



Number 5 of 2026

Environment (Miscellaneous Provisions) Act 2026



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ENVIRONMENT (MISCELLANEOUS PROVISIONS) ACT 2026

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ACTS REFERRED TO

Circular Economy and Miscellaneous Provisions Act 2022 (No. 26)

Climate Action and Low Carbon Development Act 2015 (No. 46)

Environmental Protection Agency Act 1992 (No. 7)

Litter Pollution Act 1997 (No. 12)

Planning and Development Act 2000 (No. 30)

Planning and Development Act 2024 (No. 34)

Waste Management Act 1996 (No. 10)

Waste Management Acts 1996 to 2011



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ENVIRONMENT (MISCELLANEOUS PROVISIONS) ACT 2026

An Act to provide for the making of applications for licences, or applications for reviews of licences, under Part IV of the Environmental Protection Agency Act 1992 or under Part V of the Waste Management Act 1996 in certain emergency circumstances; to give effect to Articles 1(3) and 2(4) of Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011¹ on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014², in relation to applications for, or applications for reviews of, such licences; to make provision in relation to periods for decision-making relating to certain applications for, and reviews of, such licences; to enable the Environmental Protection Agency to carry out reviews of parts of licences under Part IV of the Environmental Protection Agency Act 1992 or under Part V of the Waste Management Act 1996 in certain circumstances; to make provision in relation to the appointment of the Director General and directors of the Environmental Protection Agency; to make provision in relation to powers of the High Court or Circuit Court in relation to activities in contravention of the Environmental Protection Agency Act 1992; for those and other purposes to amend the Environmental Protection Agency Act 1992 and the Waste Management Act 1996; to make provision in relation to offences relating to litter and for that purpose to amend the Litter Pollution Act 1997; to provide for the making of guidance and criteria in relation to green public procurement; to make provision in relation to the reporting by certain public bodies on the integration of green public procurement criteria into procurement processes; for those and other purposes to amend the Circular Economy and Miscellaneous Provisions Act 2022; and to provide for related matters.

[12th March, 2026]

Be it enacted by the Oireachtas as follows:

1 OJ No. L. 26, 28.1.2012, p. 1

2 OJ No. L. 124, 25.4.2014, p. 1

PART 1

PRELIMINARY AND GENERAL

Short title, collective citation and construction, and commencement

1. (1) This Act may be cited as the Environment (Miscellaneous Provisions) Act 2026.
- (2) *Part 3* and the Waste Management Acts 1996 to 2011 may be cited together as the Waste Management Acts 1996 to 2026 and shall be read together as one.
- (3) This Act shall come into operation on such day or days as the Minister for Climate, Energy and the Environment may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Definitions

2. In this Act—
 - “Act of 1992” means the Environmental Protection Agency Act 1992;
 - “Act of 1996” means the Waste Management Act 1996;
 - “Act of 2022” means the Circular Economy and Miscellaneous Provisions Act 2022.

Repeals and revocations

3. (1) The following provisions of the Act of 1992 are repealed:
 - (a) subsections (1) to (5) and (7) to (11) of section 21;
 - (b) subsections (1) to (7) of section 24;
 - (c) paragraph (ab) of section 87(2);
 - (d) subsections (3), (3A) and (3B) of section 87;
 - (e) paragraph (f) of section 89(2).
- (2) The following provisions of the Act of 2022 are repealed:
 - (a) section 19;
 - (b) section 35.
- (3) The Environmental Protection Agency (Selection Procedures) Regulations 2004 (S.I. No. 127 of 2004) are revoked.
- (4) Notwithstanding *paragraphs (a) and (b) of subsection (1) and subsection (3), subsections (1) to (5) and subsections (7), (8) and (11) of section 21 of the Act of 1992, subsections (1) to (4) and subsection (7) of section 24 of the Act of 1992 and the Environmental Protection Agency (Selection Procedures) Regulations 2004 shall continue to apply and have effect in relation to a selection process commenced but not*

completed under that section 21 or 24 before the repeal effected by *paragraph (a) or (b) of subsection (1)* or the revocation effected by *subsection (3)*.

- (5) Where, in the case of a selection process referred to in *subsection (4)*, the Government decides not to appoint a person to be the Director General or a director of the Environmental Protection Agency under section 21(9) or 24(5) of the Act of 1992 or the committee (within the meaning of the Act of 1992) is unable to select any suitable candidate under section 21(10) or 24(6) of the Act of 1992, sections 20A and 23A of the Act of 1992 inserted by *sections 5 and 7* shall apply.

PART 2

AMENDMENTS TO ENVIRONMENTAL PROTECTION AGENCY ACT 1992

Amendment of section 3 of Act of 1992

4. Section 3(1) of the Act of 1992 is amended by the insertion of the following definitions:

“ ‘Act of 2024’ means the Planning and Development Act 2024;

‘Commission’ means An Coimisiún Pleanála;

‘national newspaper’ means—

- (a) a publication (other than an online publication or online version of a publication) that—

(i) circulates generally in the State, and

(ii) is prescribed by the Minister for the purposes of this Act,

or

- (b) an online publication, or online version of a publication, prescribed by the Minister for the purposes of this Act;

‘Transboundary Convention state’ means a state (other than the State) that is a contracting party to the Convention on Environmental Impact Assessment in a Transboundary Context, done at Espoo (Finland) on 25 February 1991;”.

Appointment of Director General of Agency

5. The Act of 1992 is amended by the insertion of the following section after section 20:

“**20A.** (1) The Director General of the Agency shall be appointed by the Minister, with the consent of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, in accordance with this section.

- (2) The Minister shall, as required, request the Public Appointments Service to undertake a selection process for the purpose of identifying

and recommending to the Minister persons who are suitable for appointment under subsection (1).

