



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL ENVIRONMENT  
Directorate D - Implementation, Governance & Semester  
**ENV.D.3 - Enforcement, Cohesion Policy & European Semester, Cluster 3**  
Head of Unit

Brussels, 20. 06. 2016  
ENV.D.3/AH/ad/Ares(2016)

Mr Tony Lowes

[ask+request-2863-684b27d5@askthecu.org](mailto:ask+request-2863-684b27d5@askthecu.org)

Dear Mr Lowes,

**Subject: Your application for access to documents – Ref GestDem No 2016/2299**

We refer to your e-mail dated 26/04/2016 in which you make a request for access to documents, registered on 29/04/2016 under the above mentioned reference number.

You request access all relevant documents relating to the regularisation and clean-up of Haulbowline Ireland, including all correspondence between the Commission and Ireland, and specifically any correspondence relating to the extension of the East Tip clean-up to an 'all island' approach. Your request is limited to those elements relating to Haulbowline Island only and no other part of the Case C 494/01.

We enclose copies of the following documents:

1. Letter of 23 October 2009 from Irish authorities to Commission re pre-pilot infringement case 405/09/ENVI.
2. Email of 1 December 2010 from Irish authorities to Commission attaching a draft response from the Irish Authorities to the Commission.
3. Letter from the Irish authorities to the Commission dated 20 January 2011 (ARES (2011)65477) together with appendices.
4. Email of 27 June 2011 from Irish authorities to Commission attaching press release.
5. Email of 21 July 2011 from Irish authorities to Commission attaching a press release.
6. Minutes of the first meeting of the Haulbowline Government Working Group on 29 July 2011.
7. Email of 2 August 2011 from Irish authorities to Commission attaching a brief note of a meeting of the DAFF Haulbowline working group.

8. Email of 2 August 2011 from Irish authorities to Commission attaching a press release.
9. Email of 24 August 2011 from Irish authorities to Commission attaching Cork County Council summary of proposed approach to the licence application for Haulbowlen Island waste licence.
10. Email from Irish authorities to Commission dated 13 September 2011 providing a weblink.
11. Email of 20 September 2011 from Irish authorities, forwarded to Commission on 21 September 2011 attaching an amended page for the website.
12. Email of 29 September 2011 from Irish authorities to Commission providing a web link and information of the repair of a sea breach.
13. Email of 5 October 2011 from Irish authorities to Commission providing information about a press release.
14. Autumn 2011 draft of the programme of measures which Ireland agrees to deliver to ensure full compliance with the judgment.
15. - Email of 23 April 2012 from Irish authorities to Commission attaching the following documents:
  - (a) Draft memorandum for the Government on Ireland's programme of deliverables in response to ECJ Case C-494/01 on the systematic failure to implement EU waste legislation.
  - (b) Programme of measures which Ireland agrees to deliver to ensure full compliance with the judgment.
16. Email of 24 April 2012 from Irish authorities to Commission regarding the interpretation of the Memo.
17. Powerpoint printout from meeting on 10 May 2012 describing licence application for East tip Haulbowline Island.
18. Email of 15 July 2014 from Irish authorities to Commission attaching note of meeting with DG ENV.
19. Remediation of the East Tip, Haulbowline – the road to regularization, 2014.
20. Email dated 30 June 2015 from Irish authorities to Commission with link to updated programme of measures.
21. Email of 13 July 2015 from Irish authorities to Commission providing brief update.
22. Email of 20 July 2015 from Irish authorities to Commission attaching a letter of 15 July 2015.
23. Email of 28 July 2015 from Irish authorities to Commission forwarding information from Cork CC re the status of Lot 1 framework.

24. Email of 29 July 2015 from Irish authorities to Commission attaching an update re the Haulbowline Island Remediation Project.
25. Email of 29 July 2015 from Irish authorities to Commission attaching signature page.
26. Email of 30 July 2015 from Irish authorities to Commission attaching lot 1 framework.
27. Email of 31 August 2015 from Irish authorities to Commission agreeing to publicity.
28. Additional letter of formal notice, 1 October 2010.
29. Internal commission email 12 November 2010, note of meeting.
30. Email of 16 December 2010 from Commission to Irish authorities
31. Email of 16 September 2011 from Commission to Irish authorities.
32. Handwritten note of meeting 10 May 2012.
33. Final case fiche, showing closure of the case on 22 October 2015.

#### **Documents 1 – 27**

Please note that these documents were received by the Commission from the Irish Authorities. They are disclosed for information only. They do not reflect the position of the Commission and cannot be quoted as such.

#### **Documents 28 - 33**

You may reuse these documents free of charge for non-commercial and commercial purposes provided that the source is acknowledged, that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

#### **Document 29**

We have omitted a small part of this document relating to other cases which were not part of your original request.

#### **Personal data**

Some of the documents to which you have requested access contain personal data, in particular: names, signatures and contact details of officials.

Pursuant to Article 4(1) (b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data. The applicable legislation in this field is Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the

protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data<sup>1</sup>.

When access is requested to documents containing personal data, Regulation (EC) No 45/2001 becomes fully applicable<sup>2</sup>.

According to Article 8(b) of this Regulation, personal data shall only be transferred to recipients if they establish the necessity of having the data transferred to them and if there is no reason to assume that the legitimate rights of the persons concerned might be prejudiced.

We consider that, with the information available, the necessity of disclosing the aforementioned personal data to you has not been established and/or that it cannot be assumed that such disclosure would not prejudice the legitimate rights of the persons concerned. Therefore, we are disclosing the documents requested expunged from this personal data.

In case you would disagree with the assessment that the expunged data are personal data which can only be disclosed if such disclosure is legitimate under the rules of personal data protection, you are entitled, in accordance with Article 7(2) of Regulation 1049/2001, to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission  
Secretary-General  
Transparency unit SG-B-4  
BERL 5/282  
B-1049 Bruxelles

or by email to: [sg-acc-doc@ec.europa.eu](mailto:sg-acc-doc@ec.europa.eu)

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Paul Speight', with a stylized, cursive script.

Paul SPEIGHT

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<sup>1</sup> Official Journal L 8 of 12.1.2001, p. 1

<sup>2</sup> Judgment of the Court of Justice of the EU of 29 June 2010 in case 28/08 P, Commission/The Bavarian Lager Co. Ltd, ECR 2010 I-06055.