

To: aarhus compliance
From: Pat Swords
Date: 01/15/2017 05:03PM
Subject: Re: Decision V/9g (EU) - to Party concerned

Dear Fiona

It's essentially a month since your simple request in the e-mail below was made and there does not appear to be an answer, which one again highlights how uncooperative the EU Commission has been with these compliance proceedings and indeed with the Aarhus Compliance procedures in general. The two questions presented by yourself were simple and straightforward. With regard to the first, the EU Commission had already stated in writing that such letters existed, so why has it taken so long to actually provide a copy? With regard to the second question, this information is publicly available, such as at the link below:

<https://ec.europa.eu/energy/en/topics/renewable-energy/national-action-plans>

The NREAPs were submitted by the Member States on the 30th June 2010. Thereafter followed a period of review by the EU Commission. In response to the review, some Member States then submitted additional information, while others submitted an updated / resubmitted NREAP based on the 'corrections' identified by the EU Commission, the last one to do so being the Czech Republic in December 2012. There have been no 'new' NREAPs since then, the exception being Croatia, a new Member State, which didn't submit its original NREAP until 2014.

The current situation is that the Netherlands has missed its first two interim targets specified by Directive 2009/28/EC, which under Article 4(4) of that Directive leads to a situation where an amended NREAP is required. However, there is no indication that this has yet happened.

Finally, I would like to highlight the attached recent decision of the EU Ombudsman, which originated from a complaint by an Irish NGO, in particular:

7. In the Commission's reply of 26 April 2016 (hereinafter the 'Commission's second reply'), the institution stated that it was in the process of holding discussions with the Irish Government about its plans for wind energy development at the national level. It went on to state that the Commission had considered in some detail Ireland's National Renewable Energy Action Plan, prepared under the Renewable Energy Directive. Whilst no formal SEA had been carried out for this plan, the Commission concluded that there was no reason to believe that insufficient public participation had taken place prior to its adoption. [Emphasis added]

Regards

Pat