

Industrial Development (Amendment) and Miscellaneous Provisions Bill 2026

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Abstract

The Industrial Development (Amendment) and Miscellaneous Provisions Bill 2026 outlines provisions seeking to amend the Industrial Development Act 1986 to affect the permitted purposes and amounts of State aid in the form of grants that can be awarded to private companies by the Irish enterprise agencies, namely Enterprise Ireland and IDA Ireland. It proposes to amend the parent Industrial Development Acts of 1986 and 1995, and the Industrial Development (Enterprise Ireland) Act, 1998. The Bill also seeks to provide for minor amendments to offences regarding handling of chemicals, and amendments regarding the Health and Safety Authority, Freedom of Information Act 2014, the Science and Technology Act 1987, and technical enabling amendments for offences under the Dangerous Substances Act 1972 and the Chemicals Act 2008.



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Executive Summary

The **Industrial Development (Amendment) and Miscellaneous Provisions Bill 2026** will, if enacted, amend the **Industrial Development Act, 1986**, **Industrial Development Act, 1995** and **Industrial Development (Enterprise Ireland) Act, 1998** to increase the thresholds for IDA Ireland and Enterprise Ireland's provision of environmental protection aid grants and consultancy grants, with the objective of supporting sustainability and decarbonisation targets. It will also provide that IDA Ireland and Enterprise Ireland be permitted to establish jointly owned Designated Activity Companies (DACs) to develop industrial and commercial property and infrastructure. This Bill also contains additional amendments regarding the Health and Safety Authority and technical enabling amendments for offences under the **Dangerous Substances Act, 1972** and the **Chemicals Act, 2008**.

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Glossary and abbreviations

Table 1 Glossary and abbreviations

Term	Meaning
IDA	Industrial Development Agency
IDA Ireland	IDA Ireland is the foreign investment promotion agency that helps companies expand into Ireland. ¹
Enterprise agencies	IDA Ireland and Enterprise Ireland
Enterprise Ireland (EI)	Enterprise Ireland is the agency responsible for the development and growth of Irish enterprises in world markets. ²
General Block Exemption Regulation (GBER)	In EU law, the GBER exempts certain categories of State aid from the requirement of prior notification to the Commission, when the benefits to society outweigh the possible distortions of competition that the aid may cause to the Single Market. ³
Designated Activity Company (DAC)	A Designated Activity Company (DAC) is a private company limited by shares or guarantee in Ireland, introduced under the Companies Act, 2014. It has specified liabilities and activities that narrow its legal and operational scope.
State aid for Climate, Energy, and Environmental Aid Guidelines ('CEEAG')	A standalone scheme for grant aid exempt from State aid rules, focused on higher-award grantees for activities aligned with the European Green Deal and Fit for 55 packages. ⁴

Source: Oireachtas Library & Research Service

¹ [About Us | Promoting Foreign Direct Investment \(FDI\) | IDA Ireland](#)

² [Irish Enterprise Development Agency | Enterprise Ireland](#)

³ [State aid: Commission widens scope of GBER](#)

⁴ [CEEAG](#)

Introduction

The Industrial Development (Amendment) and Miscellaneous Provisions Bill 2026 (the ‘Bill’) was introduced on 7 May 2026 and scheduled for Second Stage debate on 14 May 2026 in Dáil Éireann.

The **General Scheme of the Industrial Development (Miscellaneous Provisions) Bill** (the ‘General Scheme’) was published in March 2025. The General Scheme was discussed by the **Joint Committee on Enterprise, Tourism and Employment debate - Wednesday, 25 Jun 2025**, without further report, and a formal pre-legislative scrutiny (PLS) process was not undertaken.

The primary purpose of the Bill is to amend the **Industrial Development Act, 1986** to enhance the ability of IDA Ireland and Enterprise Ireland to award grants for environmental protection aid and specialist consultancy services on technological innovation, environmental protection and business development. The Bill also provides for IDA Ireland and Enterprise Ireland (the ‘enterprise agencies’) to establish jointly owned Designated Activity Companies (DACs) for land holding and infrastructure development. Finally, the Bill proposes to introduce amending provisions regarding the Health and Safety Authority and technical enabling amendments to the **Dangerous Substances Act 1972**, the **Chemicals Act, 2008**, the **Freedom of Information Act 2014**, and the **Science and Technology Act, 1987**.

