



An Roinn Talmhaíochta,  
Bia agus Mara  
Department of Agriculture,  
Food and the Marine

## Memorandum of Understanding

**Environmental Protection Agency**

and

**Department of Agriculture, Food and the Marine**

The objective of this Memorandum of Understanding (MoU) is to set our areas of mutual responsibility and shared interest between the EPA and Department of Agriculture, Food and the Marine

Signed:

Laura Burke  
Director General  
Environmental Protection Agency

Signed:

Brendan Gleeson  
Secretary General  
Department of Agriculture,  
Food and the Marine

Date 11.11.2019

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## **Introduction**

This Memorandum of Understanding (MOU) between the Department of Agriculture, Food and Marine ("the Department") and the Environmental Protection Agency ("the Agency") provides a framework for enhanced co-operation in areas of mutual interest, leading to greater efficiency and effectiveness in the delivery of the respective work programmes of both organisations. In particular it encompasses agreement on provision of data as set out in Annex 5.

## **EPA**

The EPA is an independent public body established under the Environmental Protection Agency Act, 1992. The Environmental Protection Agency (EPA) has responsibilities for a wide range of licensing, enforcement, monitoring and assessment activities associated with environmental protection. Primary responsibilities of the EPA include:

- Environmental licensing
- Enforcement of environmental law
- Environmental planning, education and guidance
- Monitoring, analysing and reporting on the environment
- Regulating Ireland's greenhouse gas emissions
- Environmental research development
- Strategic environmental assessment
- Waste management
- Radiological protection
- Water Framework Directive co-ordination, characterisation, assessment and reporting

Under Section 69 of the EPA Act 1992, formal legal powers are assigned to the EPA, whereby the Agency may require any public body to provide information related to environmental quality and may make arrangements with other bodies for the provision of similar information.

Under Section 52 of the Environmental Protection Agency Act, 1992 (DOE, 1992), the Agency is required to establish and maintain databases of information on the environment and to disseminate such information to interested parties. Section 55 of the Act states that the Agency must provide, of its own volition or upon request, information and advice to Ministers of the Government in the performance of their duties. This includes making available such data and materials as are necessary to comply with Ireland's reporting obligations and commitments within the framework of international agreements.

## **Department of Agriculture, Food and the Marine**

The Department is responsible *a wide range of policy, licensing, enforcement, monitoring and assessment activities associated with agriculture, food, forestry, fishing and the rural environment*. The Department regulates the agriculture, food and fishing industries through national and EU legislation and

directs State bodies engaged in research, training, market development and commercial activities. The Department monitors and controls aspects of Food Safety, animal and plant health and animal welfare.

#### **Purpose of Memorandum of Understanding (Overview)**

The objective of this memorandum of understanding is to provide a framework for co-operation and assistance between the Department and the Agency in areas of environmental data governance.

The adoption of this memorandum will:

- Facilitate work in existing areas of shared interest and co-operation
- Facilitate the free and timely exchange of relevant information and data
- Facilitate the sharing of knowledge
- Support compliance with Ireland's EU and other international reporting responsibilities
- Promote best practices in areas of common interest

This MoU does not override the statutory duties or powers of either organisation. It is an indication of agreement rather than a legal commitment.

#### **General Principles of Cooperation**

The purpose of this Memorandum of Understanding is to record the agreement that has been reached by the parties.

The Memorandum may be reviewed by agreement of both parties from time to time during the term in order to ensure the greatest efficacy of its implementation. The memorandum shall in any event be reviewed on an annual basis by the Liaison Group.

The parties shall continue to consider ways to improve the quality of the data being shared and shall update the Liaison Group on data validation efforts and changes to data quality.

Each party shall be responsible for any costs incurred by it in connection with this Memorandum of Understanding.

Both parties agree to provide data in a timely manner according to the delivery dates set out in the attached data sharing agreements and to be involved in the process of continuous improvement.

Data will only be used according to the details set out in the annexes: changes to data use and sharing must be agreed via the Liaison Group. No changed usage, application or sharing can take effect until this agreement is reached.

#### **Operational Liaison**

The Department and the Agency shall establish a DAFM/EPA Liaison Group as a formal, high-level mechanism for consultation and communication

between both organisations. It shall be the responsibility of the DAFM/EPA Liaison Group to consider all data and co-operative matters and related issues of mutual interest.

