

Minister for European Affairs, Peter Burke, TD
**Seanad Select Committee on Scrutiny of Draft EU-related Statutory
Instruments**

Opening Statement

21 November 2023

I am pleased to attend today's meeting with the Seanad Select Committee on Scrutiny of Draft EU-related Statutory Instruments. I am joined by officials from the EU Division of the Department of Foreign Affairs, Tim Harrington, Director, Institutions and Co-ordination Unit, and Stephen Ryan, the Deputy Director.

I found the last invitation to meet with the Committee - on 4 July - to be useful as an introduction to the important work that you undertake – the scrutiny of the transposition of EU Directives across Departments.

I understand that today's agenda is to primarily cover Directives adopted between June 2022 and May 2023. I understand that the Committee may also wish to receive an update on the recent European Court of Justice judgement on the Habitats Directive.

Following the Committee's request, information notes have been provided by **seven** Departments on the **15** Directives agreed under the co-decision process by the Council and the European Parliament and which were published between June 2022 and May of this year. The majority of EU Directives have a two-year transposition deadline. The 15 Directives in question will therefore be transposed into Irish law on various dates over the next two years or so, with the majority having a deadline in Autumn 2024.

I am happy to see that already three of these Directives have been transposed. The relevant Statutory Instruments along with information notes have been provided to the Committee. The three Directives in question are:

- Directive 2002/1999 on the transport of dangerous goods by road;
- Directive 2002/2561 on the qualifications and periodic training of drivers of certain road vehicles for the carriage of goods or passengers; and
- Directive 2002/993 on the minimum level of training for seafarers.

In line with procedures, the SIs concerned were laid before the Houses of the Oireachtas by the Department of Transport and the Department of Enterprise Trade and Employment respectively.

I have been informed by the Department of the Environment, Climate and Communications (DECC) that Directive 2002/2555 on cybersecurity will be transposed by primary legislation. As such it falls outside the remit of this Committee.

I will turn to deal in detail with the remaining 11 Directives.

Three of these, all under the responsibility of the Department of the Environment, Climate and Communications (DECC), are due to be transposed by the end of this year:

- Directive 2003/959 concerning greenhouse gas emission allowance trading within the Union
- Directive 2002/958 concerning emission reduction targets in the aviation sector, and
- Directive 2002/2380 regarding radio equipment (essentially standardisation of phone and tablet chargers).

I am happy to see that the Department has provided the draft SIs intended to transpose these three Directives already to the Committee. I hope these, along with the information notes provided, have been of help to the Committee in forming a view on the intended means of transposition in these three cases.

The remaining Directives are due, in the main, to be transposed from Summer 2024 onwards. The five Departments responsible - Enterprise, Equality, Finance, Justice and Transport - have provided information notes and have indicated that they will provide draft SIs to the Committee at the earliest

possible opportunity. At least one may be provided in the coming weeks with the others following in new year.

I am pleased at the responsiveness of the Departments concerned and that Information Notes and draft SIs have been provided in a timely manner, or a commitment has been made to deliver same – well in advance of transposition deadlines.

We can discuss the Directives concerned in more detail as the Committee wishes later in this meeting but I would note the benefits which will flow for citizens, business, indeed all of society, as these come into effect. The Directive on the harmonisation of radio equipment – which will see a uniform charger being introduced for all types of mobile phones and tablets – is but one of these.

As part of my role as the Minister for European Affairs, I chair the Interdepartmental Committee on EU Engagement. This consists of senior officials from across Government Departments as well as from the Office of the Attorney General and the Office of the Parliamentary Counsel. This generally meets on a quarterly basis, most recently on 4 October last. It will meet again in early December. Its standing agenda includes reviewing Ireland's performance in transposing EU Directives. This is measured by the European Commission across all Member states under the Single Market Scoreboard. This measures transposition of EU Directives on a bi-annual basis, at end May and end November each year – termed the Summer and Winter Single Market Scoreboards. The target set by the European Commission is that a Member State should have not more than 5 Directives outstanding to be transposed at each six monthly deadline. The expectation would be that most, if not all of these, would then be transposed in the following six months – and this generally occurs.

For the coming Winter Scoreboard, I am happy that only 2 new Directives are awaiting transposition which have deadlines between 1st June and 31 November this year. These concern Trans-European Transport Networks and

Vehicle hire. I understand that the Department of Transport is actively working on closing off these two Directives as soon as possible.

I mention this also, as it is the Government's firm resolve to continue to improve the transposition of EU Directives. The aim is that all Directives due for transposition then should be completed before the next Irish Presidency of the EU on 1st July 2026. I should add that Ireland achieved a zero transposition score before our previous EU Presidency in 2013, one of the handful of Member States ever to achieve this, before or since.

While Member States certainly aim to get all EU Directives transposed on time, usually there are a few Directives which are unable to be completed by the bi-annual deadlines. Nevertheless, I have given Departments the aim, for Presidency 2026, of improving our transposition rate so that we replicate the zero score again at that time. And in the interim that aim will be wherever possible to at least match the European Commission's target of not more than 5 Directives being late for any Scoreboard - and for the Winter 2023 Scoreboard we have already bettered this with only 2 cases outstanding.

I should also refer to the Committee's request sent to Departmental Secretaries General on 3 October last seeking details of various elements of transposition. I hope that by now that most if not all Departments have responded. If there are any remaining, my office will be happy to reach out to those Departments. I hope that the Committee will find these returns helpful in building an appreciation of the demands on Departments generally in transposing EU Directives, and that for the most part these are achieved on time.

Should the Committee wish to receive a brief update on the Habitats Court case I am happy to provide this.

In conclusion, Mr Chairman, I look forward to our discussions here this afternoon. I hope the detail which I have provided here in my opening remarks

and in our following discussions will confirm to the Committee, the effort and priority which is being given to transposition of EU Directives across Departments, and the importance which I attach to this in my role as Minister for European Affairs.

Thank you.