Purpose of proposed legislation

The purpose of the legislative change is to ease requirements regarding Government approvals for State grants and their purposes, rather than to fundamentally shift the policy around grants given, their amounts, and for what purposes. The amending provisions are set out in the context of EU laws and exemptions around State aid. The key provisions are to raise the cap in both (a) individual grant amounts and (b) the aggregate of grants, before individual approval for grants is required by Government. This legislation will, if enacted, clarify that grants for environmental protection aid, sustainability, and clean energy infrastructure are clearly allowed for, in line with a raft of EU packages in support of climate action.

Background

The key themes of the Bill are around increasing the limits on grant aid for environment, decarbonisation and sustainability; and for digitalisation for businesses. The **General Scheme of the Industrial Development (Miscellaneous Provisions) Bill 2025** was published February 2025 together with a Regulatory Impact Analysis (RIA).

The lead Department of Enterprise, Tourism and Employment (DETE) published its **Action Plan on Competitiveness and Productivity** in 2025. Broadly, the Plan sets out ambitions around decarbonisation supports for enterprise, energy efficiency and sustainability investment, and regional access to green supports. The Plan includes one specific priority action 67(P) that states:

Utilise the Environmental Aid Scheme to the fullest extent in providing capital support grants to high impact decarbonisation projects in manufacturing sectors through Enterprise Ireland and IDA Ireland. Increased levels of support for more expensive abatement in lower margin sectors will be required to incentivise investments of significant scale and ambition to achieve our 2030 climate targets.

The Plan also makes reference to the small and medium enterprise (SME) sector and the plans for Enterprise Ireland to support them through environmental and digitalisation grants in the years ahead:

“The period from 2026–2030 will see a ramping up of the green and digital supports that are available to all small businesses – Green for Business, Energy Efficiency Grant, Digital for Business and Grow Digital.”

However, the Plan does not specifically set legislative change as an action.

Ireland’s industrial development agencies

The Bill primarily concerns the operation of grant schemes by two state agencies: IDA Ireland and Enterprise Ireland (the ‘enterprise agencies’). Each operate in a different space.

IDA Ireland is a non-commercial statutory body, that aims to promote foreign direct investment (FDI) in to Ireland.⁵ IDA Ireland engages FDI via financial incentives and networking supports for global companies seeking to invest in Ireland. It supports trade missions and operates numerous overseas offices. The agency provides and administers grants and other financial incentives in support of new clients looking to invest in Ireland and existing clients looking to increase capacity and investment.

⁵ Bill Digest Bill No. 77 of 2019. Oireachtas Library and Research Service.

Enterprise Ireland (EI) is the statutory body responsible for the development and growth of Irish-owned enterprises in international markets. EI is fundamentally export-focussed.⁶ It maintains a number of regional offices in Ireland and internationally.

The IDA Ireland strategy **Adapt Intelligently: A Strategy for Sustainable Growth and Innovation 2025-29** brings its focus on sustainable industrial growth into prominence. It defines four key target sectors for growth: digitalisation and AI; semiconductors; health; and sustainability. It states:

“The acceleration of the green transition, and the competitive advantage associated with affordable, resilient, and renewable energy, is now central to investment location decisions.”⁷

More specifically the IDA Ireland strategy names industrial growth opportunities that align with EU and national climate goals:⁸

Sustainability

The green transition is gathering pace, presenting both a global challenge and opportunity. Sustainability is now a policy imperative and a board-level priority for all investors and companies in Ireland, and globally. Sustainable energy, the decarbonisation of industrial processes, and the development of low carbon technologies will drive growth throughout global economies.

Ireland’s opportunity

There are direct and indirect opportunities associated with Ireland’s renewable energy potential, particularly offshore wind. Opportunities also exist in further developing Ireland’s green economy capabilities across the broad value chain. Such opportunities, including green hydrogen production via our offshore wind sector, renewable gas and long duration energy storage, have the potential to decarbonise our heavy goods vehicles, our heat demand and our industrial processes. Many existing businesses will respond to the EU’s Green Deal and invest in new energy efficiency technologies and sustainable operations, while opportunities also exist in sustainable finance.

