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Trádála agus Fostaíochta
Department of Enterprise,
Trade and Employment

Screening Regulatory Impact Analysis

General Scheme of the Industrial Development
(Miscellaneous Provisions) Bill 2025

February 2025

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1. Summary of Screening Regulatory Impact Analysis

Screening Regulatory Impact Analysis	
Department Department of Enterprise, Trade and Employment	Title of Legislation Industrial Development (Miscellaneous Provisions) Bill 2025
Stage Seeking Government approval to proceed to draft a Bill and publish the General Scheme	Date February 2025
Related Publications Industrial Development Act 1986 (www.irishstatutebook.ie) Industrial Development Act 1995 (www.irishstatutebook.ie) Freedom of Information Act 2014 (www.irishstatutebook.ie) Dangerous Substances Act 1972 (www.irishstatutebook.ie) Safety, Health and Welfare at Work Act 2005 (www.irishstatutebook.ie) Chemicals Act 2008 (www.irishstatutebook.ie)	
Available to view or download at www.enterprise.gov.ie/en/legislation/	
Contact for enquiries regarding the Industrial Development Acts 1986 and 1995 John Lee, Inward Investment Unit, John.Lee@enterprise.gov.ie John Hughes, Inward Investment Unit, John.Hughes@enterprise.gov.ie	
Contact for enquiries regarding the ‘Enterprise Ireland’ amendment to the Freedom of Information Act 2014 Cian Neville, Enterprise Ireland Liaison Unit, Cian.Neville@enterprise.gov.ie	
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Proposed Actions and Policy Options	
Proposed Action A – Amend the Industrial Development Act 1986 These amendments will expand IDA Ireland and Enterprise Ireland’s existing grant-making powers for the green and digital transition, in line with Ireland’s overarching sustainability targets as outlined in the <i>Climate Action Plan</i> and the <i>White Paper on Enterprise</i> . These amendments will allow IDA and Enterprise Ireland to provide Environmental Protection Aid grants to their clients under separate sections to those currently in the legislation, which will streamline the current process and provide for grants available under the General Block Exemption Regulation (GBER) not currently provided for in the Act of 1986. In addition, these amendments will raise the threshold at which grants for technology acquisition must be approved by the Government to align with other	

grant categories and will specifically provide for IDA and Enterprise Ireland to award grants to companies to hire external consultants to provide advice to facilitate pathways to the digital and green transitions, including through enterprise decarbonisation.

Policy options considered:

Option 1: Do nothing/no policy change

Option 2: Legislative amendments to the Industrial Development Act 1986 to provide for Environmental Protection Aid grants, to increase the threshold at which Technology Acquisition grants must be approved by the Government, and to provide for IDA and Enterprise Ireland to award grants to businesses to hire external consultants to provide advice on pathways to the green and digital transitions.

Preferred Option: Option 2.

Proposed Action B – Amend the Industrial Development Act 1995

This amendment will permit IDA Ireland to form Designated Activity Companies (DACs) with a third parties under the Companies Act 2014, such as Ireland Strategic Investment Fund (ISIF), for the specific purpose of developing industrial and commercial buildings and infrastructure across Ireland to support the provision of property solutions for current and prospective client companies.

Policy options considered:

Option 1: Do nothing/no policy change

Option 2: Legislative amendments to the Industrial Development Act 1995 to provide for IDA Ireland to form DACs with third parties for the purposes of developing industrial and commercial properties and infrastructure for their clients.

Preferred Option: Option 2.

Proposed Action C – Amend Schedule 3, Part 1 of the Freedom of Information Act 2014

The amendment is to address a situation where:

- Section 35 of the Freedom of Information Act 2014 provides that FOI requests may be refused if disclosure of information is prohibited by an enactment– unless specified in Schedule 3 of the FOI Act;
- Section 16 of the Industrial Development (Enterprise Ireland) Act 1998 prohibits the disclosure of information obtained in the course of Enterprise Ireland staff’s official duties;
- This amendment is proposed to allow for the inclusion of Section 16 of the Industrial Development (Enterprise Ireland) Act 1998 under Schedule 3 of the FOI Act.

Policy options considered:

Option 1: Do nothing/no policy change

Option 2: Amend Schedule 3, Part 1, of the Freedom of Information Act 2014 to ensure that Enterprise Ireland’s disclosure obligations under the Freedom of Information Act 2014 are not

overridden by the statutory confidentiality obligations contained in the Industrial Development (Enterprise Ireland) Act 1998

Preferred Option: Option 2.