The Liaison Group will include representatives from the Department and the Agency. The Liaison Group will meet on an annual basis to review areas of co-operation, data sharing, progress and new opportunities as well as devise action items where relevant. Minutes of these meetings will be agreed and held by both organisations. Changes – additions, amendments and revisions – to the annexes attached to this memorandum can be agreed by the Liaison Group. The members of this Group shall be agreed by the relevant Programme Manager of the EPA and the relevant Principal Officer of DAFM and may include additional members as work programmes require.

The Liaison Group may decide to refer certain matters of co-operation to technical sub-groups or make other arrangements to examine matters of common interest. Such groups may examine matters of a technical, legal or administrative nature where co-operation may provide opportunities for efficiencies and effectiveness in relation to mutual and respective roles. Such working groups as may be established from time to time will operate under agreed Terms of Reference and report to the Liaison Group.

#### **Memorandum of Understanding Review**

This MOU will come into force on the date of signing and shall remain in force until replaced or if either Party wishes to withdraw from the MOU.

The effective operation of this MOU may be subject to change or revision following annual review of progress by the Liaison Group with recommendations for change made to, and accepted by, the respective signatories.

#### **Confidentiality**

Notwithstanding the expiry or early termination of this MOU for any cause the provisions of confidentiality shall survive such expiry or early termination.

Each party processes valuable information, technical knowledge, experience and data of a confidential nature that it regards as assets of considerable value. Each Party may disclose such information to the other Party on the condition that the recipient of the information does not disclose it to any third party or make use of it in any manner except insofar as is necessary to achieve the purposes of this Agreement.

The above undertakings shall not apply to:

- Information which at the time of disclosure is published or otherwise generally available to the public or where there is a right to access as defined under the European Communities (Access to Information on the Environment Regulations) S.I. No. 133 of 2007.

- Information which after disclosure is published or becomes generally available to the public otherwise than through the fault or negligence of the receiving party
- Information which the receiving Party can show was in its possession at the time of disclosure and which was not acquired directly or indirectly from the disclosing Party

### **Specific Arrangements**

There are specific areas of work where the DAFM and EPA have applied specific arrangements. These are set out in the Annexes:

- Annex 1 describes the tasks that would apply to a radiation emergency
- Annex 2 describes joint co-operation in the inspection and enforcement of biocidal products
- Annex 3 notes co-operation under the Strategic Environmental Assessment (SEA) Directive
- Annex 4 describes interactions with the EEA and Eionet via National Focal Point and National Resource Centre roles
- Annex 5 sets out the data being shared between DAFM and EPA. (Status May 2019 – to be agreed in detail via the Liaison Group)

## **Annex 1**

### **Radiation Emergencies**

Following a nuclear accident abroad affecting Ireland, the most significant route of potential radiation exposure for members of the Irish public would be from the consumption of food containing increased levels of radioactivity. The EPA and DAFM work together in support of the National Emergency Plan for Nuclear Accidents (NEPNA) to ensure that appropriate protective actions are implemented to reduce the transfer of radioactivity to animal feed and to food products. This cooperation between the two organisations includes

- EPA provides support to DAFM in development and updating of emergency plans and advice for the farming community on protective actions to be taken in the aftermath of a radiation emergency and advice on dealing with potentially large volumes of food and agricultural waste.
- DAFM will collect samples of milk, meat, dairy and other agricultural produce, as appropriate, for monitoring for radioactivity levels by the EPA
- DAFM will collaborate with EPA in the certification of radioactivity levels in agricultural produce, including live animals and foodstuffs, for export or for movement in and out of intervention storage
- DAFM will provide the data required by EPA for use in refining its food-chain models
- DAFM and EPA will participate in joint exercises to test arrangements for response
- DAFM and EPA will work with the lead Government Department with responsibility for responding to a nuclear emergency to find solutions for increasing measurement capacity in such an emergency.

## Annex 2

### Joint co-operation in the area of inspections and enforcement of biocidal products

#### **LEGISLATIVE BASIS**

##### **THE BIOCIDAL PRODUCTS REGULATION (EU 528/2012)**

The Biocidal Products Regulation (BPR) is a European Union Regulation EU No. 528/2012<sup>1</sup> (as amended) on the making available on the market and use of biocidal products. The aim of the BPR is to improve the free movement of biocidal products within the Union while ensuring a high-level of protection of human and animal health and the environment. The legislation imposes certain obligations on those who manufacture, import, supply or use biocidal active substances and/or products. In particular, the legislation deals with the making available on the market and use of biocidal products through the authorisation of biocidal products containing approved active substances and notification of products under transitional measures whilst the active substance is still under review. The use of these products is identified through broad groupings and product-types (PT) under Annex V of the Regulation. Specifically, PT5 is identified under the main group 1 (disinfectants) and relates to products used for disinfection of drinking water.