Zooming out to the impact of the two development/enterprise agencies, data exported from the **EU State Aid Transparency Public Search database** reveal the scale of grant monies for the past decade⁹: IDA Ireland have granted a total of €1.6 billion and Enterprise Ireland have granted €963 million in total from January 2016 to April 2026. For comparison to the previous

⁶ Bill Digest Bill No. 77 of 2019. Oireachtas Library and Research Service

⁷ Adapt Intelligently: A Strategy for Sustainable Growth and Innovation 2025-29 | IDA Ireland

⁸ Adapt Intelligently: A Strategy for Sustainable Growth and Innovation 2025-29 | IDA Ireland

⁹ EU State Aid Transparency Public Search database. Filtered for ‘Ireland’ and download accessed 8 May 2026. Sum €1,613,202,799 for IDA Ireland and sum € 963,798,935 for Enterprise Ireland.

decade, the IGEES Trend Analysis of IDA Ireland Expenditure reported that IDA Ireland granted €2 billion between 2006 and 2017.¹⁰

The Minister for Enterprise, Tourism and Employment, Peter Burke TD stated in a written reply to Parliamentary Questions (PQs) in April 2026:¹¹

Government has also allocated €300 million in Environmental Aid to support decarbonisation among large industrial firms supported by Enterprise Ireland and IDA Ireland. As of January 2026, 41 projects with a combined value of €154 million have been approved across sectors such as manufacturing, food and beverage, and pharmaceuticals, supporting reductions in energy use and enhancing competitiveness.

Some of IDA Ireland's grant awardees since 2015 are described in a written answer to a PQ on the largest award amounts by IDA Ireland. The Minister for Enterprise, Tourism and Employment, Peter Burke TD, set out the highest recent awards as follows:¹²

¹⁰ Trend Analysis of IDA Ireland Expenditure. Irish Government Economic and Evaluation Service (IGEES), July 2018

¹¹ Small and Medium Enterprises – Tuesday, 28 Apr 2026 – Parliamentary Questions (34th Dáil) – Houses of the Oireachtas

¹² Industrial Development – Wednesday, 6 May 2026 – Parliamentary Questions (34th Dáil) – Houses of the Oireachtas

Table 2 Largest investments grant aided by IDA Ireland (2015-2025)

Client name	Support Type	Grant Approved €	Amount drawn down 29/04/2026 €	Year of granting
Analog Devices International Unlimited Company	IPCEI on Microelectronics	85,000,000	30,241,141	2024
Software Labs Campus Unlimited Company/IBM Ireland Limited/Red Hat Limited	RD&I	32,938,727	4,469,967	2025
Intel Ireland Limited	Microelectronics Manufacturers Ukraine Enterprise Crisis Scheme	30,000,000	21,241,702	2023
Microsoft Ireland Research Unlimited Company	RD&I	20,735,357	-	2025
Stryker Ireland Limited / Stryker European Operations Limited / Howmedica International S. De R.L.	RD&I	20,000,000	19,984,095	2019
Xilinx Ireland Unlimited Co - Advanced Micro Devices, Inc. (Amd)	RD&I	13,631,735	2,143,640	2023
Sirius Xm Ireland Limited	RD&I	13,034,534	-	2025
Stryker Nv Operations Limited / Stryker European Operations Limited	RD&I	12,935,164	-	2024
Stryker Ireland Limited / Stryker European Operations Limited	RD&I	12,726,769	1,782,568	2024
Analog Devices International Unlimited Company	RD&I	12,552,460	12,552,459	2023

Source: [Industrial Development – Wednesday, 6 May 2026 – Parliamentary Questions \(34th Dáil\) – Houses of the Oireachtas](#). Note from source: Contains information published on Transparency Aid Module (TAM) and up to date as of 29 April 2026. The information is based on signed grant agreements.

Previous related legislation

The [Industrial Development \(Amendment\) Act 2019](#) (the 2019 Act) provided for two key things:

- a. Enterprise Ireland could administer grants like IDA Ireland (as provided for in the parent legislation); and
- b. revised thresholds of grants and aid for example provision of microenterprise financing.

In the 2019 Act, the grants around sustainability and digitalisation were not addressed. In the 2019 Act, thresholds were similarly set for different types of aid awards and financial instruments, as well as limits of loans and shareholdings, that the industrial development agencies could administer without specific approval from Government. The Oireachtas Parliamentary Research Service published a [Bill Digest](#) relevant to the 2019 Act.

Both IDA Ireland and Enterprise Ireland are subject to ‘lifetime caps’ in their grant and investment amounts (provided for in the [Industrial Development \(Amendment\) Act 2019, Section 2](#), as amended) to the sum of €14 billion across the industrial development agencies.

Regulatory Impact Analysis (RIA)

The Department of Enterprise, Trade and Employment published [Screening Regulatory Impact Analysis: General Scheme of the Industrial Development \(Miscellaneous Provisions\) Bill 2025 \(RIA\)](#) which contains some useful policy background.

Public consultation

There has not been a public consultation with respect to the Bill.