Proposed Action D – Amend the Dangerous Substances Act 1972

Amendments to the Dangerous Substances Act 1972, related to flammable liquids to ensure that Ireland’s Dangerous Substances legislation and licensing regime is fit for purpose and ensuring a safe working and retail environment.

Policy options considered:

Option 1: Do nothing/no policy change

Option 2: Amend the Dangerous Substances Act 1972.

Preferred Option: Option 2

Proposed Action E - Amend the Safety, Health and Welfare at Work Act 2005

To amend and bring the Safety, Health and Welfare at Work Act 2005 up to date with the Code of Practice for the Governance of State Bodies 2016, which recommends that board appointments be for a period of five years. Currently appointments to the Board of the Health and Safety Authority (HSA) are for a period of three years.

Policy options considered:

Option 1: Do nothing

Option 2: Make some targeted changes to the current legislation

Preferred Option: Option 2

Proposed Action F - Amend the Chemicals Act 2008

To amend the Chemicals Act 2008 to ensure, in the transposition of EU legislation, that Ireland is not considered in default of its obligations under EU law due to the penalties being insufficient.

Policy options considered:

Option 1: Do nothing

Option 2: Make some targeted changes to the current legislation

Preferred Option: Option 2

2. Description of Policy Context and Policy Objectives

2a. Industrial Development Act 1986

Policy Context

Sustainability agenda and the green and digital transition

Climate change, sustainability, and the transformation agenda are now central to existing and emerging national and EU policies and regulations. The global environment in which Ireland competes for FDI is constantly changing and, as global competition for FDI intensifies, Ireland needs to stay agile and ambitious to win investment. Likewise, supporting Irish-owned businesses on their journey towards a greener future is a key priority for Enterprise Ireland.

IDA Ireland places a focus on RD&I, sustainability and digitalisation at the core of its work as outlined in its statement of strategy. Enterprise Ireland has similarly set out its objectives to support Irish businesses to tackle the challenges of climate change, digitalisation and changing trends in globalisation. It is essential that we continue to demonstrate to potential investors that Ireland is a great place to do business by placing sustainability at the forefront of our enterprise policy as outlined in the *White Paper on Enterprise*.

The *White Paper* requires that the Government's enterprise agencies incorporate carbon abatement as part of their objectives. The *White Paper* also places digital transformation at the heart of enterprise policy.

In addition, the *Climate Action Plan 2024* calls for IDA and Enterprise Ireland to expand and enhance their sustainability supports with a focus on achieving energy demand reduction, electrification and biomass adoption in industry. *Powering Prosperity – Ireland's Offshore Wind Industrial Strategy* aims to build a successful, vibrant and impactful offshore wind energy industry in Ireland, and includes a significant FDI component.

Limitations of existing legislation

Firstly, existing grant categories, such as fixed asset grants which are provided for in the Industrial Development Act 1986 specify conditions related to output, employment and value-added, which must be met for approval to be granted. However, these are not the primary objectives of environmental protection aid grants, such as those aimed at carbon abatement, and so having to meet these criteria can add unnecessary complications to the vetting process for such grants.

Additionally, the EU's General Block Exemption Regulation (GBER) allows for certain types of investments which support decarbonisation and sustainability projects by enterprises which go beyond mandatory EU requirements, such as operating aid for the promotion of electricity from renewable sources, which are not provided for under the Act of 1986.

Secondly, the Act of 1986 does not specifically provide for IDA or Enterprise Ireland to award their client companies grant aid to hire external consultants for the purpose of providing them with advice

regarding the green and digital transitions, which makes the approval of such grants challenging under the Act.

Thirdly, the threshold at which technological acquisition grants can be approved without explicit Government approval needs to be updated to align with other grant categories such as fixed assets.

Policy objectives

Accelerating enterprise decarbonisation and sustainability

The decarbonisation of the enterprise sector is a relatively new national objective and a renewed area of focus for IDA and Enterprise Ireland. The legislative amendments proposed are aimed at enhancing IDA and Enterprise Ireland's ability to achieve their objectives of supporting and encouraging investment that improves the sustainability of their established and future clients base, positioning Ireland as a home for multinational corporations (MNCs) and indigenous businesses at the forefront of the green transition.

