of the Waste Management Act 1996 (the WMA) at subsection (3) to enable the Minister by order to make regulations prescribing for matters in the emergency circumstances as set out under sections 44A and 44B without need for such regulations to be laid before the Oireachtas. The provision also removes reference to Section 72(12) from subsection (3) of Section 7 as that section was repealed under the *Circular Economy and Miscellaneous Provisions Act 2022*.

Amendment of section 37 of Act of 1996

Section 16 amends section 37 of the WMA to insert additional definitions consequential to the provisions of this Bill.

Amendment of section 40 of Act of 1996

Section 17 amends section 40 of the WMA to allow exemption from the obligation on the agency to carry out an EIA. The exemption will only apply where an Order has been made under new section 44A (civil emergency or defence situation) or an exemption granted under new section 44B (exceptional circumstances).

This provision mirrors the provision at section 7.

Amendment of section 42 of Act of 1996

Section 18 amends section 42 of the WMA to make reference to new section 42C. This is a consequential amendment to support the provision introduced under Section 20 of the Bill regarding the disapplication of proposed determinations in emergency situations.

This provision mirrors the provision at section 9.

Amendment of section 42B of Act of 1996

Section 19 amends section 42B of the WMA to enable the Agency to expand its consultation as appropriate, to include planning authority and other persons.

This provision mirrors the provision at section 13.

Non-application of proposed decision procedure to certain applications

Section 20 proposes a new section to the WMA, section 42C which introduces an amended proposed determination procedure.

Provisions remove the obligation to issue proposed determinations in emergency situations where a derogation from EIA has been granted either under planning legislation or under this Bill. It is proposed to replace the current two stage decision process of issuing a proposed determination and a final decision with one consultation period inviting submissions on the licence and associated documents.

This amendment is confined only to licence applications in respect of which an exemption from EIA has been granted in emergency situations only under the planning legislative framework or under section 44A, section 44B or section 44C (section 21 of this Bill).

This provision mirrors the provision at section 10.

Applications for licences in certain emergency circumstances

Section 21 proposes five new sections to the WMA.

Section 44A Exemption from EIA Directive for civil emergency or defence

which enables the Minister to make an order allowing a derogation for certain licence applications from the requirements of the EIA Directive and the obligation to carry out an EIA.

This will apply only where a licence is required for an activity in the event of a civil emergency or for defence of the State.

Section 44B Exemption from requirement for EIA in exceptional circumstances

which allows an applicant to apply to the Agency to grant an exemption from the requirements of the EIA Directive before making an application for a licence. This exemption will apply in exceptional circumstances only. The provision obliges the Agency to ensure that the objectives of the EIA Directive will be achieved by other means. This will be achieved by the Agency's assessment of the activity on the environment and the requirements for this assessment will be specified by the Agency under 44B(6).

Section 44C Exemption from requirement to issue proposed determination

which removes the obligation for the Agency to issue a proposed determination in certain emergency circumstances where the Minister has made an Order to that effect. The provision is included for future proofing purposes in the case of where an emergency arises where the planning process is either complete or planning permission is not required so that the Agency is not compelled to issue a proposed determination under, in the case of a waste licence application, the Act of 1996, in a scenario where planning permission has been granted or is not required and the Agency do not consider that an EIA is required.

Section 44D Agency to take account of information specified under section 44B

which provides details of the information that the Agency shall consider for applications where an exemption is granted under new Section 44B. This information will include the assessment as may be specified under Section 44B(6)(a) and details of the documentation that the Agency shall incorporate into its decision.

Section 44E Notice of decision in relation to application to which exemption under section 44B relates

which outlines notification procedures for a licence application where an exemption under new Section 44B has been granted. The Agency will be obliged to inform the public and any other prescribed persons of the content of the decision and other matters including the main reasons and considerations on which the decision is based.

These provisions mirror those at section 11.

Review of parts of waste licences and periods for decision-making

Section 22 proposes two new sections to the WMA.

Section 46A Review of part of waste licence

which allows the Agency to review a part of a licence or revised licence, but only where EIA is not required.

Section 46B Periods for decision-making

which enables the Minister to specify timeframes for proposed determination decisions of the Agency. The new provision includes a 'stop the clock' provision to allow for requests for further information and response from the applicant. Time periods will be specified in subsequent regulations.

These provisions mirror the provisions at section 12.

Amendment of section 50 of Act of 1996

Section 23 amends Section 50 of the WMA to allow the Minister to make regulations providing for the payment to the Agency of fees in relation to a request for an exemption under new section 44B, which is outlined at Section 21 of this Bill.

This provision mirrors the provision at section 14.

Part 4- Amendments to Circular Economy and Miscellaneous Provisions
Act 2022

Green public procurement criteria and guidance

Section 24 proposes two new sections to the Circular Economy and Miscellaneous Provisions Act 2022.

Section 7A Preparation of green public procurement criteria and guidance

which enables the Minister to designate a public body for the purpose of preparation of green public procurement guidance and criteria that may be applied by public bodies in respect of goods, services or works procured by such public bodies.

Section 7B Reporting on integration of green public procurement criteria into public procurement

which requires public bodies to outline in an annual report each procurement of goods, services or works in the previous calendar year where relevant green public procurement criteria were not integrated into the procurement process and explain the reasons why it was considered appropriate and proportionate not to include any of those green public procurement criteria in the procurement process.

Amendment of Section 8 of the Act of 2022

Section 25 amends section 8 of the Circular Economy and Miscellaneous Provisions Act 2022 to allow the Minister pay income that may arise from extended producer responsibility schemes into the Circular Economy Fund.

*An Roinn Aeráide, Fuinnimh agus Comhshaoil,
Lúnasa, 2025.*

