

Our Reference: FPL/642/02744

Your Reference:

25 August 2020

By email only

National Standards Authority of Ireland
aie@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”)

Dear Sir or Madam

This is a request for access to environmental information made on behalf of our clients, Public.Resource.Org (<https://public.resource.org/>) a United States based non-profit and Right to Know CLG (<https://www.righttoknow.ie>), an Irish non-profit. both of which are interested in public access to official information including environmental information. The request concerns access to copies of the Irish transposition of certain European harmonised standards which relate to the environment and reference to which has already been published in the Official Journal.

Requested information

The request is for the Irish transposition of the ten harmonised standards listed in Annex 1.

Numbers 1 to 5 concern Environmental Management systems. It is clear that Environmental Management is a measure and/or activity that affects or is likely to affect the elements and factors of the environment and/or is designed to protect those elements. Therefore, harmonised standards relating to Environmental Management systems constitute environmental information.

Numbers 6 to 10 relate to greenhouse gas emissions. Greenhouse gases are elements of the environment and emissions of greenhouse gases are factors affecting or likely to affect the elements of the environment, mainly through climate change. In addition, these harmonised standards constitute information on emissions into the environment since they relate to the quantification and reporting of greenhouse gas emissions and removals. In that case there is an overriding public interest in accessing these standards per Regulation 10(1) of the AIE Regulations.

Requested standards are part of EU law and should be accessible

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For the purpose of this request it is relevant to note that harmonised standards, the references to which have been published in the Official Journal of the European Union, form part of EU law¹. As a corollary these standards and their transposition into Irish law form part of Irish law. In that case it is clear that based on the fundamental principle of the rule of law enshrined in the Constitution and Article 2 of the TEU that these standards should be freely accessible to the public. Furthermore because the requested standards are to be considered as EU and Irish legislation relating to the environment, the NSAI has an obligation to actively disseminate them under Article 7(2)(a) of Directive 2003/4/EC on public access to environmental information and repealing Council Directive 90/313/EEC.

Overall it is clear that the NSAI cannot refuse to grant this request.

Future requests may be necessary

Our client has identified a complete list of harmonised standards which it considers to constitute environmental information (as defined in the AIE Regulations) which are set out in Annex 2. This list covers 195 harmonised standards in total covering 11 different areas.

In order to facilitate a more expeditious handling of the request it is only requesting the 10 standards listed in Annex 1 at this time but reserves its right to apply for access to the full list in due course under the AIE Regulations and/or the European Communities (Re-Use of Public Sector Information) Regulations 2005 (S.I. 279 of 2005) (as amended).

Conclusion

We look forward to receiving this information as soon as possible.

Yours faithfully,



FP LOGUE

¹ Judgment of 27 October 2016, *James Elliot Construction Limited*, Case C-613/14, ECLI:EU:C:2016:821, paragraph 40

Annex 1 – Requested Standards

| No | Legislation reference (A) | ESO (B) | Reference number of the standard (C) | Title of the standard (D) | Date of start of presumption of conformity (1) | OJ reference for publication in OJ (2) | Date of withdrawal from OJ (end of presumption of conformity) (6) | OJ reference for withdrawal from OJ (7) |
|----|---------------------------|---------|--|--|--|--|---|---|
| 1 | 765/2008 | CEN | EN ISO 14001:2004, EN ISO 14001:2004/AC:2009 | Environmental management systems - Requirements with guidance for use (ISO 14001:2004) | 16/06/2009 | OJ C 136, 16-06-2009 | 15/09/2018 | OJ C 412, 11-12-2015 |
| 2 | 765/2008 | CEN | EN ISO 14001:2015 | Environmental management systems - Requirements with guidance for use (ISO 14001:2015) | 11/12/2015 | OJ C 412, 11-12-2015 | - | - |
| 3 | 765/2008 | CEN | EN ISO 14004:2010 | Environmental management systems - General guidelines on principles, systems and support techniques (ISO 14004:2004) | 05/10/2011 | OJ C 292, 05-10-2011 | 30/04/2019 | OJ C 209, 10-06-2016 |
| 4 | 765/2008 | CEN | EN ISO 14004:2016 | Environmental management systems - General guidelines on implementation (ISO 14004:2016) | 10/06/2016 | OJ C 209, 10-06-2016 | - | - |