Incentivising enterprises to begin their green and digital journey

The specific provision of a consultancy grant is aimed at incentivising IDA and Enterprise Ireland clients to accelerate their sustainability and environmental plans or their digital transition projects. It would also lessen the complexity and time-consuming nature of the approval process for grants in this area.

Ensuring IDA and Enterprise Ireland have the tools to fulfil their functions

The proposed amendments will streamline the process for awarding environmental protection aid grants and consultancy grants, allowing alternative conditionality to output, employment and value-added. For example, environmental criteria can be stipulated in the case of environmental grants. It will also ensure all grants permitted under the EU state aid framework are permissible under the legislation.

Updating legislation to ensure alignment among grant thresholds

Review of the legislation has identified an anomaly in relation to the threshold at which technology acquisition grants must be approved by the Government, which is significantly lower than other categories of grant such as fixed asset grants. The amendment proposed in this area brings technology acquisition grants into line with other categories of grant.

2b. Industrial Development Act 1995

Policy context

Importance of the availability of suitable property solutions

The availability of suitable property solutions and related infrastructure is a key factor when competing for FDI and can often be the differentiator in an IDA client's decision to invest in a specific location. There is currently a pipeline of potential FDI which IDA Ireland is keen to capitalise on, however, there is a critical need to increase the supply of suitable property solutions to meet this demand.

The proposal is directly supportive of Government commitments to support regional job creation and is consistent with key aims of the *National Development Plan 2021-2030*.

Policy objective

Ensuring the IDA has the legislative framework to maximise efficient use of its property budget

To continue to attract new investment, it is proposed that the Industrial Development Act 1995, should permit the IDA to establish Designated Activity Companies (DACs) with third parties, under the Companies Act 2014, for the specific purpose of commercially developing industrial and commercial buildings and infrastructure across Ireland. This will be in addition to IDA's current authority to directly procure property solutions.

2c. Freedom of Information Act 2014

Policy context

Enterprise Ireland is a prescribed body under the Freedom of Information Act 2014; however, there is a question on whether the statutory confidentiality obligations contained in the Industrial Development (Enterprise Ireland) Act 1998, to which Enterprise Ireland is subject, override the disclosure obligations of the Freedom of Information Act 2014.

Under Section 35 of the Freedom of Information Act 2014, certain requests for information may be refused if disclosure would constitute a breach of a duty of confidence provided for by an enactment or otherwise by law. Similarly, a Freedom of Information Act request may be refused, under Section 41, if the disclosure of the record concerned is prohibited by an enactment (unless specified in Schedule 3).

Section 16 of the Industrial Development (Enterprise Ireland) Act 1998 prohibits the disclosure of information obtained by officers, staff and agents of Enterprise Ireland, in the course of their duties. Accordingly, although Enterprise Ireland is a prescribed body under the Freedom of Information Act 2014, as Section 16 of the Industrial Development (Enterprise Ireland) Act 1998 is not specified in Schedule 3, there must be some doubt as to whether the Freedom of Information Act disclosure obligations apply to Enterprise Ireland.

Policy objective

It is proposed to amend the Freedom of Information Act 2014 to remove this uncertainty in relation to FOI obligations by including the Enterprise Ireland legislation in Schedule 3.

2d. Dangerous Substances Act 1972

Policy context

The Dangerous Substances Act 1972 is the primary legislation governing the operation, commissioning and decommissioning of private and retail petroleum stores and petroleum bulk stores. In the main, the Act delegates most licensing functions to local and harbour authorities. Two issues must be addressed in the Act:

- While local and harbour authorities have the powers to prosecute for the breach of conditions of a licence, they do not have the power to prosecute under other areas of the Dangerous Substances Act, namely not having a licence at all. As such, fuel stations and fuel bulk stores can currently operate without a licence and cannot be prosecuted by local and harbour authorities, and
- When the Act was adopted, diesel was not a commonly used fuel, so the only fuel referenced was petroleum and petroleum-spirit. While an Order made under Part IV of the Act (S.I. No. 147 of 2020) was used in 2020 to add 'flammable liquids' to the list of Dangerous Substances under the Act (as defined by the EU's Classification, Labelling and Packaging Regulation ((EC) 1272/2008)), it is advisable to also replace 'petroleum-spirit' with 'flammable liquids' in the Act for legal certainty.

Policy objectives

The Department is seeking to make technical amendments to update the Dangerous Substances Act 1972 to:

- give a local or harbour authorities the power to bring a summary prosecution of a person who, in contravention of the provisions at Section 21 of the Act, has in their possession or control flammable liquids or fuels without having a licence for the store issued by the appropriate local or harbour authority.
- ensure that an appropriate and efficient licensing regime is in place to ensure the governance of safe working and retail environment for industry and consumers who rely on the safe and efficient supply of petroleum.