- (3) Where the Public Appointments Service receives a request from the Minister, it shall undertake a selection process and recommend to the Minister, from among the persons who participated in the process, a maximum of 3 persons whom it is satisfied are suitable for appointment under subsection (1).
- (4) The Minister may agree with the Public Appointments Service or may, following consultation with the Public Appointments Service, prescribe the selection criteria that are to apply to the selection process.
- (5) The Minister shall, in performing the functions under subsection (4), have regard to the general suitability, and the special knowledge, experience and qualifications, required of a person in order to ensure the functions of the Director General are performed effectively.
- (6) The Public Appointments Service shall provide the Minister with particulars of the suitability, relevant knowledge, experience and qualifications, of each person whom it recommends under subsection (3).
- (7) Other than in the case of reappointment under section 21(13), the Minister shall not appoint a person to be the Director General unless the person is recommended by the Public Appointments Service in accordance with a request under this section.
- (8) The Minister may make regulations to provide for—
 - (a) procedures relating to the application and selection process,
 - (b) selection criteria, in accordance with subsection (4), and
 - (c) such other matter as the Minister considers incidental, supplementary or consequential to the purposes of this section.”.

Amendment of section 21 of Act of 1992

6. (1) Section 21 of the Act of 1992 is amended—

(a) in subsection (13)(b), by the substitution of “the Minister, with the consent of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation,” for “the Government”, and

(b) by the substitution of the following subsection for subsection (16):

“(16) The Director General may be removed from office by the Minister if, in the Minister’s opinion, the Director General has become incapable through ill-health of effectively performing the duties of the office, or for stated misbehaviour, or if the removal appears to the Minister to be

necessary or desirable for the effective performance by the Agency of its functions.”.

- (2) The amendment effected by *subsection (1)(b)* shall only apply in relation to a Director General of the Environmental Protection Agency appointed or reappointed after the coming into operation of that subsection.

Appointment of director of Agency

7. The Act of 1992 is amended by the insertion of the following section after section 23:

“23A. (1) The directors of the Agency shall be appointed by the Minister, with the consent of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, in accordance with this section.

(2) The Minister may consult with the Director General (where a Director General is in office) or, if there is no Director General in office, the Deputy Director General (where a Deputy Director General is in office), in relation to the qualifications required for all posts as a director of the Agency or any particular post of director of the Agency.

(3) The Minister shall, as required, request the Public Appointments Service to undertake a selection process for the purpose of identifying and recommending to the Minister persons who are suitable for appointment under subsection (1).

(4) Where the Public Appointments Service receives a request from the Minister, it shall undertake a selection process and recommend to the Minister, from among the persons who participated in the process, a maximum of 5 persons whom it is satisfied are suitable for appointment as a director of the Agency under subsection (1).

(5) The Minister may agree with the Public Appointments Service or may, following consultation with the Public Appointments Service, prescribe the selection criteria that are to apply to the selection process.

(6) The Minister shall, in performing the functions under subsection (5), have regard to the general suitability, and the special knowledge, experience and qualifications, required of a person in order to ensure the functions of a director are performed effectively.

(7) The Public Appointments Service shall provide the Minister with particulars of the suitability, relevant knowledge, experience and qualifications, of each person whom it recommends under subsection (4).

(8) Other than in the case of reappointment under section 24(9), the Minister shall not appoint a person to be a director unless the person is recommended by the Public Appointments Service in accordance with a request under this section.

- (9) The Minister may make regulations to provide for—
- (a) procedures relating to the application and selection process,
 - (b) selection criteria, in accordance with subsection (5), and
 - (c) such other matter as the Minister considers incidental, supplementary or consequential to the purposes of this section.”.

Amendment of section 24 of Act of 1992

8. (1) Section 24 of the Act of 1992 is amended—

- (a) in subsection (9), by the substitution of “the Minister, with the consent of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation,” for “the Government” in both places where it occurs, and
- (b) by the substitution of the following subsection for subsection (12):

“(12) A director may be removed from office by the Minister if, in the Minister’s opinion, the director has become incapable through ill-health of effectively performing the duties of the office, or for stated misbehaviour, or if the removal appears to the Minister to be necessary or desirable for the effective performance by the Agency of its functions.”.

- (2) The amendment effected by *subsection (1)(b)* shall only apply in relation to a director of the Environmental Protection Agency appointed or reappointed after the coming into operation of that subsection.

Amendment of section 51 of Act of 1992

9. Section 51 of the Act of 1992 is amended by the addition of the following subsection after subsection (2):

- “(3) A report referred to in subsection (1) shall, in relation to the period to which the report relates, state the number of—
- (a) proposed determinations made under section 87(2) within the period prescribed under section 90B, and
 - (b) proposed decisions made under section 42(2) of the Act of 1996 within the period prescribed under section 46B of the Act of 1996.”.

Amendment of section 82D of Act of 1992

10. Section 82D of the Act of 1992 is amended by—

- (a) the designation of that section as subsection (1), and
- (b) the addition of the following subsection after subsection (1):

“(2) The Agency shall consider an application for a licence under section 83(1), or for a review of a licence or revised licence under section 90(1)(b), for an activity in respect of which an order has been made under section 88C or an exemption has been granted under section 88D, in a manner consistent with the plans, strategy, framework and objectives referred to in section 15(1) of the Climate Action and Low Carbon Development Act 2015 to the extent that it considers practicable, taking particular account of the matters referred to in paragraphs (b) and (c) of section 88C(2) or in section 88D(4), as the case may be.”.

