

From: Pat Swords <email address redacted>
To: Aarhus Compliance
Date: 31/08/2015 00:36
Subject: Comments related to Decision V/9g on Compliance

Dear Fiona, Maricar

Please find attached comments on Decision V/9g on Compliance, which are relevant, as there is some doubt that the EU Commission is even taking seriously, the commitment it gave in the letters to the Member States, which it referred to the Compliance Committee back in October 2013.

The schedule for your next Compliance Committee meeting is early October. The reserved judgment on Swords V Minister for Communications, Energy and Natural Resources was due on the 27th July. Both legal teams and others were present in Court on that date, only to find out from the judge that he had not finished writing it. This is somewhat bizarre, as the case concluded on the 12th March and the Court services and legal teams were not informed in advance that the judgement was not ready. A new date has been set for delivery of the judgment on the 13th October 2015, see attached. Clearly the judge is having difficulties with this case. In some respects this can be traced back to the failure by both the EU and Ireland to transpose both Article 7 and Article 9(3) into legislation, while the State's senior counsel, a former Attorney General, summed up the State's position: "If the State so chooses to beach its International Treaty arrangements, then the citizen can complain about it, but that is all the citizen can do".

While this case is related to both ACCC/C/2010/54 (now Decision V/9g on Compliance) and ACCC/C/2014/112, the judgement will not be available prior to the Compliance Committee meeting on 6th to 9th October.

Finally, of general interest to yourselves and potentially the Aarhus Clearing House, an in-depth legal article was published earlier this year on how the Irish renewable energy programme is likely to reap a 'whirlwind' of legal challenges. The law journal, in a break with its normal practice, actually put the article as a free download. You will recognise many of the issues and multiple references to the Aarhus Convention Compliance Committee.

<http://www.tandfonline.com/doi/abs/10.1080/02646811.2015.1008847#.VeOECPIViko>

Regards

Pat