2e. Safety, Health and Welfare at Work Act 2005

Policy context

The current provisions for Board member appointments set out in Schedule 5 of the Safety, Health and Welfare at Work Act 2005 (No.10 of 2005) results in a high turnover of Board members at one time, creating a significant challenge for the continuity and effectiveness of the HSA Board and its committees. The Code of Practice for the Governance of State Bodies 2016 recommends that terms of appointment should be timed to ensure that the Agency Board has the necessary members and experience to discharge their responsibilities effectively.

Policy objective

The objective is to bring the Safety, Health and Welfare at Work Act 2005 up to date with the Code of Practice for the Governance of State Bodies – 2016, which recommends that board appointments be for a period of five years. Currently appointments to the Board of the Health and Safety Authority (HSA) are for a period of three years.

2f. Chemicals Act 2008

Policy context

Work has been ongoing in relation to technical amendments to the Chemicals Act 2008 to give effect to EU Regulation 259/2012 regarding detergents. In transposing EU legislation and giving it full effect, creating offences by way of secondary legislation under the 2008 Act that exceed the limits of the European Communities Act 1972 would offend Article 15.2.1 of the Constitution.

Allowing the Act of 2008 to remain unchanged will not give effect to policy changes required in the transposition of EU legislation and will leave Ireland open to potential infringement proceedings initiated by the European Commission.

Policy objective

Amendment by way of primary legislation is required to ensure Ireland is not found to be in default of its obligations under EU law due to the penalties being insufficient. In making targeted amendments to the 2008 Act, it will allow the Minister for Enterprise, Trade and Employment to create offences with an increased maximum penalty – and once made, that amendment would allow the policy to be affected by way of secondary legislation giving full effect to the enforcement of EU Regulations.

3. Identification and analysis of policy options

3a. Industrial Development Act 1986

Option 1: Do nothing

COSTS

There are no direct costs associated with Option 1. However, current challenges in the enterprise agencies using the Act of 1986 to provide grant incentives in the environment category will continue.

BENEFITS

There are no benefits associated with Option 1. The competitiveness risk lies in not taking appropriate action to embed sustainability and decarbonisation in our enterprise policy.

IMPACTS

Failure to update the legislation will result in unnecessary delays and complications in awarding grants and opportunity costs regarding competitiveness and Ireland's FDI value proposition.

Option 2: Amend the legislation as proposed

COSTS

- It is expected that no additional costs will arise to the Exchequer with Option 2 as the funding is already allocated in the national budget.
- The focus on the types of aid proposed will incentivise companies to make investments to improve their environmental performance or digital maturity. In such circumstances, investment should mitigate the risk of a viable company and its associated employment being lost to skills obsolescence, with all the attendant costs that would arise for the State (e.g., social assistance payments).

BENEFITS

- The benefits associated with Option 2 include enhancing Ireland's national competitiveness and FDI value proposition.
- The proposed amendments support national and EU policy objectives and show that Ireland is committed to mitigating the worst effects of climate change to secure a resilient future for generations of workers to come.
- The focus on environmental protection aid will incentivise companies to make investments that will improve their environmental performance, for example through investment in energy infrastructure or in waste management measures.
- Enterprise agency clients can lead by example in the green and digital transitions in a way that can filter across the economy through operating partnerships, supply chain relationships and knowledge sharing.
- The green and digital transitions will also lead to new types of employment. IDA currently has over 1,800 client companies in their portfolio, employing over 300,000 people. Enterprise Ireland clients employ almost 235,000 people. All these companies will need to

adopt and adapt to the green and digital transitions to continue to provide employment and generate economic activity in Ireland.

- As IDA and Enterprise Ireland companies may require external support in the form of consultancy to provide professional advice and guidance on the green and technological transitions, this amendment will allow IDA and Enterprise Ireland to support clients in accelerating these projects.

IMPACTS

The Industrial Development Act 1986 as amended will:

- strengthen the IDA and Enterprise Ireland's capacity to provide grants in the environmental arena and streamline the approval process in this area.
- enhance the agencies' ability to accelerate decarbonisation projects and other environmental protection projects not currently provided for under the Act of 1986.
- allow the agencies to incentivise companies in taking the first steps towards their green and digitalisation journeys through the engagement of external consultants.
- reduce the administrative burden on the agencies and Government.

