

## **Annex I**

We do not propose to rehearse the relevant decisions on which the Committee has relied in making its determination of non-compliance and the obligation to consult on a project of this nature, in addition to the implications of the approach the UK undertook with Austria following its request to be consulted. Additionally we are conscious of its more expert understanding of the convention and how to proceed in this situation.

We set out below certain key obligations which we believe to be at issue for the UK and also Ireland. We do note the following also:

- Further to a brief perusal - it appears the information provided by the UK on July 28<sup>th</sup> is not equivalent to that provided earlier to the UK public – nor have we been provided with an equivalent opportunity to the UK public or those elsewhere.
- Ireland sought notification as part of the recent process, and indeed has on record – whether wishes to acknowledge this or not further to a letter from an Irish Minister – as far back as: 24<sup>th</sup> January 2011 requesting Ireland be consulted during the EIA for the UK's nuclear projects. ( copy attached in Annex II ). This letter only came to light during the An Taisce case against the UK, and was released by the UK, whereas the Irish Government refused access to it.

### **Alleged breach by the UK:**

#### **“Article 2**

6. The Party of origin shall provide, in accordance with the provisions of this Convention, an opportunity to the public in the areas likely to be affected to participate in relevant environmental impact assessment procedures regarding proposed activities and shall ensure that the opportunity provided to the public of the affected Party is equivalent to that provided to the public of the Party of origin.”

### **Additionally – we wish to allege a breach by both Ireland and the UK in respect of:**

#### **“Article 3**

8. The concerned Parties shall ensure that the public of the affected Party in the areas likely to be affected be informed of, and be provided with possibilities for making comments or objections on, the proposed activity, and for the transmittal of these comments or objections to the competent authority of the Party of origin, either directly to this authority or, where appropriate, through the Party of origin.”

We wish to rely additionally on the following which raises *inter alia* the implications also for public participation in the Aarhus Convention.

#### **“Article 2**

10. The provisions of this Convention shall not prejudice any obligations of the Parties under international law with regard to activities having or likely to have a transboundary impact.”