

STATEMENT | 25 August 2020

Memorandum to President von der Leyen/Statement by Commissioner Phil Hogan on Recent Visit to Ireland

Set out below are the relevant requirements issued by the Irish Government in relation to Covid-19 and how I adhered to them at all times while in Ireland.

The Irish Government introduced a range of measures to give effect to public health guidance on Covid-19. Most of these measures have been introduced as Statutory Instruments under the Health Act 1947.

There are 3 key regulations that are relevant to the recent media coverage concerning my stay in Ireland between 31 July 2020 and 21 August 2020.

1. Restrictions on events

This is relevant to the event organised by the Oireachtas Golfing Society in Clifden, Co. Galway on 19 August 2020.

At the outset I fully accept that it is abundantly clear that the event should not have been held and that I should not have attended this dinner. I accept this and have made a full apology to the Irish people for having done so.

From a regulatory perspective Statutory Instrument (SI) 234 of 2020 imposed a restriction on a person organising an event indoors to keep the numbers attending below 50 people. The legal obligations imposed by this Regulation rest with the organisers of the event rather than the attendees.

On 18th August 2020 the Irish Government announced a tightening of this regulation to restrict events to no more than 15 people, although I understand that the Statutory Instrument giving effect to this change and the relevant official guidance to the hospitality sector were only made available subsequent to the event. In reality this means that the dinner did not come within the remit of the new rules agreed on 18 August. The event is now the subject of a police inquiry to determine its compliance with Covid-19 rules.

I was an invited guest to the event on 19 August 2020 and was assured by the organisers and the Hotel that it was being held in full compliance with all relevant Covid-19 rules. I had no reason to question or doubt that assurance, particularly in circumstances where an Irish Government Minister was attending and speaking at the event. Again I now recognize that the event should not have proceeded and I should not have attended.

2. Requirements to complete a locator form

SI 181 of 2020 imposes an obligation on international passengers arriving in Ireland to complete a Passenger Locator Form. The information provided on the form is used to contact arrivals over the next 14 days to determine their location and may be used for contact tracing for confirmed or suspected cases of Covid-19. The requirements to provide information apply to international passengers, with some exceptions including persons having diplomatic status.

I completed a Passenger Locator form on arrival in the State. I subsequently was admitted to hospital for a medical intervention on 5 August where I tested negatively for Covid-19. As I had received a negative Covid-19 test while in hospital, I was not under any subsequent legal requirement to self-isolate or quarantine^[1]. I went to Dublin on essential official business on 12 August 2020 to brief the Tánaiste, and the Minister for Trade on EU-U.S. trade talks and to attend an event in the European Commission Office. As I had submitted my contact details on the Passenger Locator Form I remained fully accessible to the authorities at all times as required by the Regulations, notwithstanding that my negative COVID-19 status had been determined since arrival to the State.

3. Restrictions on movement within specific lockdown areas

On 7 August 2020, the Irish Government introduced a localised lockdown covering 3 counties, including Kildare, where I was initially staying before admittance to hospital. This lockdown was enforced by SI 295 of 2020 which specifies movement restrictions within the counties involved. People living within the county are not allowed to leave the county and those living outside the county are not permitted to enter the relevant counties.

There are some exceptions – firstly, a person can drive through the county to get to another county and secondly a person can enter the county if they have “a reasonable excuse” to do so. Examples of a reasonable excuse include for reasons of work, moving residence, etc. The law clarifies that the examples listed are specified “without prejudice to what constitutes a reasonable excuse” for the purposes of the restrictions.

In my case, I was in hospital in the run up to the lockdown being introduced and then travelled back to Kildare before going to recuperate in my home county (Kilkenny), which was not under lockdown. I had left Kildare before the lockdown was introduced at midnight on 7 August. My subsequent trips concerning Kildare were as follows;

1. I subsequently passed through Kildare without stopping en route to Dublin on 12 August where I had separate meetings with An Tánaiste, Mr Varadkar and the Minister of State for Trade, Mr. Robert Troy about on-going EU-U.S. trade talks. I also had a short meeting at the offices of the European Commission. I returned to Kilkenny that evening, travelling through Kildare en route without stopping.
2. On 17 August 2020, en route to Galway from Kilkenny, I briefly stopped off at my apartment in Kildare to collect essential work papers concerning the EU-U.S. trade talks. I believe that this constitutes a reasonable excuse for entering the county under the Covid regulations^[2]. It was during this journey I was stopped by a member of the Irish police who had seen me holding a phone while I was driving. The policeman cautioned me against holding a phone and there were no charges or further actions under the road traffic legislation. I very much regret having answered the phone while driving.
3. Late on 21 August, I returned from Galway to my apartment in Kildare to collect my belongings including my passport for the purpose of traveling back to my primary residence in Brussels very early the next morning.

To my best understanding, my justification for entering County Kildare to obtain essential working documents or to get my belongings for the purpose of returning home to Brussels constitutes “a reasonable excuse” under the regulations. At all times during my brief presence in Kildare over the period, I followed public health guidance.

When in Kildare, I was either moving through the County^[3] or momentarily there with a reasonable excuse^[4] and consequently I was not in breach of the Covid-19 restrictions imposed.

To the best of my knowledge and ability I believe that I complied with public health regulations in Ireland during my visit.

Timeline

- 31 July – I arrived in Ireland, completed the statutory Passenger Locator Form and travelled to my temporary residence in Co. Kildare.
- 5 August - I was admitted to a Dublin hospital for a medical procedure.
- While in hospital, I tested negative for Covid-19 (www.citizensinformation.ie confirms that a negative test result ends the self-restriction period).
- 6 August - I was discharged from hospital and returned briefly to my temporary residence in County Kildare.
- 7 August – I travelled to Kilkenny before the local lockdown rules came into effect at midnight in Co. Kildare (and neighbouring counties Laois and Offaly).
- 12 August - I travelled to Dublin from Kilkenny for essential work reasons, which required my attendance at the European Commission office. While in Dublin, I also had separate meetings with the Tánaiste (Deputy Prime Minister) and with Minister Robert Troy, to brief them on events relating to ongoing negotiations with the U.S.
- 13 August – I played golf in Adare, Co. Limerick and returned to Kilkenny.
- 17 August – I travelled from Co. Kilkenny to Co. Galway via Co. Kildare. I stopped briefly in Co. Kildare at the property in which I had been staying for the purpose of collecting some personal belongings and essential papers relating to the ongoing negotiations with the USTR, Robert Lighthizer, which continued while I was in Co. Galway. This culminated in an agreement on a package of tariff reductions on 21 August.
- 18 August – I played golf in Co. Galway, staying in Clifden. (no formal dinner or reception).
- 19 August – I played golf in Clifden, and subsequently attended a formal dinner for which I have since apologised.
- 21 August – I returned from Galway to my temporary residence in Co. Kildare to collect my remaining personal belongings, including my passport, and stayed there overnight to catch an early morning flight to my primary residence in Brussels from the nearby airport.
- 22 August – I returned to Brussels.