Conclusion

Option 2: Amend the legislation as proposed is the preferred option.

3b. Industrial Development Act 1995

Option 1: Do nothing

COSTS

There are no additional direct costs.

BENEFITS

There are no benefits associated with Option 1.

IMPACTS

The supply of suitable property solutions will be more limited than if the IDA had the capacity to co-invest with third parties.

Option 2: Amend the legislation as proposed

COSTS

It is not anticipated that any additional costs will arise to the Exchequer from these proposed legislative amendments in Option 2. Any IDA investments will be funded from existing allocations.

BENEFITS

- Option 2 will allow IDA Ireland to continue to provide appropriate property solutions required to meet industry needs and will better equip IDA to attract future investments to Ireland.
- The proposed legislative amendments will allow IDA to better leverage the current capital budget for delivery of property solutions.
- It is anticipated that IDA-fuelled investment in regional areas could also encourage increased market activity and private sector investment.
- Delivering necessary infrastructure and property solutions are pre-requisites to winning continued investments to Ireland.

IMPACTS

- The proposal allows IDA to leverage its budget for property development, and thereby increase the available supply.
- It will increase IDA's ability to continue to attract investment to Ireland and deliver the associated economic, social and employment benefits.

Conclusion

Option 2: Amend the legislation as proposed is the preferred option.

3c. Freedom of Information Act 2014

Option 1: Do nothing

COSTS

There are no direct costs associated with Option 1.

BENEFITS

There are no benefits associated with Option 1.

IMPACTS

There are no direct impacts associated with option 1.

Option 2: Amend the legislation as proposed

COSTS

No additional costs will arise to the Exchequer with Option 2. It is a technical amendment to address an anomaly in the Freedom of Information Act 2014 and to ensure that the statutory confidentiality obligations contained in the Industrial Development (Enterprise Ireland) Act 1998, to which Enterprise Ireland is subject, do not override the disclosure obligations of the Freedom of Information Act 2014.

BENEFITS

- This option will remove any uncertainty as to whether the Freedom of Information Act disclosure obligations apply to Enterprise Ireland.
- It will clarify that Enterprise Ireland's disclosure obligations under the Freedom of Information Act 2014 are not overridden by Section 16 of the Industrial Development (Enterprise Ireland) Act 1998.

IMPACTS

No direct impacts but the issue identified will not be addressed.

Conclusion

Option 2: Amend the legislation as proposed is the preferred option.

3d. Dangerous Substances Act 1972

Option 1: Do nothing

COSTS

There are no costs associated with Option 1.

BENEFITS

There are no benefits associated with Option 1.

IMPACTS

- Reputational damage from lack of appropriate regulation.
- Continued operation of unsatisfactory legal framework.
- Continued lack of consistency in application of inspections/enforcement.
- No provision for the regulation of other fuels.

Option 2: Amend the legislation as proposed

COSTS

Additional direct costs are associated with the amendments outlined in Option 2.

BENEFITS

- Allows for the licensing of fuels other than petroleum e.g. diesel.
- Allows Local and Harbour Authorities to prosecute where a site is operating without a licence.
- Improved governance and oversight.

IMPACTS

- A more robust regulatory and governance environment.

- Increased number of sites requiring licensing may require additional resources in LAs to inspect/enforce.

Conclusion

Option 2: Amend the legislation as proposed is the preferred option.

3e. Safety, Health and Welfare at Work Act 2005

Option 1: Do nothing

COSTS

There are no costs associated with Option 1.

BENEFITS

There are no benefits associated with Option 1.

IMPACTS

- Continued operation of an unsatisfactory framework.

Option 2: Amend the legislation as proposed

COSTS

There are no costs associated with Option 2.

BENEFITS

- Allows for improved governance and oversight.
- Longer Board appointments will increase knowledge retention and efficiencies within the Board and its committees.

IMPACTS

It will bring consistency to the Board of the HSA and its committees.

Conclusion

Option 2: Amend the legislation as proposed is the preferred option.

3f. Chemicals Act 2008

Option 1: Do nothing

COSTS

Potential infringement proceedings initiated by European Commission.

BENEFITS

No benefits identified.

IMPACTS

Reputational damage from lack of appropriate regulation.

Option 2: Amend the legislation as proposed

COSTS

Non-adherence with regulations will lead to compliance costs.

