Communication to the Aarhus Convention Compliance Committee

I. Information on correspondent submitting the communication

Full name of organization or person(s) submitting the communication:

Right to Know Company Limited by Guarantee, (registered in Ireland under registration number: 565565) referred to as **R2K.**

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II. Party concerned

Ireland

IV. Facts of the communication

1. Executive Summary

The system for reviewing decisions to refuse access to environmental information by public authorities in the Party concerned is not fit for purpose. Applicants who take their requests to independent administrative appeal face years of delay and their requests effectively become neutralised. The delays mean that in almost every case requests are answered long after related decisions have been made thereby frustrating public participation and access-to-justice in environmental decision making.

In this communication we will highlight the following facts which indicate non-compliance:

- The office-holder responsible for the independent and impartial review envisaged in article 9(1) of the Convention is not obliged by law to make an expeditious decision and currently takes an average of 16 months to review a decision of a public authority.
- In many cases he only makes interim jurisdictional decisions and refers the request back to the public authority for a further round of decision making.
- The courts lack jurisdiction to review the decisions of the public authority and to order release of information – they may only review the independent administrative decision maker on a point of law and if necessary refer requests back to him for further consideration.
- Overall it can take 3 to 4 years to reach a final court decision when appeals are included. This includes decisions on interim decisions mentioned above which to date have made up the majority of court appeals.
- In the case of a request to NAMA it took five years before the Supreme Court decided it was a public body. At the conclusion of the litigation the requestor was not informed about the next steps and no further action has been taken in relation to his request.
- The issue of whether Anglo Irish Bank Limited is a public authority is still before the High Court 6 ½ years after a request was submitted to it.
- In respect of the *NAMA* and *Anglo* cases no action has been taken to progress either matter more than 12 months after the final court decision was handed down.

2. Factual Background

The communicant, Right to Know CLG (**R2K**)[1], is an Irish NGO whose objective is to improve, promote and advocate for increased rights of public access to information, including access to environmental information.

The Party concerned has implemented the information provisions of the Aarhus Convention by transposing Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC through the European Communities (Access to Information on the Environment) Regulations 2007 to 2014[2] (the **AIE Regulations**).

Public authorities

Articles 7 and 11 of the AIE Regulations set out the procedures for answering requests and for reviewing refusals internally. A request for environmental information (**AIE request**) must be answered as soon as possible but at the latest within one month. Exceptionally this time may be extended to two months for voluminous or complex requests. If an AIE request is refused an applicant can seek an internal review of the refusal and a final decision must issue no later than one month after receipt of the request for internal review. Accordingly, it can take up to three months for a public body to fully answer a request.

At each stage, if the public authority does not make a decision within time the request is deemed to have been refused and an applicant can proceed to the next stage and ultimately may appeal to the Commissioner for Environmental Information (**CEI**) on the basis of a deemed refusal.

Commissioner for Environmental Information – Time to make decisions

As envisaged in the second paragraph of article 9(1) of the convention the CEI provides an inexpensive independent administrative review for applicants who consider that their requests for access to environmental information (**AIE**) have been, wrongly refused in whole or in part. The holder of the office of CEI is deemed to be the person who holds the office of Information Commissioner under Irish Freedom of Information (**FOI**) legislation[3],[4]. The same individual (albeit acting in two distinct capacities) is responsible for reviewing refusals under both the AIE Regulations and FOI.

The CEI is under no specific statutory obligation to make decisions expeditiously. For appeals determined to date in 2016 the median time to make a decision is 16 months[5]. Compounding the problem, he has adopted a practice of reviewing refusals based on narrow jurisdictional grounds[6] and remitting requests back to public authorities for further rounds of decision making thereby prolonging the making of a final decisions by public authorities for several years.

Between 2007, when the office was established, and 2014 the CEI was not allocated any funding from the Party concerned and the CEI was forced to rely on resources from the Information Commissioner's office to fulfil his obligations. This situation partially changed in December 2014 when funding was allocated by the Party concerned and in May 2015 two dedicated investigators were assigned to handle

[1] See www.righttoknow.ie
[2] An unofficial consolidated version of the AIE Regulations is attached as Appendix 1
[3] The Freedom of Information Act 2014 (http://www.irishstatutebook.ie/eli/2014/act/30/enacted/en/print)
[4] Article 12(2) of the AIE Regulations
[5] See Appendix 2 for full details of the decisions published by the CEI to date.
[6] E.g. refusals based on the body not being a public authority or the information not being environmental information.