##### **STATUTORY INSTRUMENT EUROPEAN UNION (BIOCIDAL PRODUCTS) REGULATIONS 2013 (S.I. NO. 427 OF 2013)**

The purpose of S.I. No. 427 of 2013<sup>2</sup> is to facilitate the monitoring and controls required for the implementation and enforcement of the BPR relating to the making available and use of biocidal products in Ireland. The Statutory Instrument sets out the appointment and functions of authorised officers and outlines offences under the legislation, compliance notices and procedures for prosecutions. Regulation 27 (1) of the Statutory Instrument allows the Minister to "...appoint such and as many persons as he or she thinks fit to be authorised officers for the purposes of these Regulations". A list of warranted officers is held by DAFM in respect of inspections and controls for the implementation of the BPR.

##### **EUROPEAN UNION (DRINKING WATER) REGULATIONS 2014 (S.I. NO. 122 OF 2014)**

The purpose of S.I. No. 122 of 2014 is to prescribe drinking water quality standards to be applied and related supervision and enforcement procedures in relation to supplies of drinking water, including requirements as to sampling frequency, methods of analysis, the provision of information to consumers and related matters. These Regulations assign the EPA the role as the supervisory authority over Irish Water in respect of drinking water quality.

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<sup>1</sup> Regulation (EU) No. 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (BPR)

<sup>2</sup> Statutory Instrument (S.I. No. 427 of 2013) European Union (Biocidal Products) Regulations 2013

## **ROLES AND RESPONSIBILITIES**

### **ENFORCEMENT AT WATER TREATMENT PLANTS**

DAFM is responsible for the control and enforcement under Part 11 and Part 12 of S.I. No. 427 of 2013 giving effect to Chapters XV, Section 1 Article 65 of the BPR with respect to substances and products within its remit (biocidal products) that are used at water treatment plants. The EPA is responsible for enforcement under the European Union (Drinking Water) Regulations, 2014 which includes ensuring drinking water quality failures are investigated and appropriate corrective action is taken. The EPA also has specific responsibility concerning disinfection and can issue Directions under Regulation 13.

### **AREAS OF SHARED RESPONSIBILITY**

Authorised officers under S.I. No. 427 of 2013 and EPA inspectors under S.I. No. 122 of 2014 are empowered to inspect at water treatment plants where the public supply of potable water is treated for consumption. In relation to authorised officers under S.I. No. 427 of 2013, these inspections relate to the handling, storage, use and disposal of notified or approved biocidal products on these premises, particularly PT5 biocidal products used for the disinfecting treatment of drinking water for humans. For EPA inspectors under S.I. No. 122 of 2014 these inspections relate to all aspects of the drinking water supply (source, treatment plant and distribution network). In order to maximise efficiencies, avoid overlaps and make use of synergies between the two inspectorates, both organisations, where possible, should work together to co-ordinate activities to allow efficient and effective inspections of such pesticide products used in and around water supplies.

In recognising the respective statutory responsibilities and obligations of DAFM and the EPA, in relation to biocidal products used at public water treatment facilities, both organisations endeavour to co-operate closely particularly in relation to the following:

- Planning of the annual inspection programme for public water treatment plants
- Inspections and the co-ordination of inspections at public water treatment plants
- Reporting and follow-up actions
- Communications and Information Sharing

### **PLANNING OF THE ANNUAL INSPECTION PROGRAMME FOR PUBLIC WATER TREATMENT PLANTS**

DAFM shall have responsibility for drafting the Department's annual inspection programme for pesticides that include the use of pesticide products in and around water supplies. DAFM, in consultation with the EPA, will



establish and maintain the list of warranted officers eligible to carry out inspections of biocidal products as provided for under Regulation 27 of S.I. No. 427 of 2013.