BENEFITS

Ensures proper transposition EU Legislation.

IMPACTS

There is a compliance burden as the EU measures are Regulations which have direct effect across all EU members states.

Conclusion

Option 2: Amend the legislation as proposed is the preferred option.

4. Impact analysis

4a. Industrial Development Act 1986

1. National Competitiveness (incl. employment)

The proposed legislative amendments will have a positive impact on competitiveness by ensuring that IDA and Enterprise Ireland can continue to work with their maturing client companies to deepen and expand their presence here while helping them meet their environmental and evolving modernisation needs.

These amendments will add to IDA's FDI value proposition demonstrating that sustainability and transformation are at the heart of our industrial policy. They will allow IDA Ireland to leverage the green transition as a core component of our value proposition to overseas investors by showcasing Ireland as a climate-friendly and sustainable business environment.

The amendments will further enhance Ireland's good track record as a great place to do business that provides the confidence mobile FDI needs to invest and to create employment. The proposal will prioritise financial support for green investments and encourage matching funding and investment by industry in sustainability. It will encourage IDA and Enterprise Ireland client companies to improve productivity, adapt to change and increase their competitiveness.

2. Socially excluded or vulnerable groups including gender equality, poverty, people with disabilities and rural communities

This proposal is not envisaged to have any adverse impact on socially excluded or vulnerable groups including gender equality, poverty, and people with disabilities. The supports provided for in the Bill would be available to enterprises located in rural communities.

3. The environment

This proposal will have a positive impact on the environment and will encourage IDA and Enterprise Ireland client companies to feed into Ireland's overall decarbonisation, environmental, and sustainability commitments through providing specific Environmental Protection aid, and matching funding, and will support the achievement of objectives as outlined in the *Climate Action Plan*. Climate action is an investment into the future that will benefit everyone in society.

4. Significant policy change in an economic market including impacts on competition and consumers.

This proposal does not reflect a significant policy change in an economic market and, as such, no particular impacts have been identified.

5. North-South, East-West relations

No particular impacts have been identified.

6. The rights of citizens/human rights

No particular impacts have been identified.

7. Compliance burden on third parties e.g., citizens and business

The proposal reduces the compliance burden on IDA and Enterprise Ireland client companies as it allows for Environmental Protection aid and consultancy grants based on specific criteria defined by the IDA and Enterprise Ireland, allowing a streamlining of the process and a specific focus on the most salient benchmarks.

8. SME Test

The possible impact on SMEs arising from the proposed legislative changes has been considered in line with the SME (Micro, Small and Medium Enterprises) Test. This is an integral part of the European Commission's Better Regulation Guidelines since 2009 and helps identify disproportionate impacts on SMEs. Due consideration is being given to the application of the SME Test in relation to the provisions of the Bill and the application of the SME Test will be published separately on the website of the Department of Enterprise, Trade and Employment. No negative impacts have been identified.

4b. Industrial Development Act 1995

1. National Competitiveness (incl. employment)

The proposal enhances our value proposition in attracting FDI. It will increase IDA's ability to continue to attract investment to Ireland and deliver the associated economic, social and employment benefits.

The proposed amendment will enhance IDA's capacity to provide the property solutions required to meet industry needs and will better equip the Agency to attract future investments to deliver the associated economic, social and employment benefits to Ireland.

The amendment is also expected to have a positive impact on regional employment as IDA will be better enabled to attract investment to areas that may not have been previously considered due to the lack of suitable property solutions. It is anticipated that the expanded investment in regional areas could also encourage increased market activity and private sector investment.

2. Socially excluded or vulnerable groups including gender equality, poverty, people with disabilities and rural communities.

This proposal is not envisaged to have any adverse impacts on socially excluded or vulnerable groups including gender equality, poverty, and people with disabilities. This proposal will provide for IDA to develop property solutions in rural areas to support rural development and expand employment opportunities.

3. The environment

No particular impacts have been identified.

4. Significant policy change in an economic market including impacts on competition and consumers.

No particular impacts have been identified.

5. North-South, East-West relations

No particular impacts have been identified.

6. The rights of citizens/human rights

No particular impacts have been identified.

7. Compliance burden on third parties e.g., citizens and business

No particular impacts have been identified.

