



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR ENERGY

The Director-General

Brussels, **14 OCT. 2015**  
JH/ic ener.c.1(2015)4359278

His Excellency Mr Declan Kelleher  
Ambassador Extraordinary and  
Plenipotentiary  
Permanent Representative of Ireland  
to the European Union  
Rue Froissart 50  
1040 Bruxelles

Your Excellency,

Further to our letter Ares(2013)3037320 of 12 September 2013, I would like to bring again to your attention the findings and recommendations of the Aarhus Convention Compliance Committee (ACCC) concerning compliance by the European Union with provisions of the Convention in connection with the Irish National Renewable Energy Action Plan – case ACCC/C/2010/54<sup>1</sup>. The ACCC held that the EU had failed to comply, inter alia, with the public participation obligations stemming from Article 7 of the Aarhus Convention because it did not have in place and did not properly enforce **a regulatory framework and/or clear instructions** with respect to the National Renewable Energy Action Plans (NREAPs) and thus recommended to adopt a proper regulatory framework and/or clear instructions for implementing Article 7 of the Convention with respect to the adoption of NREAPs.

As all Member States are Parties to the Aarhus Convention, they also have individually committed to take the responsibility to respect its provisions so that when they implement the obligations stemming from Directive 2009/28/EC, they have to comply with the Convention.

As a follow-up to the above findings and recommendations, the European Union has to submit periodically to the Compliance Committee (in 2014, 2015 and 2016) detailed information about progress in implementing the recommendations.

The first report to the ACCC was sent in October 2014 and we are now in the process of preparing the 2<sup>nd</sup> report.

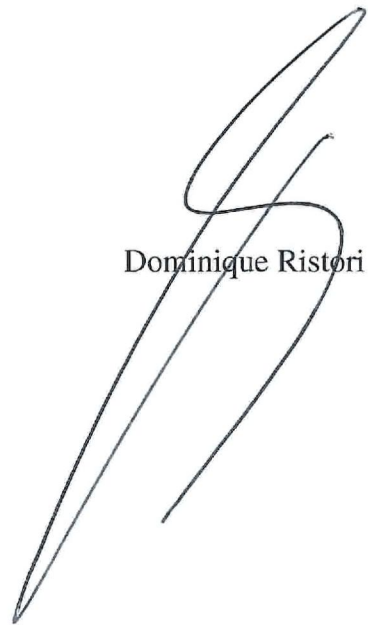
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<sup>1</sup> Available here:  
[http://www.unece.org/fileadmin/DAM/env/pp/compliance/C2010-54/Findings/C54\\_EU\\_Findings.pdf](http://www.unece.org/fileadmin/DAM/env/pp/compliance/C2010-54/Findings/C54_EU_Findings.pdf)

For the purpose of this reporting exercise, I would like to ask you to include, in the next national progress report to be submitted by 31 December 2015<sup>2</sup>, a detailed description of and reference to the measures and procedures in force that ensure public participation in the decision-making process in accordance with the requirements of Article 6, paragraphs 3, 4 and 8, of the Convention referred to in Article 7, including reasonable time frames, allowing sufficient time for informing the public and for the public to prepare and participate effectively, allowing for early public participation when all options are open, and ensuring that due account is taken of the outcome of the public participation related to plans adopted under directive 2009/28/EC relating to the environment. These public participation measures and procedures are also applicable to any amendment of the NREAP, if any, as provided for by Article 4(4) of the Renewable Energy Directive.

I thank you beforehand for your cooperation on this important matter, including the submission of the progress report in accordance with the timetable indicated in the Directive.

Yours sincerely,



Dominique Ristori

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<sup>2</sup> As required by Article 22(1) of Directive 2009/28/EC on the promotion of the use of energy from renewable sources