

Brussels,  
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001029

Dear Dr Lucas,

Thank you for your letter of 18<sup>th</sup> June 2007 in which you raised issues concerning the effects of the M3 motorway project on the archaeological heritage near Tara, County Meath in Ireland. In particular, you invited the Commission to reconsider its previous position in the light of the discovery in 2007 of a national monument at Lismullin.

I would like to confirm that, since your letter, the Commission has reviewed the matter.

In particular, it noted that, in June 2007, the Irish Government took a decision to allow the physical removal of the Lismullin monument. No consideration was given to the possible need for an environmental impact assessment (EIA) under Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment because the Irish legislation does not provide for this and Ireland argues that such decisions do not come within the scope of the directive.

Prior to the Lismullin case coming to its notice, the Commission had already challenged the general approach of Ireland to decisions involving the removal of historic structures. On 29<sup>th</sup> June 2007, it sent Ireland a reasoned opinion in which, amongst other things, it cited the Lismullin decision as an example of the wider Irish approach.

In its response, Ireland maintained its previous position and, as a result, on 17<sup>th</sup> October 2007, the Commission decided to refer the dispute concerning Ireland's legislation and interpretation to the European Court of Justice.

A copy of the Commission's press release is attached for your information.

Yours sincerely,



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