



Brussels, 7 June 2012
EACI/WG D(2012) 760196

Ms Christine Metcalfe
Member. Avich & Kilchrenan
Community Council
(e-mail: luanam@btinternet.com)

Subject: Complaint 1052/2012/KM

Dear Ms Metcalfe,

Further to my e-mail of 10 January 2012 and your reply dated 12 January 2012, I understand that you have lodged a complaint before the European Ombudsman regarding, in part, my having not provided a response to your last message dated 12 January 2012.

To my understanding, this matter was closed, as I mentioned in my e-mail of 10 January. This explains why there was no further correspondence to you in this regard.

As it would appear that you require additional clarifications on compliance by the EACI with Articles 4 and 5 of the Regulation (EC) No 1367/2006 ("Aarhus Regulation") in relation to the GP Wind Project, let me provide you with the following explanations:

It is not clear to me why you might understand from my e-mail of 10 January that no measures are in place to ensure compliance with the Aarhus Regulation. The EACI, which is responsible for the implementation of the Intelligent Energy Europe programme (IEE programme), naturally takes its responsibilities very seriously and has put in place since the beginning of the IEE programme the required procedures and steps to ensure compliance with its legal responsibilities.

Insofar as the work carried out within IEE projects addresses environmental issues, compliance with **Article 4 "Collection and dissemination of environmental information" of the Aarhus Regulation** is achieved as follows:

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- a. IEE grant agreements signed by the EACI for all IEE projects require the beneficiaries of the actions to create a project website and to place a description of their project activities and the project deliverables on this website in a form which can be read and easily downloaded by interested third parties.

The beneficiaries of the grant agreement for the action GP Wind (in which the Scottish Government acts as the coordinator of a total of 17 beneficiaries' entities from 8 European countries), have thus created a project website in which they make available to the public the project activities in accordance with the terms of the agreement.

Insofar as the work carried out within IEE projects addresses environmental issues, compliance with **Article 5 "Quality of the environmental information" of the Aarhus Regulation** is achieved as follows:

Regarding the terms of **Article 5(1)**, projects are selected by an evaluation committee assisted by independent experts. The evaluation committee verifies that the information in the proposals selected for funding is up to date, accurate and comparable, and that the project teams have appropriate technical capacity.

- b. In the framework of IEE projects such as the GP Wind project, there exists a requirement for submission of progress, interim and final reports on beneficiaries' activities. These are assessed by experienced EACI project officers, who verify that the results are up to date, accurate, comparable, and in accordance with the terms of the grant agreement.

However, it should be borne in mind that the beneficiaries bear sole responsibility for the information contained in the deliverables provided for the GP Wind Project. The purpose of the project is to highlight and disseminate good practice in reconciling onshore and offshore wind with environmental objectives, and to publish the conclusions on the GP Wind website.

The project teams collect generic information that can be of use to national authorities but they do not have the right to intervene in national decision making.

Nonetheless, please let me assure you that the EACI is well aware of its obligations arising from Regulation EC No 1367/2006 and that we ensure, insofar as is within our power, that information for which we are responsible is up-to date, accurate and comparable.

Insofar as the work carried out within IEE projects addresses environmental issues, compliance with **Article 5 (2)** is achieved as follows:

- c. Research activities such as measurements and testing of samples are normally not supported by the IEE programme. In case any measurements are made in the context of an IEE project, then the work must be reported on and the reports made publicly available on the IEE project website.

I trust that this explanation will help you to avoid any further misunderstandings regarding the commitment of the EACI to act in the best interests of European citizens and in full compliance with its legal and social responsibilities.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'W. Gillett', with a stylized, cursive script.

W. Gillett