AIE requests. Nevertheless, the CEI still shares administrative and other resources with the Information CEI's function.

The CEI is governed by article 13 of the AIE Regulations which empower him to (a) review decisions of public authorities; (b) affirm, vary or annul the decision concerned specifying reasons; and (c) where appropriate, require the public authority to make available environmental information to the applicant.

The CEI conducts a full *de novo* review of the decision under appeal. While the CEI is subject to the general principles of public law in Ireland he is under very few specific obligations in terms of procedure and has a wide discretion to specify the procedures that he will follow. These procedures are published in the CEI's procedures manual which is attached at Appendix 3[7].

The CEI has no statutory obligation to make a decision within a certain time frame. This is to be contrasted with the Information Commissioner's obligation to review FOI refusals insofar as it is practicable with four months' of receipt of an application for review[8]. In court filings in the case of *Friends of the Irish Environment -v- Commissioner for Environmental Information* (2014/726 JR)[9] the CEI referred to this statutory time frame under FOI law as a reason for his office to prioritise FOI requests over AIE cases (see paragraphs 29 to 40 of the affidavit of Elizabeth Dolan attached in Appendix 4). While the communicant appreciates that this situation refers to a period before new resources were deployed, there is nothing to prevent such a situation happening again in the future unless there is a clear statutory timeframe specified for AIE requests.

In *Mr Pat Swords and the Department of Environment, Community and Local Government* (20 September 2013)[10] it took the CEI just over 16 months to make a decision. In her decision the then CEI observed:

> "As I have highlighted in my Annual Reports, since its inception, the OCEI has encountered a number of practical difficulties arising from the operation of the AIE regime. One problem is the matter of resources. Although the OCEI is a legally independent Office, to date, it has not received any funding allocation from the State and must rely entirely on the resources that can be made available from the very limited resources available to the Office of the Information Commissioner. Consequently, there generally are considerable delays in bringing AIE appeals to completion. The delays are certainly regrettable and arguably not in keeping with the State's obligations under the Aarhus Convention, and I apologise for any inconvenience caused. However, it must be acknowledged that the delays will be difficult to overcome given the demands of the AIE regime as it currently operates in Ireland on the one hand and the dearth of available resources on the other." (*emphasis added*)

[7] Also available at http://www.ocei.gov.ie/en/About-Us/Policies-and-Strategies/FOI-Manuals/Procedures-Manual/

[8] Freedom of Information Act 2014, section 22(3) http://www.irishstatutebook.ie/eli/2014/act/30/enacted/en/print#sec22

[9] In this case the applicant requested a priority decision and when no decision was forthcoming after five months it issued proceedings against the CEI. In papers filed with the Court the CEI stated he did not consider five months delay as sufficient to give rise to a cause of action in the Courts in any circumstances.

[10] Case CEI/12/0005 available at http://www.ocei.gov.ie/en/Decisions/Decisions-List/Mr-Pat-Swords-and-the-Department-of-Environment-Community-and-Local-Government-.html

So it seems that from CEI's comments in *Pat Swords* and *Friends of the Irish Environment* quoted above the CEI considers a time frame to make a decision of more than five months but less than 16 months to be acceptable.

For the Committee's information, we have set out in Appendix 2 details of all of the published decisions by the CEI to date. Bearing in mind that dedicated investigators only began to work in the office in May 2015 it is worth pointing out that only three appeals lodged since May 2015 have been resolved at this point in time.

For decisions made in 2015 and 2016 the median time for the CEI to issue a decision is currently as follows:

Decisions made in 2016:	1.33 years (485 days) (13 decisions as of 15 August 2016)
Decisions made in 2015:	1.82 years (665 days) (15 decisions)
Decisions lodged since May 2015[11]:	0.90 years (324 days) (three decisions)

This information does not include the two months' delay following the making of decision before it becomes effective. During this time the parties may appeal the decision and during this time a public authority is under no obligation to release information.