Amendment of section 83 of Act of 1992

11. Section 83 of the Act of 1992 is amended—

(a) in subsection (2A)—

- (i) in paragraph (a), by the substitution of the following definition for the definition of “environmental report”:

“ ‘environmental report’ has the meaning given by subsection (11).”,

- (ii) in paragraph (b), by the substitution of “other than a designated application or an application for a licence for an activity in respect of which an order is made under section 88C or an exemption is granted under section 88D” for “other than a designated application”,
- (iii) in paragraph (ba), by the substitution of “other than a designated application or an application for a licence for an activity in respect of which an order is made under section 88C or an exemption is granted under section 88D” for “other than a designated application”,
- (iv) in paragraph (bh), by the substitution of “paragraph (bg)” for “paragraph (bf)”,
- (v) in paragraph (c), by the substitution of “other than a designated application or an application for a licence for an activity in respect of which an order is made under section 88C or an exemption is granted under section 88D” for “other than a designated application”,
- (vi) in paragraph (d), by the substitution of “other than a person making a designated application or an application for a licence for an activity in respect of which an order is made under section 88C or an exemption is granted under section 88D” for “other than a person making a designated application”, and
- (vii) in paragraph (g), by the substitution of “an environmental impact assessment, an alternative assessment or an assessment referred to in section 88D(6)(a), as the case may be,” for “an environmental impact assessment or, as the case may be, an alternative assessment”,

and

(b) by the addition of the following subsection after subsection (10):

“(11) In subsections (2A) and (3), ‘environmental report’ means a report prepared in accordance with Regulation 7 of the Development (Emergency Electricity Generation) Regulations 2022 (S.I. No. 719 of 2022).”.

Amendment of section 85 of Act of 1992

12. Section 85 of the Act of 1992 is amended by the insertion of “or a Transboundary Convention state” after “Member State of the European Communities” in each place where it occurs.

Amendment of section 87 of Act of 1992

13. Section 87 of the Act of 1992 is amended—

- (a) in subsection (2), by the substitution of “Subject to section 87B(1), before” for “Before”, and
- (b) in subsection (9A), by the substitution of “Subject to section 87B(2), when” for “When”.

Non-application of proposed determination procedure to certain applications

14. The Act of 1992 is amended by the insertion of the following section after section 87A:

“87B. (1) Subsections (2) to (9) of section 87 shall not apply in relation to an application for a licence (within the meaning of section 87(1A)) to carry on an activity where any of the following orders is made or an exemption is granted under section 88D in relation to the activity, and the order or exemption is in force:

(a) an order under—

(i) section 181(2)(a) of the Act of 2000, in respect of the development or proposed development (within the meaning of the Act of 2000) comprising or for the purposes of the activity, or

(ii) section 155(1) of the Act of 2024, in respect of the development or proposed development (within the meaning of the Act of 2024) comprising or for the purposes of the activity;

(b) an order under section 88C in relation to the activity;

(c) an order under section 88E in relation to the activity.

(2) Section 87(9A) shall not apply to a decision in respect of a licence or revised licence for an activity in respect of which an exemption is granted and in force under section 88D.”.

Applications for licences in certain emergency circumstances

15. The Act of 1992 is amended by the insertion of the following sections after section 88B:

“Exemption from EIA Directive for civil emergency or defence

88C. (1) Subject to subsection (2), the Minister may by order declare that the requirements of the EIA Directive and paragraphs (b) to (bi) and (c) of section 83(2A) shall not apply in respect of an activity for the purpose of the Agency’s consideration of—

- (a) an application for a licence to carry on the activity under section 83(1), or
- (b) an application by the licensee for a review of a licence or revised licence to carry on the activity under section 90(1)(b).

(2) The Minister may make an order where—

- (a) the Minister has consulted with such other Minister of the Government as the first-mentioned Minister considers appropriate,
- (b) the Minister is satisfied that the carrying out of the activity is for the sole purpose of—
 - (i) the defence of the State, or
 - (ii) responding to a civil emergency,

and

- (c) the Minister considers that applying the EIA Directive and paragraphs (b) to (bi) and (c) of section 83(2A) to the consideration of the application would have an adverse effect on the purpose referred to in subparagraph (i) or (ii) of paragraph (b).

(3) Where the Minister makes an order under subsection (1), the Minister shall, as soon as practicable after the making of the order—

- (a) publish a notice of the making of the order and the reasons for the making of the order—
 - (i) on a website maintained by or on behalf of the Minister, and
 - (ii) in a national newspaper,

and

- (b) cause a copy of the notice to be transmitted to the Agency and, as the Minister considers appropriate, to one or both of the following:
 - (i) each planning authority in whose functional area the activity is proposed to be carried out;
 - (ii) the Commission.

Exemption from requirement for EIA in exceptional circumstances

- 88D.** (1) Before a person makes an application for a licence under section 83(1) or for a review of a licence or revised licence under section 90(1)(b), the person may request the Agency to grant an exemption in respect of an activity the subject of the proposed application from the requirements of the EIA Directive and paragraphs (b) to (bi) and (c) of section 83(2A), and the Agency may grant the exemption or refuse to grant the exemption for the purposes of its consideration of the application concerned.
- (2) Before making a decision in relation to a request under subsection (1), the Agency shall—
- (a) invite each planning authority in whose functional area the activity is proposed to be carried out to make observations to the Agency in relation to the request within such period as the Agency may specify,
 - (b) consider whether any Member State or Transboundary Convention state should be informed about the application and, if the Agency considers that it should, invite that Member State or state to make observations to the Agency in relation to the request within such period as the Agency may specify, and
 - (c) consider the observations (if any) made in accordance with an invitation under paragraph (a) or (b).
- (3) The Agency may, by notice to the person who made the request under subsection (1), request the person to provide to the Agency such further information in relation to the first-mentioned request as may be specified in the notice, and the person shall endeavour to provide such information within such period as the Agency may specify in the notice.
- (4) The Agency shall not grant the exemption unless it is satisfied that—
- (a) exceptional circumstances warrant the grant of the exemption,
 - (b) applying the requirements of the EIA Directive and paragraphs (b) to (bi) and (c) of section 83(2A) to the consideration of the application would adversely affect the purpose of the activity, and
 - (c) the objectives of the EIA Directive will be achieved by other means.
- (5) Where a Member State or Transboundary Convention state is informed in accordance with subsection (2)(b), the Agency shall not grant an exemption where that Member State or state informs the Agency that—
- (a) it does not consider that the request for an exemption should be granted, or

