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Date: 12/11/2014 15:54
Subject: Important Judgement in Irish High Court this week where judge refuses to recognise Articles 9(3) and 9(4) of the Convention

Dear Fiona / Aarhus Compliance Committee Secretariat

As nothing has been published on the UNECE website to date, I am unsure of the position of the Irish Communication submitted earlier this year. However, a judgement in the Irish High Court was just published this week (7th Nov), which really demonstrates the situation - Articles 9(3) and 9(4) are not recognised:

<http://www.courts.ie/Judgments.nsf/09859e7a3f34669680256ef3004a27de/b23057a9c7fdbcl1a80257d8c0052240e?OpenDocument>

My own situation and High Court case in relation to the NREAPs was that this was due in front of the Court this Tuesday (11th Nov). However, it was postponed until March, as the State's Senior Counsel had to go in for an eye operation and they requested a deferral. As you can see from the above judgement in relation to ensuring a resolution on 'not prohibitively expensive' on my case, which relates to Article 7 of the Convention, there is a strong possibility that my rights will be ignored and I will be left with costs of both myself and the State.

On another matter in relation to Communication ACCC/C/2013/96, I have not heard anything yet, but note from your Report on the June 2014 Compliance Committee that it was scheduled to come before the Committee for the forthcoming 16th December meeting. If this is the case, and as I have to make arrangements with regard to work, I would be keen to have some confirmation as soon as it is decided.

Regards

Pat