

24<sup>th</sup> February 2026

Forest Watch

forestwatchirl@gmail.com



**Re: AIE Request 26 022**

Dear Forest Watch,

I refer to the request you made on 25<sup>th</sup> January 2026, under the European Communities (Access to Information on the Environment) Regulations 2007 to 2018 (S.I. No. 133 of 2007, S.I. No. 662 of 2011, S.I. 615 of 2014 and S.I. No. 309 of 2018) (hereafter referred to as the AIE Regulations), for access to information held by this the Department of Agriculture, Food, and the Marine (DAFM).

**Your AIE Request**

*FWI would like to request the following information in electronic format under the AIE Regulations.*

*All information on plans and considerations in respect of the impacts on Forestry Legislation, Standards & Procedures in response to the Judgement of the CJEU in Case C784-23, relating to the Birds Directive. Ruling was published on 1-8-25.*

**Summary of Decision**

I have decided on your AIE request on 24<sup>th</sup> February 2026. My decision is to part grant your request.

The basis for my decision is that I have identified four (4) records held by the Department in relation to your request, three (3) of which I grant in full and one (1) of which is part granted, with redactions.

Where information has been refused or partially refused, the following article(s) of SI 133/2007 apply:

*9(2)(d) A public authority may refuse to make environmental information available where the request concerns internal communications of public authorities, taking into account the public interest served by the disclosure.*

**Searches Conducted**

Following the assignment of this AIE request to me, the following searches were undertaken:

Searching emails

A searching email was sent to a Grade II Inspector with the Forest Service seeking records relevant to your request. The Inspector carried out the following searches:

- Personal Email Inbox
  - Search Criteria: “Case C784-23”
  - No relevant records were returned.



A searching email was sent to a Grade I Inspector with the Forest Service's Ecology Section seeking records relevant to your request. The Inspector carried out the following searches:

- Personal Email Inbox
  - Search Criteria: "Case C784-23", "Article 5".
  - Six (6) records returned. Three (3) of these records were parts of a thread and duplicated in a fourth record. These three (3) duplicate records were removed, and the remaining three (3) records were saved to the folder for release.

A searching email was sent to a Grade I Inspector in the Forest Service's Environment Section, who is a Subject Matter Expert, seeking records relevant to your request. The SME carried out the following searches:

- Personal Email Inbox
  - Search Criteria: "Article 5", "C-784/23", "Birds Directive".
  - Four (4) relevant records were returned. Three (3) of these records were determined to be duplicates of previously identified records.

### **Public Interest Test**

In accordance with article 10(3) and 10(4), I have weighed the public interest served by disclosure against the interest served by part refusal of your request. I have determined that the public interest would not be served by disclosing the redacted information you request. The factors in favour of release of this information are the making available to the public, where practical and allowed under the law, in a transparent manner, information affecting the environment.

The factors in favour of withholding the records refused are the disclosure of this information would adversely affect the Department's ability to have open, frank discussions on legal and policy decisions.

I have given consideration that there is a public interest in ensuring transparency and access to environmental information, including a public interest in providing access to information which contributes to a greater understanding of the Department's environmental decision-making processes and functions, however, releasing comments and internal deliberations on possible changes to the public may inhibit future internal feedback on essential documents thus preventing detailed discussions, which in turn would reduce or prevent the provision of a quality service to the public and the protection of the environment. I have determined that the public interest would not be served by disclosing the redacted information you request.

Please note that in making my decision, I have considered article 10(5), which states that,

*Nothing in articles 8 or 9 shall authorise a public authority not to make available environmental information which, although held with information to which article 8 or 9 relates, may be separated from such information.*



### **Schedule of Records**

Please see schedule of records for information on records released. This lists the records that I consider relevant to your request. It provides a brief description of each record and the decision I have made on each record. Where I have decided to refuse or partially refuse access to a record, it specifies the article of the AIE Regulations under which this refusal has been made.

### **Fees**

In this instance the Department will not be applying a fee for this AIE because the time spent on search and retrieval is less than the minimum chargeable amount.

### **Right of Review**

Under article 11 of the AIE Regulations, you have a right to request an internal review of this decision. An internal review involves a complete reconsideration of the matter by a member of the staff of this Department, unconnected with the original decision, of the same or higher rank than the original decision-maker, who may affirm, vary or annul the original decision.

If you wish to request an internal review, you can do so by emailing FOI Unit at [freedomofinformation@agriculture.gov.ie](mailto:freedomofinformation@agriculture.gov.ie) referring to this decision, quoting the AIE reference number. This request must be made within one month of the date of receipt of this decision. The decision of an internal review will be communicated to you within one month of receipt of your request for an internal review.

Yours sincerely,

David Marconi

AIE Unit

Forestry Division

Department of Agriculture, Food & the Marine

Johnstown Castle Estate

County Wexford