- (b) it wishes to be given an opportunity to make observations on the likely significant effects of the activity on the environment.
- (6) Where the Agency grants the exemption, it shall—
- (a) specify requirements in relation to the assessment of the effects (if any) of the activity on the environment by the means referred to in subsection (4)(c),
 - (b) publish a notice of the exemption, any requirements referred to in paragraph (a), and the reasons for the exemption—
 - (i) on a website maintained by it or on its behalf, and
 - (ii) in a national newspaper,and
 - (c) send a copy of the notice published in accordance with paragraph (b) to—
 - (i) each planning authority in whose functional area the activity is proposed to be carried out,
 - (ii) each Member State or Transboundary Convention state that the Agency invited to make observations in accordance with subsection (2)(b), and
 - (iii) the European Commission.
- (7) The Agency shall comply with requirements specified under subsection (6)(a) in determining the application.
- (8) A person shall not apply for a licence for the activity under section 83(1), or for a review of a licence or revised licence for the activity under section 90(1)(b), while the request under subsection (1) in respect of the activity is being considered by the Agency and such an application shall not be considered by the Agency until the Agency has made a decision in relation to the request.
- (9) The Agency shall, where an exemption is granted and before the making of a decision in relation to the application to which the request under subsection (1) refers—
- (a) inform the European Commission in writing of the reasons justifying the exemption, and
 - (b) provide the European Commission with the information that was made available to the public in relation to the application concerned, including the information obtained from the assessment of the effects (if any) of the activity on the environment by the means referred to in subsection (4)(c).
- (10) An assessment referred to in subsection (6)(a) shall be co-ordinated with any appropriate assessment of the activity that is carried out

under Part 5 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011).

- (11) The Minister may by regulations specify—
- (a) the form and manner in which the request under subsection (1) shall be made, and
 - (b) the information which shall accompany the request under subsection (1).

Exemption from requirement to issue proposed determination

88E. (1) The Minister may by order declare that subsections (2) to (9) of section 87 shall not apply to the Agency's consideration of an application for a licence to carry on an activity under section 83(1), or an application for a review of a licence or a revised licence by a licensee under section 90(1)(b), where the Minister—

- (a) has consulted with the Agency, and
- (b) is satisfied of the matters referred to in subsection (2).

(2) The matters referred to in subsection (1)(b) are—

- (a) that the carrying on of the activity is required due to an accident or an emergency, and applying the requirements of subsections (2) to (9) of section 87 to the consideration of the application would adversely affect the purpose of the activity,
- (b) that a grant of permission (within the meaning of the Act of 2000 or the Act of 2024) is made in respect of the development (within the meaning of the Act of 2000 or the Act of 2024, as the case may be) comprising or for the purpose of the activity, or is not necessary, and that—
 - (i) any proceedings in relation to the grant of permission taken under section 50 of the Act of 2000 or Part 9 of the Act of 2024 have concluded, or
 - (ii) the period for the bringing of such proceedings referred to in subsections (6) and (7) of section 50 of the Act of 2000 or section 281(1) of the Act of 2024, as the case may be, has expired without such proceedings being brought,

and

- (c) that an environmental impact assessment is not necessary for the purposes of the consideration of the application.
- (3) Where the Minister makes an order under subsection (1), the Minister shall, as soon as practicable after the making of the order—
- (a) publish a notice of the making of the order and the reasons for the making of the order—

- (i) on a website maintained by or on behalf of the Minister, and
 - (ii) in a national newspaper,
- and
- (b) cause a copy of the notice to be transmitted to the Agency and, as the Minister considers appropriate, to one or both of the following:
 - (i) each planning authority in whose functional area the activity is proposed to be carried out;
 - (ii) the Commission.

Agency to take account of information specified under section 88D

- 88F.** (1) Where an exemption is granted in respect of an activity under section 88D(1), before making a decision under section 83(1) in respect of the application for a licence to carry on the activity, or under section 90(2) in respect of the application for review of a licence or revised licence to carry on the activity, the Agency shall take into account the assessment referred to in section 88D(6)(a) for the purpose of ensuring that the objectives of the EIA Directive are met.
- (2) The Agency may make any feature of the project or measure envisaged to avoid, prevent, reduce or offset significant adverse effects on the environment, and any monitoring measure incorporated into the decision, a condition of any licence or revised licence granted on foot of the decision.
 - (3) The Agency shall incorporate into a decision in relation to an application referred to in subsection (1) such documents relating to the assessment referred to in section 88D(6)(a) as the Agency may specify for the purposes of ensuring that the objectives of the EIA Directive are met, including a description of any features of the project or measures envisaged to avoid, prevent or reduce and, where possible, offset significant adverse effects on the environment and any appropriate monitoring measures that relate to conditions to be attached to the licence or revised licence to be granted on foot of the decision.

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

- 88G.** When, having examined the submissions or observations (if any) made to the Agency, a decision is taken under section 83(1) or 90(2) in relation to an application for a licence or for a review of a licence or revised licence to carry on an activity in respect of which an exemption is granted under section 88D, the Agency shall inform the public, and such other particular persons as may be prescribed, in such form and manner as may be prescribed, of its decision and shall make available to the public the following information:

- (a) the content of the decision and any conditions attached to the decision;
- (b) the main reasons and considerations on which the decision is based;
- (c) any reports referred to in section 83(2A)(g);
- (d) information on the procedures to review the substantive and procedural legality of the decision;
- (e) such other information as the Agency considers appropriate.”.