Legal and legislative context

Currently, Enterprise Ireland operates a number of financial supports for environment and sustainability. Under the **National Recovery and Resilience Plan (NRRP) (2021-2026)**, certain projects supporting the digital and climate transition of enterprise are being funded through the EU's Recovery and Resilience Facility. The Facility covers projects that will reduce emissions as part of a decarbonisation plan. Other grants are awarded as part of the Green Transition Fund (a temporary post-COVID measure in Ireland only)¹³ with the objective to accelerate the decarbonisation of Irish enterprise.¹⁴ As these schemes and plans come to a close towards the end of 2026, the stated drive for the legislative changes proposed in the Bill is to future-proof the administration of grants for environment and consultancy in a changing EU context.¹⁵

There is a degree of uncertainty around the EU legal landscape concerning grants to companies as provided for in this Bill. The following sections provide an overview of some of the current, some recently adapted, and future anticipated regulations around exemptions from State aid rules. In light of these it is apparent that the changes proposed in the Bill are attempting to navigate these changes and remain workable with or without them.

EU legal context: State Aid Rules

European Commission State Aid Rules limit the extent to which and define how governments may fund companies.

*“A company receiving government support may gain a distortive advantage over its competitors. Therefore, **Article 107 TFEU** generally prohibits State aid unless exceptionally justified.”¹⁶*

The Parliamentary Budget Office (PBO) have published a short explainer on State aid rules: **PBO Publication 37 of 2024**.

Certain policy objectives and activities are excluded or have special rules in place. The General Block Exemption Regulation (GBER)¹⁷, (as amended) is the key vehicle for these exemptions and is specifically invoked in the General Scheme of the Bill and its **RIA**.

¹³ [Green Transition Fund | Údarás na Gaeltachta](#)

¹⁴ [Access Advice: Green Start | Business Support | Enterprise Ireland](#)

¹⁵ [Minister Burke secures Government approval for the Industrial Development \(Amendment\) and Miscellaneous Provisions Bill 2026](#)

¹⁶ [Overview - Competition Policy - European Commission](#)

¹⁷ [Summary of Commission Regulation \(EU\) No 651/2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty. EUR-Lex - legisum:0802_4 - EN - EUR-Lex. See also Commission Regulation \(EU\) 2023/1315 of 28 June 2023.](#)

General Block Exemption Regulation (GBER)

Grants from enterprise agencies such as IDA Ireland And Enterprise Ireland are typically (but not always) exempted from EU State Aid Rules under the General Block Exemption Regulation (GBER). The following guidance is from the Department of Enterprise, Tourism and Employment website:¹⁸

The GBER allows Member States to bring certain State aid schemes into place without prior notification to the EU Commission, provided that they are within the parameters set out in the GBER.

These include but are not limited to:

- *Regional aid*
- *Aid to SMEs*
- *Aid for European Territorial Cooperation*
- *Aid for access to finance for SMEs*
- *Aid for research and development and innovation*
- *Training aid*
- *Aid for disadvantaged workers and for workers with disabilities*
- *Aid for environmental protection*
- *Aid to make good the damage caused by certain natural disasters*
- *Social aid for transport for residents of remote regions*
- *Aid for broadband infrastructures*
- *Aid for culture and heritage conservation*
- *Aid for sport and multifunctional recreational infrastructures*
- *Aid for local infrastructure*
- *Aid for regional airports*
- *Aid for ports*
- *Aid involved in financial products supported by the InvestEU Fund*

Grants issued by the State under the remit of the GBER are required to be notified to the European Commission within specified timeframes.

¹⁸ [Granting funds that may involve State Aid - DETE](#)

The DETE Action Plan on Competitiveness and Productivity¹⁹ (the ‘Plan’) does not explicitly refer to the GBER. References to State aid are framed at a high level, emphasising compliance with EU State-aid rules and the strategic use of EU frameworks. The Plan signals awareness of constraints such as GBER but does not propose legislative or scheme changes explicitly linked to it.

In 2023 the so-called ‘Green Deal GBER amendment’²⁰, extended the GBER to end 2026 and contained new specific exemptions to State aid in the areas of environmental protection and energy decarbonisation, and digitalisation. Notably, these are the two areas specifically provided for in the Bill.

The current version of the GBER, including the Green Deal amendment, is set to expire on 31 December 2026.²¹ Consultation is underway to reshape the GBER. The proposed changes involve reducing red tape, increasing grand aid thresholds, and prioritising supports in support of Commission-wide sustainability goals.