Commissioner for Environmental Information – Threshold jurisdictional issues

The communicant takes issue with the CEI's practice of making preliminary decisions on what he terms "threshold jurisdictional issues" (see section 16 of the CEI Procedures manual attached as Appendix 3). What this means is that if a body refuses a request on the basis that it is not a public authority or that the request is not for environmental information the CEI will issue a decision on this point only and if appropriate will be send the request back the public authority for a second round of decision making. This in effect means that the decision may pass through two and possibly three rounds of decision making before a final decision is reached.

In the case of *NAMA -v- Commissioner for Environmental Information* [2013] IEHC 166[12] the High Court said that narrow refusals on jurisdictional grounds had the effect of neutralising request and therefore public authorities should deal with all issues arising from a request unless it would be prejudicial to do so[13]:

> "16. NAMA decided to dismiss Mr. Sheridan's 2010 request for information on a threshold issue as to whether or not it was a public authority. No other decision has ever been taken by NAMA on his request even though it could have decided whether or not the information he sought comprised environmental information as defined and whether or not any of the mandatory or discretionary grounds for refusal of information were applicable. Thus, by framing its refusal so narrowly, NAMA have effectively neutralised the whole of Mr. Sheridan's request and have ensured that the process is likely to take further time and result in further appeals to the Information Commissioner. The elongation of the process for deciding Mr.

[11] This is the average time since there have only been two decisions on appeals lodged after May 2015 at this time.

[12] http://www.bailii.org/ie/cases/IEHC/2013/H166.html

[13] NAMA refused a request by Mr Gavin Sheridan on the basis that it was not a public authority and did not deal with the substantive request. The High Court found that it was a public authority and refused to grant a stay on its ruling pending an appeal.

> Sheridan's request seems to be the direct result of the unnecessarily narrow approach adopted by NAMA in determining the request.
>
> 17. No substantive argument or fact has been put before me which would persuade me that dealing with Mr. Sheridan's request will cause an undue burden, either administratively or financially to NAMA. If it were the case that dealing with his request would cause such difficulties, such an argument should have been made in detail and possibly by affidavit evidence.
>
> 18. Processing Mr Sheridan's request will not unfairly invade third party rights as these are well protected by the rules.
>
> 19. I am persuaded that in this case, the balance of justice lies with refusing the stay. I so decide because this does not necessarily mean that NAMA must give Mr. Sheridan the information he requires. It merely means that it must begin the process of dealing with his request. There is much administrative armoury available to NAMA to protect itself from a request which relates to something other than environmental information; a request that is too broad; a request that invades financial confidences, etc. It seems to me that an organisation as resourced and staffed as NAMA should be well capable of protecting itself from any unreasonable or unlawful request and no argument has been made that irreparable harm will be done to NAMA if it answers the request in circumstances where it transpires that it was not a public authority. Obviously it will have been put to the trouble and expense of answering the request but given the capacity of the organisation, such disadvantage is one it can easily absorb. I should also add that if it transpires that Mr Sheridan's request does relate to environmental information as defined and if it further transpires that none of the exceptions apply, it would be open to NAMA at that stage to renew its application for a stay in Supreme Court, should it feel that giving the information will cause irreparable harm. My view is that NAMA suffers no harm from processing the application at least to the point of discovering what information, if any, must be disclosed." *(emphasis added)*

Unfortunately, the CEI does not share the Court's view on this point and continues to make decisions on narrow jurisdictional grounds and to remit requests back to public authorities thereby neutralising requests. For example, in his recent decision in *Mr Tom White and the Environmental Protection* Agency (9 June 2016)[14] the CEI referred to a previous decision which predated the *NAMA* judgment as justification for this practice:

> **"The implications of my finding**
> In this case the EPA refused the request in the belief that the requested information was not environmental information. The EPA did not put forward any reason which could justify refusal in the event of it being found to be environmental information. This was not an unreasonable approach. I acknowledged in my decision in the case of CEI/12/0004 (Gavin Sheridan and Dublin City Council) that the boundaries of what constitutes environmental information are unclear. In that decision, I expressed the view that public authorities cannot reasonably be expected to devote significant resources to processing AIE requests where they have valid concerns that the requested information is not environmental information. Where the information is subsequently found to be environmental information, the public authority must further process the request in accordance with the AIE Regulations." (*emphasis added)*

[14] Case CEI/15/0014 available at http://www.ocei.gov.ie/en/Decisions/Decisions-List/Mr-Tom-White-and-the-Environmental-Protection-Agency.html