| No | Legislation reference (A) | ESO (B) | Reference number of the standard (C) | Title of the standard (D) | Date of start of presumption of conformity (1) | OJ reference for publication in OJ (2) | Date of withdrawal from OJ (end of presumption of conformity) (6) | OJ reference for withdrawal from OJ (7) |
|----|---------------------------|---------|--------------------------------------|---|--|--|---|---|
| 5 | 765/2008 | CEN | EN ISO 14015:2010 | Environmental management - Environmental assessment of sites and organizations (EASO) (ISO 14015:2001) | 05/10/2011 | OJ C 292, 05-10-2011 | - | - |
| 6 | 765/2008 | CEN | EN ISO 14064-1:2012 | Greenhouse gases - Part 1: Specification with guidance at the organization level for quantification and reporting of greenhouse gas emissions and removals (ISO 14064-1:2006) | 28/11/2013 | OJ C 348, 28-11-2013 | - | - |
| 7 | 765/2008 | CEN | EN ISO 14064-2:2012 | Greenhouse gases - Part 2: Specification with guidance at the project level for quantification, monitoring and reporting of greenhouse gas emission reductions or removal enhancements (ISO 14064-2:2006) | 28/11/2013 | OJ C 348, 28-11-2013 | - | - |

| No | Legislation reference (A) | ESO (B) | Reference number of the standard (C) | Title of the standard (D) | Date of start of presumption of conformity (1) | OJ reference for publication in OJ (2) | Date of withdrawal from OJ (end of presumption of conformity) (6) | OJ reference for withdrawal from OJ (7) |
|----|---------------------------|---------|--------------------------------------|---|--|--|---|---|
| 8 | 765/2008 | CEN | EN ISO 14064-3:2012 | Greenhouse gases - Part 3: Specification with guidance for the validation and verification of greenhouse gas assertions (ISO 14064-3:2006) | 28/11/2013 | OJ C 348, 28-11-2013 | - | - |
| 9 | 765/2008 | CEN | EN ISO 14065:2012 | Greenhouse gases - Requirements for greenhouse gas validation and verification bodies for use in accreditation or other forms of recognition | 25/05/2012 | OJ C 149, 25-05-2012 | 31/12/2013 | OJ C 258, 07-09-2013 |
| 10 | 765/2008 | CEN | EN ISO 14065:2013 | Greenhouse gases - Requirements for greenhouse gas validation and verification bodies for use in accreditation or other forms of recognition (ISO 14065:2013) | 07/09/2013 | OJ C 258, 07-09-2013 | - | - |

Annex 2 – Full list of standards

Environmentally-Related Harmonised Standards

Explosives for civil uses, Directive 2014/28/EU

- CEN EN 13631-16:2004 Explosives for civil uses - High explosives - Part 16: Detection and measurement of toxic gases

The new legislative framework and the eco-management audit scheme, Regulation (EC) No 765/2008

- CEN EN ISO 14001:2004, EN ISO 14001:2004/AC:2009" Environmental management systems - Requirements with guidance for use (ISO 14001:2004)
- CEN EN ISO 14001:2015 Environmental management systems - Requirements with guidance for use (ISO 14001:2015)
- CEN EN ISO 14004:2010 Environmental management systems - General guidelines on principles, systems and support techniques (ISO 14004:2004)
- CEN EN ISO 14004:2016 Environmental management systems - General guidelines on implementation (ISO 14004:2016)
- CEN EN ISO 14015:2010 Environmental management - Environmental assessment of sites and organizations (EASO) (ISO 14015:2001)
- CEN EN ISO 14020:2001 Environmental labels and declarations - General principles (ISO 14020:2000)
- CEN EN ISO 14021:2001 Environmental labels and declarations - Self-declared environmental claims (Type II environmental labelling) (ISO 14021:1999)
- CEN EN ISO 14021:2001, EN ISO 14021:2001/A1:2011" Environmental labels and declarations - Self-declared environmental claims (Type II environmental labelling) (ISO 14021:1999)
- CEN EN ISO 14021:2016 Environmental labels and declarations - Self-declared environmental claims (Type II environmental labelling) (ISO 14021:2016)
- CEN EN ISO 14024:2000 Environmental labels and declarations - Type I environmental labelling - Principles and procedures (ISO 14024:1999)
- CEN EN ISO 14024:2018 Environmental labels and declarations - Type I environmental labelling - Principles and procedures (ISO 14024:2018)
- CEN EN ISO 14031:1999 Environmental management - Environmental performance evaluation - Guidelines (ISO 14031:1999)
- CEN EN ISO 14031:2013 Environmental management - Environmental performance evaluation - Guidelines (ISO 14031:2013)
- CEN EN ISO 14040:2006 Environmental management - Life cycle assessment - Principles and framework (ISO 14040:2006)
- CEN EN ISO 14044:2006 Environmental management - Life cycle assessment - Requirements and guidelines (ISO 14044:2006)
- CEN EN ISO 14044:2006, EN ISO 14044:2006/A1:2018" Environmental management - Life cycle assessment - Requirements and guidelines (ISO 14044:2006)
- CEN EN ISO 14050:2010 Environmental management - Vocabulary (ISO 14050:2009)
- CEN EN ISO 14063:2010 Environmental management - Environmental communication - Guidelines and examples (ISO 14063:2006)