Without listing every provision, it is noteworthy that single grants may not exceed €30 million without prior notification to the European Commission.²² In the next iteration of the GBER it is signalled that green and energy supports will be prioritised. Relevant to this Bill, the GBER revision proposals include a key change to remove a €300 million per annum cap on aid scheme budgets for renewable energy.²³

Environmental Aid Scheme

Currently, Section 4 of the GBER covers ‘Aid for Environmental Protection.’ This is brought into effect by the **Environmental Aid Scheme** of the Department of Enterprise, Tourism and Employment (DETE).

DETE set out their guidance on current categories of environmental aid from the enterprise agencies (valid until end 2026)²⁴ referencing the relevant GBER Article:

¹⁹ [Action Plan on Competitiveness and Productivity](#)

²⁰ [State aid: Commission amends General Block Exemption rules. See also Commission Regulation \(EU\) 2023/1315 of 28 June 2023.](#)

²¹ [Commission Regulation \(EU\) 2023/1315 of 28 June 2023](#)

²² [EU State Aid Reform Continues in the Energy Sector: Spotlight on the Proposed New General Block Exemption Regulation | Kluwer Competition Law Blog](#)

²³ [What Changes Can We Expect in the Revised General Block... | Beauchamps](#)

²⁴ [Environmental Aid Scheme](#)

- (a) Investment Aid for Environmental protection, including decarbonisation (Article 36)*
- (b) Investment aid for recharging or refuelling infrastructure (Article 36a)*
- (c) Investment aid for the acquisition of clean vehicles or zero-emission vehicles and for the retrofitting of vehicles (Article 36b)*
- (d) Investment aid for energy efficiency measures other than in buildings (Article 38) and Investment aid for energy efficiency measures in buildings (Article 38a)*
- (e) Investment aid for the promotion of energy from renewable sources of renewable hydrogen and of high-efficiency cogeneration (Article 41)*
- (f) Operating aid for the promotion of electricity from renewable sources (Article 42)*
- (g) Operating aid for the promotion of energy from renewable sources and of renewable hydrogen in small projects and renewable energy communities (Article 43)*
- (h) Investment aid for the remediation of environmental damage, the rehabilitation of natural habitats and ecosystems, the protection or restoration of biodiversity and the implementation of nature-based solutions for climate change adaptation and mitigation (Article 45), Investment aid for energy efficient district heating and/or cooling (Article 46), Investment aid for resource efficiency and for supporting the transition towards a circular economy (Article 47).*
- (i) Investment aid for energy infrastructure (Article 48), aid for studies and consultancy services on environmental protection and energy matters (Article 49).*

In Enterprise Ireland's publication on eligibility information it lists the specific Articles of the GBER that currently serve as the basis for State aid rules exemptions for each of its environmental-related grants:

It is Enterprise Ireland policy that Environmental Aid is awarded under the below GBER Articles only:²⁵

- *Article 36 Investment aid for environmental protection, including decarbonisation*
- *Article 38 Investment aid for energy efficiency measures other than in buildings*
- *Article 41 Investment aid for the promotion of energy from renewable sources, renewable hydrogen and high-efficiency cogeneration*
- *Article 47 Investment aid for resource efficiency and for supporting the transition towards a circular economy*
- *Article 49 Environmental studies and consultancy services on environmental protection and energy matters*

Other EU environmental grant schemes

These grant schemes are not defined in the legislative proposal or its [explanatory memorandum](#) but are outlined here as they may intersect with the provisions of the Bill, if enacted.

Both schemes are expressly in place alongside and not intended as a substitute for the GBER. They each offer different levels of financial aid and different thresholds for eligibility (these are not detailed here).

Climate, Energy, and Environmental Aid Guidelines (CEEAG)

The Climate, Energy, and Environmental Aid Guidelines (the ‘CEEAG’) run in parallel to the GBER. CEEAG may be used by Member States for more complex, higher award cases.²⁶ For reference, the comprehensive guidelines are set out in the [Communication from the Commission – Guidelines on State aid for climate, environmental protection and energy 2022](#).

Clean Industrial Deal State Aid Framework (CISAF)

The Clean Industrial Deal State Aid Framework (CISAF) is the European Commission’s latest instrument to financially facilitate green industrial practices. The CISAF commenced in June 2025 and runs until the end of 2030.²⁷ There are no known Irish cases under the framework as yet. The eligibility thresholds are more accessible than for CEEAG. The CISAF seems to be

²⁵ [Energy and Environmental Aid | Enterprise Ireland](#)

²⁶ [CEEAG](#)