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

16. (1) The Act of 1992 is amended by the insertion of the following sections after section 90:

“Review of part of licence or revised licence

90A. (1) Notwithstanding section 90 and subject to subsection (2), the Agency may review a part of a licence or revised licence in accordance with section 90, and where the Agency does so review—

- (a) section 90 shall apply to the review of the part of the licence or revised licence as it applies to a review of a licence or revised licence, and
 - (b) the review of the part of the licence or revised licence shall be considered to be a review of a licence or revised licence for the purposes of this Act.
- (2) Subsection (1) shall not apply where—
- (a) an environmental impact assessment is required for the purposes of the review, or
 - (b) in the case of a review of a licence or revised licence for the carrying on of an industrial emissions directive activity, the change proposed to be made to the licence or revised licence constitutes a substantial change.
- (3) In subsection (2)(b), ‘substantial change’ means a change in the nature or functioning, or an extension, of an installation or combustion plant, waste incineration plant or waste co-incineration plant which may have significant adverse effects on human health or the environment.
- (4) For the purposes of subsection (3), the Agency shall deem any change or extension of an installation to be substantial if the change or extension itself reaches the capacity thresholds specified in the First Schedule that relate to the industrial emissions directive activity carried out in the installation.

Periods for decision-making

90B. (1) The Agency shall endeavour to give notice of a proposed determination under section 87(2) in respect of an application for a licence to carry on an activity under section 83(1) or a review of a licence or a revised licence to carry on an activity under section 90 (other than an application or review referred to in subsection (3)) within such period as may be prescribed under subsection (2) or as soon as practicable thereafter.

(2) The Minister may by regulations:

- (a) prescribe a period within which the Agency shall endeavour to give notification of a proposed determination under section 87(2) in respect of an application or review (other than an application or review referred to in subsection (3));
- (b) provide that the running of the period may be suspended by the Agency for the purposes of the Agency requesting further information in relation to the application or review, and that the running of the period shall recommence on receipt of the information;
- (c) provide for different such periods in relation to applications or reviews in respect of different activities or classes of activity.

(3) In the case of an application for a licence to carry on an activity under section 83(1) or a review of a licence or revised licence to carry on an activity under section 90, where any of the following orders is made or an exemption is granted under section 88D in relation to the activity, and the order or exemption is in force, the Agency shall endeavour to make a decision in relation to the application or review as soon as practicable after the receipt of the application or commencement of the review:

(a) an order under—

- (i) section 181(2)(a) of the Act of 2000 in respect of the development or proposed development (within the meaning of the Act of 2000) comprising or for the purposes of the activity to which the application relates, or
- (ii) section 155(1) of the Act of 2024 in respect of the development or proposed development (within the meaning of the Act of 2024) comprising or for the purposes of the activity to which the application relates;

(b) an order under section 88C in relation to the activity;

(c) an order under section 88E in relation to the activity.”.

(2) In the case of an application for a review of a licence or revised licence (within the meaning of Part IV of the Act of 1992) under section 90(1)(b) of the Act of 1992, the

Environmental Protection Agency may review a part of the licence or revised licence in accordance with section 90A of the Act of 1992, as inserted by *subsection (1)*, whether the application for the review was made before or after the coming into operation of that section 90A.

Amendment of section 96 of Act of 1992

17. Section 96 of the Act of 1992 is amended, in subsection (2), by the insertion of “, or such planning authority or other person as the Agency considers appropriate,” after “licensee”.

Amendment of section 99A of Act of 1992

18. Section 99A of the Act of 1992 is amended, in subsection (1), by the insertion of the following paragraph after paragraph (f):

“(fa) a request for an exemption under section 88D(1).”

Amendment of section 99H of Act of 1992

19. Section 99H of the Act of 1992 is amended—

- (a) in subsection (1), by the substitution of “has been, is being or is likely to be carried on or continued” for “is being carried on”, and
- (b) in subsection (3)—
 - (i) in paragraph (a), by the substitution of “has been, is being or is likely to be carried on or continued” for “is being carried on”, and
 - (ii) in paragraph (b)(i), by the substitution of “has been, is being or is likely to be” for “is being”.

PART 3

AMENDMENTS TO WASTE MANAGEMENT ACT 1996

Amendment of section 7 of Act of 1996

20. Section 7 of the Act of 1996 is amended, in subsection (3), by the substitution of “section 1(2), 8, 44A, 44C or 69(1)” for “section 1(2), 8, 69(1) or 72(12)”.

Amendment of section 37 of Act of 1996

21. Section 37 of the Act of 1996 is amended by the insertion of the following definitions:

- “ ‘Act of 2000’ means the Planning and Development Act 2000;
- ‘Act of 2024’ means the Planning and Development Act 2024;
- ‘Commission’ means An Coimisiún Pleanála;
- ‘national newspaper’ means—

- (a) a publication (other than an online publication or online version of a publication) that—
 - (i) circulates generally in the State, and
 - (ii) is prescribed by the Minister for the purposes of this Act,
 or
- (b) an online publication, or online version of a publication, prescribed by the Minister for the purposes of this Act;

‘Transboundary Convention state’ means a state (other than the State) that is a contracting party to the Convention on Environmental Impact Assessment in a Transboundary Context, done at Espoo (Finland) on 25 February 1991;”.

Amendment of section 40 of Act of 1996

22. Section 40 of the Act of 1996 is amended, in subsection (2A)—

- (a) in paragraph (b), by the insertion of “, other than an application for a waste licence for a waste disposal activity or a waste recovery activity in respect of which an order is made under section 44A or an exemption is granted under section 44B,” after “application for a waste licence”,
- (b) in paragraph (c), by the insertion of “, other than an application for a waste licence for a waste disposal activity or a waste recovery activity in respect of which an order is made under section 44A or an exemption is granted under section 44B,” after “application for a waste licence”,
- (c) in paragraph (d), by the insertion of “, other than an applicant for a waste licence for a waste disposal activity or a waste recovery activity in respect of which an order is made under section 44A or an exemption is granted under section 44B,” after “applicant for a waste licence”, and
- (d) in paragraph (g), by the insertion of “or an assessment referred to in section 44B(6)(a)” after “carrying out an environmental impact assessment”.