- CEN EN ISO 14064-1:2012 Greenhouse gases - Part 1: Specification with guidance at the organization level for quantification and reporting of greenhouse gas emissions and removals (ISO 14064-1:2006)
- CEN EN ISO 14064-2:2012 Greenhouse gases - Part 2: Specification with guidance at the project level for quantification, monitoring and reporting of greenhouse gas emission reductions or removal enhancements (ISO 14064-2:2006)
- CEN EN ISO 14064-3:2012 Greenhouse gases - Part 3: Specification with guidance for the validation and verification of greenhouse gas assertions (ISO 14064-3:2006)
- CEN EN ISO 14065:2012 Greenhouse gases - Requirements for greenhouse gas validation and verification bodies for use in accreditation or other forms of recognition
- CEN EN ISO 14065:2013 Greenhouse gases - Requirements for greenhouse gas validation and verification bodies for use in accreditation or other forms of recognition (ISO 14065:2013)

Regulation (EU) No 305/2011 for Construction Products

- CEN EN 12050-1:2001 Wastewater lifting plants for buildings and sites - Principles of construction and testing - Part 1: Lifting plants for wastewater containing faecal matter
- CEN EN 12050-2:2000 Wastewater lifting plants for buildings and sites - Principles of construction and testing - Part 2: Lifting plants for faecal-free wastewater
- CEN EN 12050-3:2000 Wastewater lifting plants for buildings and sites - Principles of construction and testing - Part 3: Lifting plants for wastewater containing faecal matter for limited applications
- CEN EN 12050-4:2000 Wastewater lifting plants for buildings and sites - Principles of construction and testing - Part 4: Nonreturn valves for faecal-free wastewater and wastewater containing faecal matter
- CEN EN 12566-1:2000 ; EN 12566-1:2000/A1:2003 Small wastewater treatment systems for up to 50 PT - Part 1: Prefabricated septic tanks
- CEN EN 12566-3:2005+A2:2013; EN 12566-3:2005+A1:2009 Small wastewater treatment systems for up to 50 PT - Part 3: Packaged and/or site assembled domestic wastewater treatment plants
- CEN EN 12566-4:2007 Small wastewater treatment systems for up to 50 PT - Part 4: Septic tanks assembled in situ from prefabricated kits
- CEN EN 12566-6:2013 Small wastewater treatment systems for up to 50 PT - Part 6: Prefabricated treatment units for septic tank effluent
- CEN EN 12566-7:2013 Small wastewater treatment systems for up to 50 PT - Part 7: Prefabricated tertiary treatment units
- CEN EN 13249:2016 ; EN 13249:2000+A1:2005 Geotextiles and geotextile-related products - Characteristics required for use in the construction of roads and other trafficked areas (excluding railways and asphalt inclusion)
- CEN EN 13250:2016 ; EN 13250:2000+A1:2005 Geotextiles and geotextile-related products - Characteristics required for use in the construction of railways
- CEN EN 13251:2016; EN 13251:2000+A1:2005 Geotextiles and geotextile-related products - Characteristics required for use in earthworks, foundations and retaining structures
- CEN EN 13252:2016 ; EN 13252:2000+A1:2005 Geotextiles and geotextile-related products - Characteristics required for use in drainage systems
- CEN EN 13253:2016 ; EN 13253:2000+A1:2005 Geotextiles and geotextile-related products - Characteristics required for use in erosion control works (coastal protection, bank revetments)

- CEN EN 13254:2016 ; EN 13254:2000+A1:2005+AC:2003 Geotextiles and geotextile-related products - Characteristics required for the use in the construction of reservoirs and dams
- CEN EN 13255:2016 Geotextiles and geotextile-related products - Characteristics required for use in the construction of canals
- CEN EN 13256:2016 ; EN 13256:2000+A1:2005 Geotextiles and geotextile-related products - Characteristics required for use in the construction of tunnels and underground structures
- CEN EN 13257:2016 ; EN 13257:2000+A1:2005 Geotextiles and geotextile-related products - Characteristics required for use in solid waste disposals
- CEN EN 13265:2016 Geotextiles and geotextile-related products - Characteristics required for use in liquid waste containment projects
- CEN EN 13491:2004 ; EN 13491:2004/A1:2006 Geosynthetic barriers - Characteristics required for use as a fluid barrier in the construction of tunnels and underground structures
- CEN EN 13492:2004 ; EN 13492:2004/A1:2006 Geosynthetic barriers - Characteristics required for use in the construction of liquid waste disposal sites, transfer stations or secondary containment
- CEN EN 13493:2005 Geosynthetic barriers - Characteristics required for use in the construction of solid waste storage and disposal sites