²⁷ [Clean Industrial Deal State Aid Framework \(CISAF\) - Competition Policy](#)

aimed more so at large-scale industrial infrastructure, with a focus on electrification and renewables, clean-tech manufacturing, decarbonisation of industry, carbon capture and abatement, and energy costs mitigation as aligned with the objectives of the Clean Industrial Deal.²⁸ As well as direct grants, the CISAF allows for financial instruments aimed at de-risking investments, including those held by private equity, and for electricity cost supports for energy-intensive users. The CISAF does not cover aid for nuclear power generation.²⁹

Designated Activity Companies (DACs)

The Bill sets out to allow IDA Ireland and Enterprise Ireland to make investments in, and to establish, Designated Activity Companies (DACs) that can build and own infrastructure, land and property. A Designated Activity Company (DAC) is a type of private limited company created by the [Companies Act 2014](#). To qualify it is necessary that a DAC has specific business purposes set out in its constitution (namely an ‘objects clause’ defining its objects or purpose), and its operations are limited to those purposes. An advantage of a DAC is that it has limited liability and is a unique legal entity. It can be co-owned by other companies and/or on behalf of the State (via Minister(s) being shareholders).

²⁸ Clean Industrial Deal - European Commission

²⁹ Fueling The Future: Understanding The EU’s Clean Industrial Deal State Aid Framework (CISAF) | Crowell & Moring LLP

Legislative proposal

The Industrial Development (Amendment) and Miscellaneous Provisions Bill 2026 (the 'Bill') contains 11 sections in three Parts.

Purpose of the Bill

The focus of the Bill is to empower the enterprise agencies to make *relatively* small grants for environmental aid protection and consultancy services, that may be awarded without individual prior government approval by Government. It would not preclude larger, individually approved grants that the IDA Ireland and Enterprise Ireland agencies can make with prior Government approval (together with notification to the European Commission, above a certain threshold).

The Bill seeks to provide for new arrangements of designated activity companies (DACs) to establish formal co-operation between IDA Ireland, Enterprise Ireland and the commercial sector. The Bill does not aim to address a specific legislative gap in the State's ability to provide grants, but it does attempt to underpin agility and improve the capacity of the enterprise agencies to make grants in an evolving EU State aid landscape, mainly by attempting to ease administration and facilitate approvals at lower grant levels. The Bill also seeks to better align the current grant legislation with the changing exempted EU State aid rules, with a focus on sustainable development and technical innovation, helping to prioritise EU level priorities such as energy, industrial decarbonisation and digitalisation.

Principal provisions of the Bill

Part 1, Sections 1 to 3

Section 3

These sections propose to provide citation detail and introduce definitions. Section 3 is the key provision in this part as it would repeal section 22 of the **Dangerous Substances Act 1972**, concerning the labelling and marking of containers that carry flammable liquids, including petroleum products. The purpose of this provision is to incorporate the likes of diesel and mineral oils, as well as petroleum, within the scope of the legislation. The proposed provision looks to address a legislative gap that became apparent when the current legislation was found to be insufficient to bring prosecutions regarding licenses for correct storage of diesel fuels.³⁰

³⁰ Screening RIA General Scheme Industrial Development (Misc Provisions) Bill 2025

Part 2, Sections 4 to 6

This Part includes provisions relating to grants made by enterprise agencies for environmental aid and consultancy services. Note, that terms such as ‘environmental protection’, ‘environmental aid’, etc as used in the General Block Exemption Regulation (GBER) are expressly defined in the text of the Bill. However, the umbrella term ‘environmental protection initiative’ is specifically defined and the proposed subsection 21A(4) of the **Industrial Development Act 1986** (the ‘1986 Act’) would apply other definitions in the GBER to the relevant subsection of the 1986 Act.

Section 4

This section proposes to deal with firstly with ‘environmental protection initiative’ grants and secondly ‘consultancy grants’ made by IDA Ireland and Enterprise Ireland. The treatment of both types of grants for both development agencies is the same, save for the limits applied to ‘a particular industrial undertaking’: (a) individual grants they award without prior permission from the Government, and (b) the aggregate of the grants awarded by each agency to the same awardee (undertaking).

The Bill provides for quite a broad range of aid that may be classed as an ‘environmental protection initiative’. It falls to the relevant enterprise agency to determine eligibility, this determination is at the discretion of the relevant agency. The description of initiatives includes protection of resources such as water and soil and air, biodiversity and ecosystems. It specifies actions to reduce pollutants and emissions, energy systems, natural resources and the circular economy.

The proposed new section 21B of the 1986 Act would provide for ‘consultancy grants’. These would cover externally procured consultancy services for advice or studies, quite broadly defined, to encompass technological innovation, digitalisation, environmental protection, or business development and strategy.³¹

In essence section 4 of the Bill would allow Enterprise Ireland, IDA Ireland, either separately or jointly, to provide these classes of grant aid without prior Government approval for the following thresholds:

For ‘environmental protection grants’ the limits provided for in the Bill would be:

- a. An award of €15 million per undertaking, or
- b. An aggregate of awards of up to €15 million for this category of aid.

