

From: Pat Swords <email address redacted>
To: Aarhus Compliance
Date: 17/04/2016 19:29
Subject: Re: ACCC/C/2013/96 (European Union) - questions to the Party concerned

Dear Fiona

I must protest at this point that we have now reached the situation of a farce. As was documented in the Communication in extensive detail, there was a refusal right to the very top level in the EU Commission to provide the necessary environmental information in relation to these Projects of Common Interest, plus a determination to once again to by-pass the provisions in relation to public participation defined in Article 7 of the Convention. If we then consider the behaviour of the same EU Commission with respect to the proceedings on this Communication:

(i) The details of the Communication were sent to the EU Commission in March 2014 and they were provided with the five month period, specified in the procedures of the Compliance Committee, to respond to the issues raised.

(ii) This they failed to do, offering no valid response, as to the reasons as to why they could not, and only responding some ten months latter with claims that the Communication was inadmissible. At no stage did they address the substantive issues raised in the Communication in respect to provision of the necessary information and compliance with Article 7 of the Convention.

(iii) These claims of inadmissibility had then to be addressed over the next year, with the outcome that they were unfounded. Not least as statements made by the EU Commission in relation to the availability of access to justice provisions were clearly false and could not be substantiated. In this regard I am also highlighting that the EU Commission failed, again without providing a valid reason, to respond to the Compliance Committee's questions sent to them on 5.10.2015 with a date of reply of the 2.10.2015.

(iv) As such then yourselves in the Compliance Committee sent a letter requesting the EU Commission's attendance at the 51st Meeting of the Compliance Committee on the 16th December. The EU Commission then responded in a farcical manner in relation to its inability to attend due to 'budgetary restrictions'.

(v) In the end the representative they did send, Ms Angelinka Wiedner, by choice or design, was unable to answer any of the questions presented by the Compliance Committee. As such then a list of questions had to be sent to the EU Commission by yourselves on the 3.01.2016, which had to be answered by the 4.03.2016.

(vi) There has been an absolute failure to respond to those questions, none of which are in any way complicated; no explanation was given and no information as to when they will be answered, if ever.

In summary, after well over two years, we are at the position where the EU Commission continues to refuse to respond with regard to the substantive issues raised, namely the provision of the necessary information and compliance with Article 7 of the Convention. Yet as the EU Commission's own website shows, in the same time period over €1.2 billion was

allocated in funding to these same Projects of Common Interest, many being electricity projects in Ireland, see link below. Note: None of these electricity projects are in any way compliant with the legal framework of the Convention and in this respect I am not just referring to Communication ACCC/C/2013/96, but also to Decision V/9g.

<https://ec.europa.eu/energy/en/topics/infrastructure/projects-common-interest>

As I have said already, the situation is a complete farce and will remain that way, as long as this type of behaviour demonstrated by the EU Commission is facilitated.

Regards

Pat