8. SME Test

The possible impact on SMEs arising from the proposed legislative changes has been considered in line with the SME (Micro, Small and Medium Enterprises) Test. This is an integral part of the European Commission's Better Regulation Guidelines since 2009 and helps identify disproportionate impacts on SMEs. Due consideration is being given to the application of the SME Test in relation to the provisions of the Bill and the application of the SME Test will be published separately on the website of the Department of Enterprise, Trade and Employment. No negative impacts have been identified.

4c. Freedom of Information Act 2014

1. National Competitiveness (incl. employment)

No particular impacts have been identified.

2. Socially excluded or vulnerable groups including gender equality, poverty, people with disabilities and rural communities.

No particular impacts have been identified.

3. The environment

No particular impacts have been identified.

4. Significant policy change in an economic market including impacts on competition and consumers.

No particular impacts have been identified.

5. North-South, East-West relations

No particular impacts have been identified.

6. The rights of citizens/human rights

No particular impacts have been identified.

7. Compliance burden on third parties e.g., citizens and business

No particular impacts have been identified.

8. SME Test

The possible impact on SMEs arising from the proposed legislative changes has been considered in line with the SME (Micro, Small and Medium Enterprises) Test. This is an integral part of the European Commission's Better Regulation Guidelines since 2009 and helps identify disproportionate impacts on SMEs. Due consideration is being given to the application of the SME Test in relation to the provisions of the Bill and the application of the SME Test will be published separately on the website of the Department of Enterprise, Trade and Employment.

4d. Dangerous Substances Act 1972

1. National Competitiveness (incl. employment)

This proposal seeks to ensure and enhance the protection of the public in a way that does not unduly impede enterprises in the conduct of their business. It will bring consistency in the licensing of these stations.

2. Socially excluded or vulnerable groups including gender equality, poverty, people with disabilities and rural communities

No particular impacts have been identified.

3. The environment

Given the risks to the environment associated with Class II and Class III petroleum products and the number of premises (retail and private stores and bulk stores) that may operate without a licence it would be preferable for legislation to specify that all retail and bulk stores (subject to certain thresholds to be in alignment with the Seveso Directive) should be required to hold a licence for the storage and dispensing of all classes of petroleum products (i.e. petroleum-spirit, petroleum and flammable liquids Class I, II and III).

4. Significant policy change in an economic market including impacts on competition and consumers

No particular impacts have been identified.

5. North-South, East-West relations

No particular impacts have been identified.

6. The rights of citizens/human rights

No particular impacts have been identified.

7. Compliance burden on third parties e.g., citizens and business

The compliance burden under the legislation already exists for relevant groups.

8. SME Test

The possible impact on SMEs arising from the proposed legislative changes has been considered in line with the SME (Micro, Small and Medium Enterprises) Test. Due consideration is being given to the application of the SME Test in relation to the provisions of the Bill and the application of the SME Test will be published separately on the website of the Department of Enterprise, Trade and Employment.

While these amendments are focused and technical in nature to ensure the dangerous substances licensing regime is efficient, and the governance of a safe working and retail environment for industry and consumers, it should not be seen as a measure that will harm businesses and it is done in a way that does not unduly impede enterprises in the conduct of their business.

4e. Health Safety and Welfare at Work Act 2005

1. National Competitiveness (incl. employment)

This proposal will bring consistency to the Board of the HSA and its committees.

2. Socially excluded or vulnerable groups including gender equality, poverty, people with disabilities and rural communities

No particular impacts have been identified.

3. The environment

No particular impacts have been identified.

4. Significant policy change in an economic market including impacts on competition and consumers

No particular impacts have been identified.

5. North-South, East-West relations

No particular impacts have been identified.

6. The rights of citizens/human rights

No particular impacts have been identified.

7. Compliance burden on third parties e.g., citizens and business

No particular impacts have been identified.

8. SME Test

No particular impacts have been identified and the application of the SME Test in relation to this aspect of the Bill will be published separately on the website of Department of Enterprise, Trade and Employment.

4f. Chemicals Act 2008

1. National Competitiveness (incl. employment)

Should Ireland not implement these EU Regulations to full effect the Irish regulatory regimes will be out of step with EU counterparts.

2. Socially excluded or vulnerable groups including gender equality, poverty, people with disabilities and rural communities

No particular impacts have been identified.

3. The environment

No particular impacts have been identified.

4. Significant policy change in an economic market including impacts on competition and consumers

No particular impacts have been identified.

5. North-South, East-West relations

No particular impacts have been identified.

6. The rights of citizens/human rights

No particular impacts have been identified.

7. Compliance burden on third parties e.g., citizens and business

No particular impacts have been identified.