It is telling that the CEI is only concerned with the effect on the publicly authority and expresses no concern for the rights of members of the public to access environmental information and to participate in decision making affecting the environment. From the above statement it is clear that the CEI did not take those rights into account which is to be contrasted with the views of the High Court in *NAMA.*

While the CEI's practice of making narrow decisions on its own causes serious delays, if these preliminary jurisdictional decisions are appealed to the courts then it can be many years before a final decision on access to environmental information is made. In almost every case this delay exceeds even the slowest decision making processes of public authorities in the party concerned and therefore renders the access to environmental information system in Ireland incompatible with the remaining two pillars of the Aarhus Convention. We will deal with this point in more detail below.

The Courts

If an applicant or public authority considers that the CEI has erred they may appeal a decision to the High Court on a point of law as provided under article 13 of the AIE Regulations. There are no specific rules governing such appeals which proceed according to the general rules for statutory appeals in the Irish courts[15]. Under these rules the Court has flexibility to issue directions as to timing etc. Typically at first instance such statutory appeals are disposed of in between 12 and 18 months with a further one to two months to deal with ancillary issues such as the wording of any orders and costs.

It must be emphasised that the High Court's jurisdiction is limited essentially to a review of the CEI's interpretation of the law and does not constitute a review of the acts or omissions of the public authority concerned. Therefore the usual outcome from a court appeal is for either a refusal to be upheld or an order remitting the matter to the CEI for further consideration. In the latter case it is also open to the CEI to remit the matter back to the public authority for further consideration.

This point was illustrated by the Court in *Stephen Minch -v- Commissioner for Environmental Information and another* [2016] IEHC 91[16] where a decision refusing a request on the basis that the information was not environmental information was appealed to the High Court and the applicant as the court to order the release of the requested information if he was successful:

> "**Direct production of the report now?**
> 64. The applicant argues that if true and effective access to Court is to be available, the applicant ought not have to return to the Environmental Commissioner following a successful appeal on a point of law, and that the cost and delay involved would be a serious obstacle to the rights recognised in the Aarhus Convention as incorporated into European law.
>
> 65. The question of whether I could substitute my decision was considered by MacEochaidh J. in *NAMA v. Commissioner for Environmental Information* where he held that his jurisdiction was to remit the matter to the respondent and not substitute his decision, although for the reasons he explained he did not consider it necessary or appropriate to remit in that case.

[15] Order 84C of the Rules of the Superior Courts http://www.courts.ie/rules.nsf/8652fb610b0b37a980256db700399507/c3fad1ba22ef53798025727a005ae3e1?OpenDocument

[16] http://www.bailii.org/ie/cases/IEHC/2016/H91.html

66. Apart from the practical reality that the Report is not before me, the Regulations clearly envisage the limit of the court's powers being to determine a point of law arising from the decision. There is no procedural or legal basis on which I could hear evidence with regard to the Report and the approach urged by the applicant would involve my engaging in an exercise. Accordingly, I do not consider that I may direct production of the Report."

As noted above unless a decision of the High Court is further appealed, the request may be remitted back to the CEI or the public authority for a further round of decision making which entails further delay to the process.

While the High Court list does not seem to suffer from undue delays, there are significant delays at the appellate stage in Ireland. The Court of Appeal has jurisdiction to hear appeals against decisions of the High Court. It came into operation on 28 October 2014 at which point the jurisdiction of the Supreme Court to hear appeals was narrowed so that it now has discretion as to what cases it takes.

At the time of making this communication there is a serious backlog of cases in the Court of Appeal and its diary is now more or less full until early 2018. This means that it is likely to take more than two years for appeals to be concluded in the Court of Appeal. Leaving aside the possibility of a Supreme Court appeal an applicant can typically expect to wait between three to four years for the court procedures to conclude and the best that can be expected at the end of that time is for the matter to be remitted back to the CEI or the public authority for further consideration with the possibility of at least one more round of appeals and remittal.