General product safety, Directive 2001/95/EC

- CEN EN 1860-1:2003 Appliances, solid fuels and firelighters for barbecuing - Part 1: Barbecues burning solid fuels - Requirements and test methods
- CEN EN 1860-1:2003, EN 1860-1:2003/A1:2006 Appliances, solid fuels and firelighters for barbecuing - Part 1: Barbecues burning solid fuels - Requirements and test methods

Personal protective equipment, Regulation (EU) 2016/425

- CEN EN ISO 374-1:2016 Protective gloves against dangerous chemicals and micro-organisms — Part 1: Terminology and performance requirements for chemical risks (ISO 374-1:2016) 21.4.2018
- CEN EN ISO 374-5:2016 Protective gloves against dangerous chemicals and micro-organisms — Part 5: Terminology and performance requirements for micro-organisms risks (ISO 374-5:2016)
- CEN EN 943-1:2015 Protective clothing against dangerous solid, liquid and gaseous chemicals, including liquid and solid aerosols — Part 1: Performance requirements for Type 1 (gas-tight) chemical protective suits
- CEN EN 1073-2:2002 Protective clothing against radioactive contamination — Part 2: Requirements and test methods for non-ventilated protective clothing against particulate radioactive contamination
- CEN EN ISO 13982-1:2004 ; EN ISO 13982-1:2004/A1:2010 Protective clothing for use against solid particulates — Part 1: Performance requirements for chemical protective clothing providing protection to the full body against airborne solid particulates (type 5 clothing) (ISO 13982-1:2004)

Toy safety, Directive 2009/48/EC

- CEN EN 71-4:2013 Safety of toys - Part 4: Experimental sets for chemistry and related activities
- CEN EN 71-5:2013 Safety of toys - Part 5: Chemical toys (sets) other than experimental sets
- CEN EN 71-5:2015 Safety of toys - Part 5: Chemical toys (sets) other than experimental sets
- CEN EN 71-12:2013 Safety of toys - Part 12: N-Nitrosamines and N-nitrosatable substances

- CEN EN 71-13:2014 Safety of toys - Part 13: Olfactory board games, cosmetic kits and gustative games

Restriction of the use of certain hazardous substances (RoHS), Directive 2011/65/EU

- CENELEC EN 50581:2012 Technical documentation for the assessment of electrical and electronic products with respect to the restriction of hazardous substances

Inspection of pesticide application equipment, Directive 2009/128/EC

- CEN EN ISO 16122-1:2015 Agricultural and forestry machinery - Inspection of sprayers in use - Part 1: General (ISO 16122-1:2015)
- CEN EN ISO 16122-2:2015 Agricultural and forestry machinery - Inspection of sprayers in use - Part 2: Horizontal boom sprayers (ISO 16122-2:2015)
- CEN EN ISO 16122-3:2015 Agricultural and forestry machinery - Inspection of sprayers in use - Part 3: Sprayers for bush and tree crops (ISO 16122-3:2015)
- CEN EN ISO 16122-4:2015 Agricultural and forestry machines - Inspection of sprayers in use - Part 4: Fixed and semi-mobile sprayers (ISO 16122-4:2015)