8. SME Test

The application of the SME Test in relation to this aspect of the Bill will be published separately on the website of the Department of Enterprise, Trade and Employment.

5. Consultation

5a. Industrial Development Act 1986

Detailed engagement has taken place with IDA and Enterprise Ireland as part of the process of developing the provisions of the Bill. In the case of the amendments to the Industrial Development Act 1986, the proposed changes expand the grant making powers of IDA and Enterprise Ireland, as the grant making powers for both enterprise agencies stem, in part, from Part III of the Act of 1986. These changes have been developed following direct consultation with the agencies.

5b. Industrial Development Act 1995

Where the proposed amendment affects the operation of a State Body, as in the case of the provisions of the Act of 1995, the proposals have been developed following consultation with the State Bodies directly affected, namely IDA Ireland.

5c. Freedom of Information Act 2014

Where the proposed amendment affects the operation of a State Body, as in the case of the provisions of the Act of 2014, the proposals have been developed following consultation with the State Bodies directly affected, namely Enterprise Ireland.

5d. Dangerous Substances Act 1972

As part of a review of the Dangerous Substances legislation, the Department established an interdepartmental and Government Agency steering group, comprising officials from DETE, DHLGH, DCCAE (now DECC), the Health and Safety Authority (HSA), Local Government Authorities, the Fire Services, the Environmental Protection Agency (EPA) and the Commission for Regulation of Utilities (CRU), to develop proposals for the updating of the Dangerous Substances Act 1972.

On foot of discussions by the steering group and as part of its consultation and consideration of the existing Regulations and enforcement regime, a half-day stakeholder consultation event was facilitated in November 2019 involving approximately 40 representatives of relevant stakeholders from both the public and private sector to obtain views. The overall response was that all stakeholders supported the revision of the legislation.

5e. Safety, Health and Welfare at Work Act 2005

Where the proposed amendment affects the operation of a State Body, as in the case of the provisions of the Act of 2005, the proposals have been developed following consultation with the State Bodies directly affected, namely the Health and Safety Authority (HSA).

5f. Chemicals Act 2008

It is considered that this amendment is required to ensure that Ireland is not considered in default of its obligations under EU law. The application of the SME Test will be published separately in relation to this amendment on the website of the Department of Enterprise, Trade and Employment.

6. Enforcement and Compliance

6a. Industrial Development Act 1986

The Industrial Development Act 1986 sets out the monetary amount under the various aids that can be granted to a company without explicit Government approval but in accordance with defined terms and conditionality.

6b. Industrial Development Act 1995

The IDA will require the consent of the Minister for Enterprise, Trade and Employment and the concurrence of the Minister for Public Expenditure, NDP Delivery and Reform to establish a Designated Activity Company (DAC). This DAC shall be subject to the provisions of the Companies Act 2014. The powers conferred by this amendment may only be exercised for the specific purpose of developing or procuring suitable land and buildings, or other infrastructure, for industrial or commercial activities, where IDA is satisfied that the exercise of those powers will serve to foster the national objective of industrial development, and in accordance with State Aid rules.

6c. Freedom of Information Act 2014

Not applicable.

6d. Dangerous Substances Act 1972

The legislative amendments include provisions relating to enforcement and compliance.

6e. Safety, Health and Welfare at Work Act 2005

The legislative amendments include provisions relating to enforcement and compliance.

6f. Chemicals Act 2008

The legislative amendments include provisions relating to enforcement and compliance.

7. Review

7a. Industrial Development Act 1986

The industrial development acts are kept under regular review to ensure the enterprise agencies' governing legislation is effective and aligns with their objectives.

7b. Industrial Development Act 1995

The industrial development acts are kept under regular review to ensure the enterprise agencies' governing legislation is effective and aligns with their objectives.

7c. Freedom of Information Act 2014

Not applicable.

7d. Dangerous Substances Act 1972

The legislation will be reviewed by the Department of Enterprise, Trade and Employment and subjected to a Post Enactment Report.

7e. Safety, Health and Welfare at Work Act 2005

The legislation will be reviewed by the Department of Enterprise, Trade and Employment and subjected to a Post Enactment Report.

7f. Chemicals Act 2008

The legislation will be reviewed by the Department of Enterprise, Trade and Employment and subjected to a Post Enactment Report.

8. Publication

This Screening Regulatory Impact Analysis will be published on the Department's website, in line with section 8 of the RIA guidelines.