³¹ Industrial Development (Amendment) and Miscellaneous Provisions Bill 2026 - Explanatory Memorandum

For ‘consultancy grants’ the limits provided for in the Bill would be:

- c. An award of €7.5 million per undertaking, or
- d. An aggregate of awards up to €7.5 million for this category of aid.

This means that the award of grants cannot be disaggregated (separated) for the sole purpose of avoiding a need for Government-level approval. The timeframe for which the sums may be aggregated are notably not defined, so are interpreted to be a lifetime aggregate of aid for each undertaking.

The ‘aggregate of grants’ is interpreted to mean the lifetime sum amount that triggers a need for approvals of all further grants, irrespective of their individual amounts, after this limit is reached.

The final provision in section 4 of the Bill is a proposed amendment to the [1986 Act](#) which deals with ‘technology acquisition grants’. It would amend section 30 of the 1986 Act to adjust the thresholds for environmental protection initiatives and consultancy services grants, to limits of €7.5 million for award without approval and an aggregate of €15 million for this category of aid. It is not clear why the choice of a different values for individual and aggregate grants is provided here.

Section 5

Section 5 concerns the proposed establishment of Designated Activity Companies (DACs) that may be owned or jointly owned by IDA Ireland and Enterprise Ireland. Formation of a DAC is provided for in section 965 of the [Companies Act 2014](#).

The key provision in this section 5 would be that IDA Ireland may, with a third party, jointly own a DAC. By contrast, Enterprise Ireland may only jointly own a DAC with a third party **and** with IDA Ireland. A DAC must have a constitution and that constitution, in these provisions, must be approved by IDA Ireland with consent of the Minister of the relevant lead Department.

The enterprise agency or agencies may operate the DAC and with Ministerial approval, operate financial undertakings such as loans, investments, property development, and land transfer and disposal. Reporting and governance measures are defined as the responsibility of IDA Ireland and additionally Enterprise Ireland as applicable.

Section 6

This section would implement a minor amendment to add clarity that section 7C of the [Industrial Development \(Enterprise Ireland\) Act 1998](#) does indeed refer to the Enterprise Ireland agency (alone). The provision in the parent legislation defines the aggregate value of €15 million as it relates to investment aid instruments. The need for this amendment appears to arise from uncertainty that the limit might be interpreted to mean the awards from both Enterprise Ireland *and* IDA Ireland.

Part 3, Sections 7 to 11

This Part comprises a number of miscellaneous provisions to amend existing legislation as follows:

Section 7

Section 7 seeks to provide amendments to the **Dangerous Substances Act 1972** (the ‘1972 Act’). The proposed amendments were not included in the General Scheme of the Bill.

The key effect would be to expand the definitions of fuels beyond only petroleum spirit to a full range of energy, and fuel and gas types. The effect would be to ensure all of the named fuel types are covered in the 1972 Act, and the Bill proposes a new provision allowing for testing and verification of the named fuels. New amending provisions would allow for local inspectors to inspect and enforce on behalf of local authorities and harbour authorities,

Section 8

This section would provide for the deletion of subsection 5 of Section 8 of the **Science and Technology Act 1987** (the ‘1987 Act’). Currently it states:

“(5) The Agency shall not engage in or promote any activity of a primarily military relevance without the prior approval of the Government.”

This is a new provision that was not included in the General Scheme of the Bill.

Section 9

This section seeks to adjust the number of years that an appointment may be made to the board of the Health and Safety Authority. The maximum period of tenure would be increased to five years from three years. This proposal would bring the **Safety, Health and Welfare at Work Act 2005** in line with newer legislation regarding board appointments and the **Code of Practice for the Governance of State Bodies (2016)**.

Section 10

This provision would transpose an aspect the EU Detergents Regulation into Irish legislation,³² regarding penalties and offences. The amending provision would:

- a. allow the Minister to make provision for offences via secondary legislation, and
- b. define the penalties for said offences. In this amendment the maximum fine is set at €3 million and imprisonment term of up to two years.