Machinery (MD), Directive 2006/42/EC

- CEN EN 378-2:2008+A1:2009 Refrigerating systems and heat pumps - Safety and environmental requirements - Part 2: Design, construction, testing, marking and documentation
- CEN EN 378-2:2008+A2:2012 Refrigerating systems and heat pumps - Safety and environmental requirements - Part 2: Design, construction, testing, marking and documentation
- CEN EN 378-2:2016 Refrigerating systems and heat pumps - Safety and environmental requirements - Part 2: Design, construction, testing, marking and documentation
- CEN EN 626-1:1994+A1:2008 Safety of machinery - Reduction of risks to health from hazardous substances emitted by machinery - Part 1: Principles and specifications for machinery manufacturers
- CEN EN 626-2:1996+A1:2008 Safety of machinery - Reduction of risk to health from hazardous substances emitted by machinery - Part 2: Methodology leading to verification procedures
- CEN EN 690:1994+A1:2009 Agricultural machinery - Manure spreaders - Safety
- CEN EN 690:2013 Agricultural machinery - Manure spreaders - Safety
- CEN EN 1093-1:2008 Safety of machinery - Evaluation of the emission of airborne hazardous substances - Part 1: Selection of test methods
- CEN EN 1093-2:2006+A1:2008 Safety of machinery - Evaluation of the emission of airborne hazardous substances - Part 2: Tracer gas method for the measurement of the emission rate of a given pollutant
- CEN EN 1093-3:2006+A1:2008 Safety of machinery - Evaluation of the emission of airborne hazardous substances - Part 3: Test bench method for the measurement of the emission rate of a given pollutant
- CEN EN 1093-4:1996+A1:2008 Safety of machinery - Evaluation of the emission of airborne hazardous substances - Part 4: Capture efficiency of an exhaust system - Tracer method
- CEN EN 1093-6:1998+A1:2008 Safety of machinery - Evaluation of the emission of airborne hazardous substances - Part 6: Separation efficiency by mass, unducted outlet

- CEN EN 1093-7:1998+A1:2008 Safety of machinery - Evaluation of the emission of airborne hazardous substances - Part 7: Separation efficiency by mass, ducted outlet
- CEN EN 1093-8:1998+A1:2008 Safety of machinery - Evaluation of the emission of airborne hazardous substances - Part 8: Pollutant concentration parameter, test bench method
- CEN EN 1093-9:1998+A1:2008 Safety of machinery - Evaluation of the emission of airborne hazardous substances - Part 9: Pollutant concentration parameter, room method
- CEN EN 1093-11:2001+A1:2008 Safety of machinery - Evaluation of the emission of airborne hazardous substances - Part 11: Decontamination index
- CEN EN 12693:2008 Refrigerating systems and heat pumps - Safety and environmental requirements - Positive displacement refrigerant compressors
- CEN EN 16590-1:2014 Tractors and machinery for agriculture and forestry - Safety-related parts of control systems - Part 1: General principles for design and development (ISO 25119-1:2010 modified)
- CEN EN 16590-2:2014 Tractors and machinery for agriculture and forestry - Safety-related parts of control systems - Part 2: Concept phase (ISO 25119- 2:2010 modified)
- CEN EN ISO 16119-1:2013 Agricultural and forestry machinery - Environmental requirements for sprayers - Part 1: General (ISO 16119- 1:2013)
- CEN EN ISO 16119-2:2013 Agricultural and forestry machinery - Environmental requirements for sprayers - Part 2: Horizontal boom sprayers (ISO 16119-2:2013, Corrected version 2017-03)
- CEN EN ISO 16119-3:2013 Agricultural and forestry machinery - Environmental requirements for sprayers - Part 3: Sprayers for bush and tree crops (ISO 16119- 3:2013)
- CEN EN ISO 16119-4:2014 Agricultural and forestry machinery - Environmental requirements for sprayers - Part 4: Fixed and semimobile sprayers (ISO 16119- 4:2014)
- CEN EN ISO 18497:2018 Agricultural machinery and tractors - Safety of highly automated agricultural machines - Principles for design (ISO 18497:2018)
- CEN EN ISO 19932-1:2013 Equipment for crop protection - Knapsack sprayers - Part 1: Safety and environmental requirements (ISO 19932-1:2013)

Pressure Equipment, Directive 2014/68/EU

- CEN EN 378-2:2016 Refrigerating systems and heat pumps - Safety and environmental requirements - Part 2: Design, construction, testing, marking and documentation
- CEN EN 378-2:2008+A2:2012 Refrigerating systems and heat pumps - Safety and environmental requirements - Part 2: Design, construction, testing, marking and documentation

Packaging and packaging waste, Directive 94/62/EC

- CEN EN 13427:2004 Packaging - Requirements for the use of European Standards in the field of packaging and packaging waste
- CEN EN 13428:2004 ; EN 13428:2000 Packaging - Requirements specific to manufacturing and composition - Prevention by source reduction
- CEN EN 13429:2004 Packaging - Reuse
- CEN EN 13430:2004 Packaging - Requirements for packaging recoverable by material recycling
- CEN EN 13431:2004 Packaging - Requirements for packaging recoverable in the form of energy recovery, including specification of minimum inferior calorific value

- CEN EN 13432:2000 Packaging - Requirements for packaging recoverable through composting and biodegradation - Test scheme and evaluation criteria for the final acceptance of packaging
-