We set out below details of all relevant court procedures to date and the time elapsed since the original request was submitted to the public authority. At the time of writing the CEI had published 61 decisions and there have been seven High Court appeals (i.e. more than 11% of the CEI's decisions have been appealed). Of the seven appeals five have concerned threshold jurisdictional issues: i.e. status as public authority or whether request concerned environmental information

Case Name	**Approximate Time**	**Status**	**Note**
An Taoiseach -v- CEI	7 Years	Concluded	Supreme Court appeal withdrawn by CEI in early 2014 after pending for 3 ½ years
NAMA -v- CEI[17]	6.5 Years	In progress	Jurisdictional issue decided by Supreme Court, No action taken by NAMA or CEI since.
Anglo Irish Bank -v- CEI[18]	6.5 Years	In progress	Jurisdictional issue: Stayed in High Court pending NAMA decision, no action taken since then.
Bord na Móna -v- CEI	2 Years	Concluded	Jurisdictional issue. Case settled and final decision made.
Minch -v- CEI	3.25 Years	In progress	Jurisdictional issue, listed in Court of Appeal for hearing on 1 December 2017
Friends of the Irish Environment-v- CEI	1.25 Years	Concluded	Case settled when decision made by CEI
Redmond -v- CEI	1.25 Years	In progress	Jurisdictional issue: No information at present

[17] Mr Gavin Sheridan, a director of the communicant, was the requestor in this case.
[18] Mr Gavin Sheridan, a director of the communicant, was the requestor in this case.

A large percentage of CEI decisions are appealed and a large fraction of these concern jurisdictional issues which means that these appeals are in essence interim only and do not constitute a full review of a final decision of a public authority to refuse to grant access to information. It is quite possible that there could be several rounds of appeal and remission before a request would be finally resolved, and it is not beyond the bounds of possibility that a request could take a decade to resolve and require several rounds of decision making and appeals.

V. Provisions of the Convention alleged to be in non-compliance

Article 4(2) and 4(7): Where a public authority refuses a request on the basis of a jurisdictional issue it does not make a final decision within the maximum two months allowed for in these articles
Article 9(1): The procedure mentioned in the second paragraph (i.e. the CEI appeal procedure) is not expeditious since decisions can take on average 16 months to make and if a jurisdictional point is raised requests may be remitted causing further delays of several years.
Articles 9(4): Taken as a whole reviews of refusals to provide access to environmental information are not timely due to delay and lack of regard for provisions relating to public participation and access-to-justice.
Article 3(1) As a consequence of the above non-compliance there is also non-compliance with article 3(1).

VI. Nature of alleged non-compliance

The basic complaint is that review procedures by the CEI and the Courts in Ireland are neither expeditious nor timely. This is so due to (a) no legal timeframe for CEI appeals; (b) the CEI's practice of making narrow jurisdictional decisions and remitting cases to the public authority for further consideration; (c) the Courts' limited jurisdiction to only review CEI decisions on a point of law and to remit cases back to the CEI; (e) delays of up to 18 months in the Court of Appeal and (d) combinations of the above.

Non-compliance in respect of public authorities

Public authorities can comfortably refuse a request on a narrow threshold jurisdictional point (not a public authority or not environmental information) knowing that if there is an appeal to the CEI it will be more than a year before the matter returns to it at which point it will have a further two or three months to make a decision (including internal review) and the matter may then be appealed again to the CEI. In this scenario, which is not atypical, the time-frames provided for in articles 4(2) and 4(7) will not be met and assuming there are no appeals to court an applicant can expect a final decision from the public authority after two to three years.

Non-compliance in respect of the CEI

There is no statutory requirement for the CEI to make an expeditious decision. Given that the CEI, when acting as Information Commissioner and using the shared resources of a single office, has prioritised FOI requests which have a four-month target timeframe over AIE requests, AIEs are likely to be deprioritised when there are backlogs of FOI requests to be handled.

The CEI is on record as saying that he does not consider a time frame of five months to be sufficient to give rise to a right of action in the Courts but that a delay of 16 months in making decisions is "arguably not in keeping the [Party concerned's] obligations under the Aarhus Convention."[19]

While it appears that resourcing issues were addressed in 2015, it must be stressed that the CEI has not indicated what he considers to be a target time in which to fully resolve an appeal or what level of service applicants can now expect from the new resources. Similarly, he does not appear to have taken the rights of members of the public into account in the adoption of his procedures, in particular the procedure to issue interim decisions and to refer requests back to public authorities for further consideration.