As the legislation stands, the penalties and offences are provided for via Statutory Instruments, which, in their RIA, the lead Department suggests may be unconstitutional, due

³² Regulation (EC) No 648/2004 of the European Parliament and of the Council of 31 March 2004 on detergents

to their amounts exceeding the limits set by the [European Communities Act 1972](#).³³ The purpose of these amendments is to ensure Ireland is not found to be in default of its obligations under EU law due to the penalties being insufficient. To date, no infringement proceedings regarding transposition of the EU Detergents Regulation have commenced.³⁴

The additional provisions in Section 10 of the Bill propose amendments to section 29 of the [Chemicals Act 2008](#) (the '2008 Act') which deal with offences. These amendments seek to provide greater clarity that offences defined in secondary legislation around asbestos and major accident hazards shall be deemed an offence under the 2008 Act.

Section 11

This provision seeks to deal with an anomaly regarding Enterprise Ireland in the current [Freedom of Information Act 2014](#). The amendment proposes to insert text to Schedule 3 of the 2014 Act to define Enterprise Ireland, with the effect to remove uncertainty in relation to freedom of information (FOI) obligations, by including the Enterprise Ireland legislation in the Schedule.

Implications and implementation issues

The effective functioning of primary provisions in this Bill would be predicated on applicable State aid exemption rules in 2027 and onwards, after the current GBER expires. As explored above there is some complexity in evaluating how the provisions of the Bill, if enacted, would interact with a revised GBER from January 2027 onwards and other grant support packages, given the lack of detail on grant types, classifications and thresholds. However, it is clear that the European Commission wishes to facilitate and speed up the green and digital transition.³⁵

The expectation is that the new GBER will centre on energy efficiency, environmental protections and sustainable industrialised activity and digitalisation. This would appear to be in harmony with provisions in Part 2 of the Bill. The European Commission has strongly signalled the need for a lighter-touch regulatory regime for small grant amounts. The key unanswered question is around grant thresholds. As it stands, the individual award limits of €15 million for environmental and €7.5million for specialist consultancy grants proposed in the Bill *appear* to be conservative and well below an expected notification threshold in the order of €25- or €30 million as signalled in the GBER revision consultation process. Despite efforts, in the drafting of this Bill Digest it is unclear what are the defined thresholds for notification of exempted State grants to the EU. Based on the Transparency Aid Module (TAM) one might

³³ [Screening RIA General Scheme Industrial Development \(Misc Provisions\) Bill 2025](#)

³⁴ [Implementation of EU Law in Ireland | Ireland.ie](#), Accessed 12 May 2026.

³⁵ [State aid: Commission formally adopts General Block Exemption rules to facilitate green and digital transition - PubAffairs Bruxelles](#)

infer that individual grant awards above €10 million are being notified, even if they are not notifiable.

There is a notable implication of the proposed Section 8 of the Bill which, if enacted, would allow the enterprise development agencies to engage with and support industries primarily associated with defence, without Government approval.

Pre-legislative scrutiny

Overview of pre-legislative scrutiny (PLS)

The **General Scheme of the Industrial Development (Miscellaneous Provisions) Bill 2025** was published in February 2025.

The Joint Committee on Enterprise, Tourism and Employment met to discuss the General Scheme of the Bill on 25 June 2025,³⁶ but did not conduct PLS or report with recommendations. Therefore, there is no analysis of any PLS recommendations in this Bill Digest.

³⁶ Joint Committee on Enterprise, Tourism and Employment debate - Wednesday, 25 Jun 2025

Conclusion

The proposed provisions in the Industrial Development (Amendment) and Miscellaneous Provisions Bill 2026 do not set radical new industrial policy objectives but they do have the aim of offering a more flexible approach for grants of aid from the State's industrial development and enterprise agencies, both domestically/regionally and for FDI. In context of the scale of grants awarded and their economical appraisal for return on investments, the individual grant threshold amounts that can be administered without specific Government approval are moderate. As can be seen in Table 2 'Largest investments grant aided by IDA Ireland (2015-2025)', awards of grants in the tens of millions of Euro are infrequent and are reserved for significant and ambitious industrial development projects, with established and globally significant companies.

The new role of DACs provided for in this Bill, namely companies with a specific purpose that may be jointly entered into by one or more of the IDA Ireland with or without Enterprise Ireland, is especially interesting given the scale of ambition for infrastructure, green industry, green technologies, and in particular onshore and offshore energy decarbonisation and electrification projects in Ireland. The most technically challenging and ambitious industrial projects are yet to get beyond the initial planning stages. The co-operation, co-ownership model alongside State supports is likely a welcome signal to industry about the seriousness of the State's ambitions in these sectors.

The small amendment to lift restrictions to allow the enterprise agencies to engage with and promote companies that do work in the defence sector is a discreet change in light of recent European Union drive for military reindustrialisation.