Information about biocidal products used in and around water supplies will be drafted by DAFM, in consultation with the EPA, for use by the EPA during their inspection programme. Additionally, the annual inspection programme by the EPA of relevant inspection locations around water supplies for each year will be circulated by EPA to DAFM. The final agreed inspection programme with respect to biocidal products used in and around water supplies will be circulated to the appropriate members of the EPA and DAFM inspectorates.

DAFM and the EPA will both ensure that contact details for their respective organisations are provided to each other to allow for effective collaboration between the relevant organisations.

Training requirements for the relevant DAFM and EPA inspectorates will be identified and carried out, as appropriate, before any official inspection regime.

#### **INSPECTIONS AND CO-ORDINATION OF INSPECTIONS AT PUBLIC WATER TREATMENT PLANTS**

EPA inspectors while inspecting under S.I. No. 122 of 2014, shall have responsibility for the inspection of products used in and around water supplies, in respect of biocidal products. In particular, the principal purpose of such inspections will be to ensure compliance with relevant legislation and that biocidal products are either notified or approved under the provisions of the BPR and S.I. No 427 of 2013 and in particular the provisions relating to the handling, storage, disposal and use of the biocidal products are in order. Based upon results of inspections EPA inspectors, as warranted officers, may pursue appropriate enforcement actions. Specific details for biocidal products and use of the products will be outlined in the annual inspection programme and will include the up-to-date list of the relevant biocidal products.

To facilitate the inspections, the respective organisations will co-ordinate inspections of products used in and around water supplies. The results of official inspections will be recorded in a format agreed between DAFM and the EPA. The DAFM contact details for queries raised during or after inspections of products used in and around water supplies will be provided in the annual inspection programme for the EPA inspectors.

#### **REPORTING AND FOLLOW-UP ACTIONS**

As DAFM is responsible for reporting on official inspections made under the BPR and S.I. 427 of 2013, a section of the report prepared by DAFM shall include results of inspections carried out at water treatment plants in respect of biocidal products by EPA inspectors. The report will detail the monitoring carried out, infringements and the penalties provided for and other measures taken pursuant to Part 11 and Part 12 of S.I. 427 of 2013.

To facilitate reporting of inspections and any follow-up actions with respect to infringements and penalties, the results of inspections by EPA inspectors shall be returned in an agreed format for processing by DAFM.

#### **COMMUNICATIONS AND INFORMATION SHARING**

In the interest of good practice and achieving clarity of roles, staff from DAFM and the EPA will consult on enforcement issues, relevant regulatory and policy matters and any further issues of mutual interest, as the need arises. Specifically, such communication shall include any new information regarding the annual inspection programme of products used in and around water supplies and associated enforcement activities.

#### **OTHER AREAS OF POSSIBLE CO-OPERATION**

##### **STAKEHOLDER AWARENESS AND ENGAGEMENT**

In order to maximise resources in the raising of Irish stakeholder awareness on the requirements of the BPR and Drinking Water Regulations, both organisations shall, where possible, consult and co-ordinate prior to the undertaking of awareness efforts.

### **Annex 3**

**The EPA and DAFM are members of the National Strategic Environmental Assessment (SEA) Forum. This Forum has its own Terms of Reference.**

### **Annex 4**

**The European Environment Agency (EEA) has a European Environment Information and Observation Network (EIONET). The Eionet group consists of relevant EEA staff, representatives of the European Commission and European Topic Centre (ETC) managers. Each Member State nominates:**

- National Focal Points. This is an expert in a national environmental organisation nominated and funded by the country and authorised to be the main contact point for the EEA, other Eionet members and relevant actors. The NFP coordinates the national network consisting of numerous National Reference Centres (NRCs) to support the implementation of the EEA work programme. The NFP will coordinate maintain and develop the national network and facilitate and coordinate contacts, requests and deliveries at national and EU level.**
- National Reference Centres. This is an individual or group with relevant expertise in a national environmental organisation nominated and funded by the country to work with the EEA and relevant ETCs in specific environmental areas related to the EEA work programme. NRCs are established in specific environmental areas: for example, forestry. They play a key role in co-ordinating these topics and in providing relevant data and expertise. NRCs are located in organisations which are regular collectors or suppliers of environmental data at the national level and/or possess relevant knowledge regarding various environmental issues, monitoring or modelling.**

**In Ireland, the NFP role is resourced by the EPA. The National Reference Centre role for Forestry is resourced by DAFM.**

**Annex 5 Data Sharing Arrangements**  
**To be confirmed by DAFM/EPA Liaison Group**