The communicant welcomes the CEI's flexibility in respect of procedures since this flexibility can contribute beneficially in terms of reducing complexity and costs and makes his office accessible without the need in most cases to engage a lawyer. The communicant also notes positively that the CEI officially recognises that some appeals merit priority and he has adopted procedures and criteria for prioritising certain appeals (see paragraph 14 of the procedures manual). While the communicant acknowledges that dedicated resources should lead to faster decision making there is no guarantee that resources will continue to be provided or that delays will not arise if the number of appeals increases in the future in which case the CEI, as it stands, can simply let decision times increase without consequence.

It is hard to see why the CEI needs to take significantly longer to make decisions which are routinely made within a maximum of two months by public authorities. Given that the CEI has the benefit of almost 10 years' experience and access to legal advice and to the courts for clarifications of the law, it doesn't seem credible that delays are due to the complexity of the issues or volume of information. If that were the case, then equally under-resourced public authorities would experience the same difficulties but there is no indication that this is the case and public authorities routinely make decisions in one month or less.

There needs to be a legally defined time period in which an applicant can rely on for the CEI to make a final decision on all issues. It should take the CEI no longer to make a decision than a public authority since the task is identical in each case.

Non-compliance in respect of court jurisdiction and court capacity

The first issue is that the Irish courts do not have full jurisdiction to review the acts or omissions of public authorities in respect of AIE requests, the courts may only review decisions by the CEI and only "on a point of law". The best an applicant can hope for is that a matter is remitted to the CEI for further consideration. Given the length of time the court process takes (approximately three to four years including appeals) and the possibility for further rounds of appeals, it would not be beyond the bounds of possibility for an access request to take more than a decade to resolve.

Non-compliance in respect of the overall process

The Communicant is advised that the CEI has no power to suspend a decision making process that is subject to public participation process pending his decision, similarly the Courts while possessing such powers have extremely limited jurisdiction and cannot order interim measures pending a review of an

[19] See footnote 10

AIE refusal. Therefore, it is likely that access to information requests are remaining unresolved long after public participation has closed in particular cases. This is entirely at odds with the integrated nature of the three pillars of the Aarhus Convention and in effect it means that in most cases it is pointless to engage in appeals and/or litigation to resolve AIE refusals since by the time a decision is made the public participation opportunities have closed.

For example, in the *NAMA* and *Anglo* cases no action has been taken more than one year after final judgment was issued. Neither the public authority nor the CEI took any steps to ensure that the requests were answered after judgment was given and simply ignored them until prompted. It was only after the requestor, Mr Sheridan, sought an update[20] while preparing this communication that he learned that the CEI did not intend to further consider his request and that it had not applied to the High Court to re-activate the *Anglo* proceedings. This lack of action and communication with the applicant typifies the attitude of the CEI and public authorities to AIE requests.

VII. Use of domestic remedies

This complaint concerns systemic issues across a range of actors and as such is not amenable to domestic remedies. A director of the communicant, Mr Gavin Sheridan has made repeated submissions to the CEI on the threshold jurisdiction point and was a party to the NAMA decision cited above where the Court held that public authorities (and by extension the CEI) should deal with all issues and make a final decision. Given that the CEI has not followed this court finding (which was not appealed) it is hard to see how any further litigation on this matter would produce a remedy in respect of the issue.

Statutory obligations on the CEI and the courts to act expeditiously and provide timely decisions as well as delays arising from the courts' limited jurisdiction requires legislation from the Irish parliament which clearly rules out any effective remedy on this issue for the applicant. While it is open to applicants to ask the courts to review the timeliness of decisions on a case-by-case basis but there is no remedy to ensure that the system produces expeditious and timely decisions overall.

VIII. Use of other international procedures

None relevant

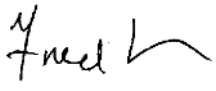
IX. Confidentiality

Confidentiality is not requested

X. Supporting documentation (copies, not originals)

Appendix 1: AIE Regulations (unofficial consolidated version)
Appendix 2: Details of decisions of the CEI (As of 19 August 2016)
Appendix 3: CEI Procedures Manual
Appendix 4: Documents filed in *Friends of the Irish Environment -v- Commissioner for Environmental Information*
Appendix 5: Update to requestor in *NAMA* and *Anglo* cases (18 August 2016)

Signed by Fred LOGUE solicitor for the Communicant



Dublin, 19 August 2016

[20] See attached update at Appendix 5