Amendment of section 42 of Act of 1996

23. Section 42 of the Act of 1996 is amended—

- (a) in subsection (2), by the substitution of “Subject to section 42C(1), before” for “Before”, and
- (b) in subsection (11A), by the substitution of “Subject to section 42C(2), when” for “When”.

Amendment of section 42B of Act of 1996

24. Section 42B of the Act of 1996 is amended, in subsection (2), by the insertion of “, or such planning authority or other person as the Agency considers appropriate,” after “holder of the licence”.

Non-application of proposed decision procedure to certain applications

25. The Act of 1996 is amended by the insertion of the following section after section 42B:

- “42C.** (1) Subsections (2) to (11) of section 42 shall not apply in relation to an application for a licence (within the meaning of section 42(1A)) to carry on a waste disposal activity or a waste recovery activity where any of the following orders is made or an exemption under section 44B is granted in relation to the activity, and the order or exemption is in force:
- (a) an order under—
 - (i) section 181(2)(a) of the Act of 2000, in respect of the development or proposed development (within the meaning of the Act of 2000) comprising or for the purposes of the activity, or
 - (ii) section 155(1) of the Act of 2024, in respect of the development or proposed development (within the meaning of the Act of 2024) comprising or for the purposes of the activity;
 - (b) an order under section 44A in relation to the activity;
 - (c) an order under section 44C in relation to the activity.
- (2) Section 42(11A) shall not apply to a decision in respect of an application for a licence (within the meaning of section 42(1A)) for a waste disposal activity or a waste recovery activity in respect of which an exemption is granted and in force under section 44B.”.

Applications for licences in certain emergency circumstances

26. The Act of 1996 is amended by the insertion of the following sections after section 44:

“Exemption from EIA Directive for civil emergency or defence

- 44A.** (1) Subject to subsection (2), the Minister may by order declare that the requirements of the EIA Directive and paragraphs (b) and (c) of section 40(2A) shall not apply in respect of a waste disposal activity or a waste recovery activity for the purpose of the Agency’s consideration of—
- (a) an application for a waste licence to carry on the activity under section 40(1), or
 - (b) an application by the holder of the licence for a review of a waste licence to carry on the activity under section 46(1)(b).
- (2) The Minister may make an order where—
- (a) the Minister has consulted with such other Minister of the Government as the first-mentioned Minister considers appropriate,

- (b) the Minister is satisfied that the carrying out of the activity is for the sole purpose of—
 - (i) the defence of the State, or
 - (ii) responding to a civil emergency,and
 - (c) the Minister considers that applying the EIA Directive and paragraphs (b) and (c) of section 40(2A) to the consideration of the application would have an adverse effect on the purpose referred to in subparagraph (i) or (ii) of paragraph (b).
- (3) Where the Minister makes an order under subsection (1), the Minister shall, as soon as practicable after the making of the order—
- (a) cause a copy of the order to be laid before each House of the Oireachtas,
 - (b) publish a notice of the making of the order and the reasons for the making of the order—
 - (i) on a website maintained by or on behalf of the Minister, and
 - (ii) in a national newspaper,and
 - (c) cause a copy of the notice to be transmitted to the Agency and, as the Minister considers appropriate, to one or both of the following:
 - (i) each planning authority in whose functional area the activity is proposed to be carried out;
 - (ii) the Commission.

Exemption from requirement for EIA in exceptional circumstances

- 44B.** (1) Before a person makes an application for a waste licence under section 40(1), or for a review of a waste licence under section 46(1)(b), the person may request the Agency to grant an exemption in respect of a waste disposal activity or a waste recovery activity the subject of the proposed application from the requirements of the EIA Directive and paragraphs (b) and (c) of section 40(2A), and the Agency may grant the exemption or refuse to grant the exemption, for the purposes of its consideration of the application.
- (2) Before making a decision in relation to a request under subsection (1), the Agency shall—
- (a) invite each planning authority in whose functional area the activity is proposed to be carried out to make observations to the Agency in relation to the request within such period as the Agency may specify,

- (b) consider whether any Member State or Transboundary Convention state should be informed about the application and, if the Agency considers that it should, invite that Member State or state to make observations to the Agency in relation to the request within such period as the Agency may specify, and
 - (c) consider the observations (if any) made in accordance with an invitation under paragraph (a) or (b).
- (3) The Agency may, by notice to the person who made the request, request the person to provide to the Agency such further information in relation to the first-mentioned request as may be specified in the notice, and the person shall endeavour to provide such information within such period as the Agency may specify in the notice.
- (4) The Agency shall not grant the exemption unless it is satisfied that—
- (a) exceptional circumstances warrant the grant of the exemption,
 - (b) applying the requirements of the EIA Directive and paragraphs (b) and (c) of section 40(2A) to the consideration of the application would adversely affect the purpose of the activity, and
 - (c) the objectives of the EIA Directive will be achieved by other means.
- (5) Where a Member State or Transboundary Convention state is informed in accordance with subsection (2)(b), the Agency shall not grant an exemption where that Member State or state informs the Agency that—
- (a) it does not consider that the request for an exemption should be granted, or
 - (b) it wishes to be given an opportunity to make observations on the likely significant effects of the activity on the environment.
- (6) Where the Agency grants the exemption, it shall—
- (a) specify requirements in relation to the assessment of the effects (if any) of the activity on the environment by the means referred to in subsection (4)(c),
 - (b) publish a notice of the exemption, any requirements specified under paragraph (a), and the reasons for the exemption—
 - (i) on a website maintained by it or on its behalf, and
 - (ii) in a national newspaper,
 and
 - (c) send a copy of the notice published in accordance with paragraph (b) to—

- (i) each planning authority in whose functional area the activity is proposed to be carried out,
 - (ii) any Member State or Transboundary Convention state that the Agency invited to make observations in accordance with subsection (2)(b), and
 - (iii) the European Commission.
- (7) The Agency shall comply with requirements specified in accordance with subsection (6)(a) in determining the application.
- (8) A person shall not apply for a waste licence for the activity under section 40(1), or for a review of a waste licence under section 46(1)(b), while the request under subsection (1) in respect of the activity is being considered by the Agency and such an application shall not be considered by the Agency until the Agency has made a decision in relation to the request.
- (9) The Agency shall, where an exemption is granted and before the making of a decision in relation to the application to which the request under subsection (1) refers—
- (a) inform the European Commission in writing of the reasons justifying the exemption, and
 - (b) provide the European Commission with the information that was made available to the public in relation to the application concerned, including the information obtained from the assessment of the effects (if any) of the activity on the environment by the means referred to in subsection (4)(c).
- (10) An assessment referred to in subsection (6)(a) shall be co-ordinated with any appropriate assessment of the activity that is carried out under Part 5 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011).
- (11) The Minister may by regulations specify—
- (a) the form and manner in which the request under subsection (1) shall be made, and
 - (b) the information which shall accompany the request under subsection (1).

