



**Roinn Cumarsáide, Gníomhaithe
ar son na hAeráide & Comhshaoil**
Department of Communications,
Climate Action & Environment

2nd December 2016

UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE

Ms Fiona Marshall

By e-mail

Secretary to the Aarhus Convention Compliance Committee

Palais des Nations, Room S 429-4

8 - 14 Avenue de la Paix

CH-1211 GENEVA 10

Switzerland

Your ref: ACCC/C/2013/113

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Ireland in connection with the cost of access to justice (ACCC/C/2014/113)

Dear Ms Marshall,

We refer to your letter of 18 November in relation to the above-referenced communication.

We have considered your suggestion that the Committee might postpone its deliberations on the Communication pending delivery by the Court of Justice of the European Union (CJEU) of its preliminary ruling in Case No.: C-470/16. In our view, there is limited overlap between the questions which have been posed in the preliminary reference to the CJEU and the matters which are the subject of the Communication in respect of which, we have made submissions and been heard.

However, it appears to us that it is possible that the CJEU, in delivering its judgment, may make findings which the Committee could or would find relevant to its deliberations on the Communication. Conversely, any finding by the Committee may also inform the CJEU's deliberations on the preliminary reference. There exists the possibility, therefore, of the Committee and the CJEU separately and independently addressing similar issues of principle. This could lead to an unsatisfactory outcome, particularly if there is any divergence between the two bodies in the views expressed.

In circumstances where the Committee appears to be open to postponement of its deliberations pending the decision of the CJEU on the preliminary reference, we are, therefore, of the view, that it would be preferable if those deliberations were so postponed in order to avoid the potential for any such unsatisfactory outcome.

In the event that the Committee does decide to postpone its deliberations, we expect that the Committee may wish to invite the parties to make further submissions on the relevance, if any, of any decision of the CJEU in Case C-470/16 to the issues raised in the Communication.

Please contact the undersigned if you require any further information.



Aoife Joyce

National Focal Point - Aarhus