

Our Reference: FPL/642/02744
Your Reference: AIE/02-20

4 November 2020

By email only

National Standards Authority of Ireland
justin.tallon@nsai.ie

Our clients: Public.Resource.Org Inc and Right to Know CLG

RE: European Communities (Access to Information on the Environment) Regulations 2007 to 2018 (the “AIE Regulations”)

A Chara

Thank you for your letter dated 4 November 2020 concerning arrangements for in situ examination of the requested standards. I wish to confirm that I can attend your offices in Santry, Dublin 9 at 10am on Friday 6 November 2020. I also confirm that I will comply with the COVID measures that are in place as outlined in your letter.

Terms of use not accepted

Neither I nor my clients accept the “terms and use” attached to your letter. Article 7(1) of the AIE Regulations provides that a public authority shall “subject only to these Regulations” make available environmental information on request. The AIE Regulations do not permit your organisation to impose terms of use and therefore they are respectfully declined.

You might please let me know by close of business on 5 November 2020 if in situ examination will be facilitated without the requirement for me to agree to the “terms of use” so that a wasted journey may be avoided. Please note that I still wish to examine the information in situ free of charge even if the proposed charge for obtaining copies is disputed as set out in the next section.

Charges

In relation to charges, my reading of your schedule of charges¹ is that it purports to provide electronic access to harmonised standards via a webstore for the payment of a particular charge but that photocopying is charged at €0.04 per page.

While the lawfulness of the charge for electronic access is something that my clients are considering appealing to the Commissioner for Environmental Information, article 15(1)(d) of the AIE Regulations

¹ <https://www.nsai.ie/about/access-to-information/>

concerns the facility to receive copies of information examined in situ, in which case the only charge that your organisation may levy is the copying charge advertised on the schedule of charges.

Can you therefore confirm that I will be able to request copies of some or all of the examined information based on a copying charge of €0.04 per page? You might also indicate what form of payment is acceptable. I can pay using cheque, credit card, debit card, or cash.

Conclusion

I look forward to hearing from you no later than close of business on **5 November 2020**. Unless I hear from you by this time, I will take it that in situ examination is being refused. In the meantime, my clients fully reserve their rights including their right to appeal the Commissioner for Environmental Information.

Yours faithfully

A handwritten signature in black ink, appearing to read 'FP Logue', written in a cursive style.

FP LOGUE