Exemption from requirement to issue proposed decision

- 44C. (1) The Minister may by order declare that subsections (2) to (11) of section 42 shall not apply to an application for a waste licence under section 40(1), or an application for a review of a waste licence under section 46(1)(b), where the Minister—
- (a) has consulted with the Agency, and
 - (b) is satisfied of the matters referred to in subsection (2).

- (2) The matters referred to in subsection (1)(b) are:
- (a) that the carrying on of the waste disposal activity or the waste recovery activity the subject of the application is required due to an accident or an emergency, and that applying the requirements of subsections (2) to (11) of section 42 to the consideration of the application would adversely affect the purpose of the activity,
 - (b) that a grant of permission (within the meaning of the Act of 2000 or the Act of 2024) has been made in respect of the development (within the meaning of the Act of 2000 or the Act of 2024, as the case may be) comprising or for the purposes of the activity, or is not necessary, and that—
 - (i) any proceedings in relation to the grant of permission taken under section 50 of the Act of 2000 or Part 9 of the Act of 2024 have concluded, or
 - (ii) the period for the bringing of such proceedings referred to in subsections (6) or (7) of section 50 of the Act of 2000 or section 281(1) of the Act of 2024, as the case may be, has expired without such proceedings being brought,
- and
- (c) that an environmental impact assessment is not necessary for the purposes of the consideration of the application.
- (3) Where the Minister makes an order under subsection (1), the Minister shall, as soon as practicable after the making of the order—
- (a) cause a copy of the order to be laid before each House of the Oireachtas,
 - (b) publish a notice of the making of the order and the reasons for the making of the order—
 - (i) on a website maintained by or on behalf of the Minister, and
 - (ii) in a national newspaper,
- and
- (c) cause a copy of the notice to be transmitted to the Agency and, as the Minister considers appropriate, to one or both of the following:
 - (i) each planning authority in whose functional area the activity is proposed to be carried out;
 - (ii) the Commission.

Agency to take account of information specified under section 44B

- 44D.** (1) Where an exemption is granted in respect of a waste disposal activity or a waste recovery activity under section 44B, before making a decision under section 40(1) in respect of the application for a waste

licence, or under section 46(8) in respect of the application for a review of waste licence, the Agency shall take into account the assessment referred to in section 44B(6)(a) for the purpose of ensuring that the objectives of the EIA Directive are met.

- (2) The Agency may make any feature of the project or measure envisaged to avoid, prevent, reduce or offset significant adverse effects on the environment, and any monitoring measure incorporated into the decision, a condition of any waste licence granted on foot of the decision.
- (3) The Agency shall incorporate into a decision in relation to an application referred to in subsection (1) such documents relating to the assessment referred to in section 44B(6)(a) as the Agency may specify for the purposes of ensuring that the objectives of the EIA Directive are met, including a description of any features of the project or measures envisaged to avoid, prevent or reduce and, where possible, offset the significant adverse effects on the environment and any appropriate monitoring measures that relate to conditions to be attached to the licence to be granted on foot of the decision.

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

44E. When, having examined the submissions or observations (if any) made to the Agency, a decision is taken under section 40(1) or 46(8) in relation to an application for a licence or for a review of a licence for a waste disposal activity or a waste recovery activity in respect of which an exemption is granted under section 44B, the Agency shall inform the public, and such other particular persons as may be prescribed, in such form and manner as may be prescribed, of its decision and shall make available to the public the following information:

- (a) the content of the decision and any conditions attached to the decision;
- (b) the main reasons and considerations on which the decision is based;
- (c) any reports referred to in section 40(2A)(g);
- (d) information on the procedures to review the substantive and procedural legality of the decision;
- (e) such other information as the Agency considers appropriate.”.

Review of part of waste licence and periods for decision-making

27. (1) The Act of 1996 is amended by the insertion of the following sections after section 46:

“Review of part of waste licence

- 46A.** (1) Notwithstanding section 46 and subject to subsection (2), the Agency may review a part of a licence in accordance with section 46, and where the Agency does so review—
- (a) that section shall apply to the review of the part of the licence as it applies to a review of a licence, and
 - (b) the review of the part of the licence shall be considered to be a review of a licence for the purposes of this Act.
- (2) Subsection (1) shall not apply where an environmental impact assessment is required for the purposes of the review.

