



21 FEB. 2013

Brussels,  
ENV A.2/AIS/db/Ares(2013)

Gavan Reilly  
[ask+request-332-a4c6acbe@asktheeu.org](mailto:ask+request-332-a4c6acbe@asktheeu.org)

**Subject:** Your request for access to documents registered under reference number 2013/0431

Dear Mr Reilly,

Thank you for your request with a reference number 2013/0431 for access to documents under Regulation No. 1049/2001 regarding public access to European Parliament, Council and Commission documents<sup>1</sup> ("Regulation No. 1049/2001").

In your application you have requested access to any correspondence between the directorate and the Department of the Environment, Community and Local Government (Ireland) regarding the implementation of the Directive 75/442/EEC in relation to the use of septic tanks in association with the European Court of Justice Case C-374/11 from May 2007 until the present. This request relates to the infringement file 2000/4158.

The documents requested are related to an on-going infringement procedure. Article 4(2) of Regulation 1049/2001 states that the institutions shall refuse access to a document where disclosure would undermine the protection of the purpose of inspections, investigations and audits, unless there is an overriding public interest in disclosure. Having carefully examined your request in the light of Article 4(2) of Regulation 1049/2001, I consider that the fact that the judgment in case C-374/11 clearly identifies the measures Ireland ought to adopt in order to reach compliance with the judgment in case C-188/08 and that Ireland has notified all those measures to the Commission, allowing the Commission to close the case in the near future, constitutes an overriding public interest which could justify the disclosure of the requested documents before the closure of the said infringement case.

Please find enclosed copies of the following documents:

1. Letter of 23/11/2009 ARES(2009)336534;
2. Letter of formal notice of 25/11/2010 C(2010)7997;
3. Minutes of the meeting of 4/03/2010;
4. Minutes of the meeting of 17/01/2012;

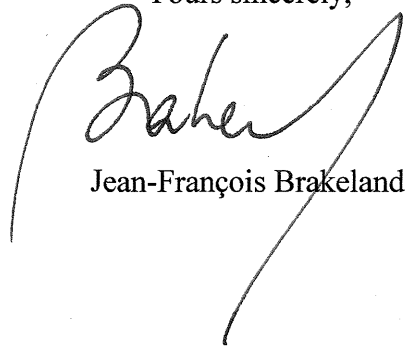
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<sup>1</sup> OJ L145, 31.05.2001, page 43.

Letters from Ireland:

5. Letter of 22/12/2009 ARES(2009)397657;
6. E-mail of 19/03/2010 Ares(2010)149044;
7. E-mail of 26/10/2010 Ares(2010)749957;
8. Letter of 3/02/2011 ARES(2011)123318;
9. Letter of 10/05/2011 ARES(2011)506865;
10. Letter of 10/11/2011 ARES(2011)1201944;
11. Letter of 21/12/2012 ARES(2013)7675;
12. Letter of 25/01/2013 ARES(2013)107690;
13. Letter of 15/02/2013 ARES(2013)214817.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Zaher', with a long, sweeping underline that extends to the right.

Jean-François Brakeland