Periods for decision-making

- 46B.** (1) The Agency shall endeavour to give notice of a proposed decision under section 42(2) in respect of an application for a waste licence under section 40(1) or a review of a waste licence under section 46 (other than an application or review referred to in subsection (3)) within such period as may be prescribed under subsection (2) or as soon as practicable thereafter.
- (2) The Minister may by regulations—
- (a) prescribe a period within which the Agency shall endeavour to give notice of a proposed decision under section 42(2) in respect of an application or a review (other than an application or review referred to in subsection (3)),
 - (b) provide that the running of the period may be suspended by the Agency for the purposes of the Agency requesting further information in relation to the application or review, and that the running of the period shall recommence on receipt of the information, and
 - (c) provide for different such periods in relation to applications or reviews in respect of different activities or classes of activity.
- (3) In the case of an application for a licence to carry on a waste disposal activity or a waste recovery activity under section 40(1) or a review of a waste licence to carry on a waste disposal activity or a waste recovery activity under section 46, where any of the following orders is made or an exemption under section 44B in relation to the activity is granted, and the order or exemption is in force, the Agency shall endeavour to make a decision in relation to the application or review as soon as practicable after the receipt of the application or commencement of the review:
- (a) an order under—
 - (i) section 181(2)(a) of the Act of 2000, in respect of the development or proposed development (within the meaning of

the Act of 2000) comprising or for the purposes of the activity,
or

(ii) section 155(1) of the Act of 2024, in respect of the development or proposed development (within the meaning of the Act of 2024) comprising or for the purposes of the activity;

(b) an order under section 44A in relation to the activity;

(c) an order under section 44C in relation to the activity.”.

(2) In the case of an application for a review of a waste licence (within the meaning of section 37 of the Act of 1996) by the holder of the licence under section 46(1)(b) of the Act of 1996, the Environmental Protection Agency may review a part of the waste licence in accordance with section 46A of the Act of 1996, as inserted by *subsection (1)*, whether the application for the review was made before or after the coming into operation of that section 46A.

Amendment of section 50 of Act of 1996

28. Section 50 of the Act of 1996 is amended, in subsection (1), by the insertion of the following paragraph after paragraph (b):

“(ba) a request for an exemption under section 44B(1),”.

PART 4

AMENDMENT TO LITTER POLLUTION ACT 1997

Punishment for offences

29. The Litter Pollution Act 1997 is amended by the substitution of the following section for section 24:

“24. (1) A person guilty of an offence under this Act shall be liable on summary conviction to a fine not exceeding €3,000.

(2) If the contravention in respect of which a person is convicted of an offence under this Act is continued after the conviction, the person shall be guilty of a further offence on every day on which the contravention continues and for each such offence he or she shall be liable on summary conviction to a fine not exceeding €600.”.

PART 5

AMENDMENTS TO CIRCULAR ECONOMY AND MISCELLANEOUS PROVISIONS ACT 2022

Green public procurement criteria and guidance

30. The Act of 2022 is amended by the insertion of the following sections after section 7:

“Preparation of green public procurement criteria and guidance

- 7A.** (1) The Minister may by order designate a public body referred to in subsection (9)(a) to be the designated body for the purposes of this section.
- (2) The designated body shall prepare criteria that may be applied by public bodies in respect of goods, services or works that may be procured by such public bodies in order to support the objective of protecting the environment, promoting environmental sustainability and supporting the transition to a circular economy (in this section and section 7B referred to as ‘green public procurement criteria’).
- (3) Without prejudice to the generality of subsection (2), green public procurement criteria may include criteria to address the objectives of:
- (a) reducing greenhouse gas emissions;
 - (b) improving the energy efficiency of goods, services or works;
 - (c) minimising the generation of waste by goods, services or works;
 - (d) improving air and water quality and reducing noise and soil pollution;
 - (e) protecting biodiversity.
- (4) Without prejudice to the generality of subsection (2), the designated body may:
- (a) set out different criteria in respect of the procurement of different classes of goods, services or works;
 - (b) set out the manner in which, and the means by which, green public procurement criteria shall be integrated into the process of procuring goods, services or works;
 - (c) set out how the attainment of the criteria by the goods, services or works concerned may be evaluated or verified.
- (5) The designated body shall prepare guidance (in this section referred to as ‘green public procurement guidance’) in relation to—
- (a) practices for the integration of green public procurement criteria into processes for the procurement of goods, services or works by public bodies, and
 - (b) compliance by public bodies with the obligation referred to in section 7B(1).
- (6) In preparing green public procurement criteria and green public procurement guidance, the designated body shall take into account—
- (a) the circular economy strategy, and

- (b) such voluntary criteria for the public procurement of goods, services or works as are prepared by the European Commission for the purpose of protecting the environment as the designated body considers appropriate.
- (7) In preparing green public procurement criteria and green public procurement guidance, the designated body shall consult with such Minister of the Government, and such other persons, as the designated body considers appropriate.
- (8) The designated body shall publish the green public procurement criteria and green public procurement guidance on a website maintained by it or on its behalf.
- (9) In this section and section 7B, ‘public body’ means—
 - (a) a contracting authority within the meaning of the European Union (Award of Public Authority Contracts) Regulations 2016 (S.I. No. 284 of 2016), or
 - (b) any other person, body, organisation or group that the Minister may prescribe for the purposes of this Act.

Reporting on integration of green public procurement criteria into public procurement

- 7B.** (1) Each public body shall, in accordance with guidance referred to in section 7A(5)(b), prepare a report annually that—
- (a) identifies each procurement of goods, services or works by the public body in the previous calendar year where green public procurement criteria relevant to such goods, services or works were not integrated into the procurement process, and
 - (b) the reasons why the public body considered it appropriate and proportionate not to include any of those criteria in that procurement process.
- (2) The public body that prepared the report under subsection (1) shall—
- (a) where requested to do so by the public body designated by the Minister under subsection (3), provide a copy of the report to the public body that made the request, or
 - (b) where not so requested, publish the report on a website maintained by or on behalf of the public body that prepared the report.
- (3) The Minister may by order designate a public body referred to in section 7A(9)(a) for the purposes of receiving a report under subsection (2)(a).”.

Amendment of section 8 of Act of 2022

- 31.** Section 8 of the Act of 2022 is amended by the insertion of the following subsection after subsection (7):

“(7A) The Minister may pay into the Circular Economy Fund such amount of monies as is paid to the Minister in financial contributions under an extended producer responsibility scheme established for the purpose of giving effect to Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019³ on the reduction of the impact of certain plastic products on the environment as the Minister may, with the consent of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, determine.”.

³ OJ No. L. 155, 12.6.2019, p. 1