

From: Pat Swords <email address redacted>  
To: Aarhus Compliance  
Date: 13/10/2015 23:56  
Subject: Reserved Judgement on Swords V Minister for Communications, Energy and Natural Resources

Dear Fiona, Maricar

The reserved judgment on Swords V Minister for Communications, Energy and Natural Resources was due today at 10.30 am and as in July both legal teams were present to receive the judgement. However, only to find out again from Justice Keane that he had not yet finished writing the judgement and matters were now adjourned until the 16th December. This is highly regretful and unacceptable with respect to 'timely', given that the actual High Court proceedings finished on the 12th March, at which point Justice Keane reserved judgement.

This High Court case 2013/4122 P, in relation to the National Renewable Energy Action Plan (NREAP) and its compliance with the Convention, is part of Communication ACCC/C/2014/112 and is also related indirectly to Decision V/9g, as it is bringing that subject matter into the National Court. Naturally, if the EU complied with its obligations under Decision V/9g, it would not be necessary for a citizen at considerable expense to seek to have them honour their Treaty obligations.

Finally, with regard to the latter, I would like to draw your attention to the attached recent correspondence of an environmental group in Ireland with Antoinette Long of the European Commission DG ENV Unit D3, who if you may recall was participating as part of the EU delegation by audio conference at the Committee's forty-eighth meeting (Geneva, 24-27 March 2015), where the Committee reviewed the implementation of decision V/9g in open session. It is therefore quite remarkable, or maybe not as the case may be, that on the 12th October 2015 she is writing the below in relation to the situation of the renewable energy programme in Ireland.

- *In relation to the NREAP, the Commission has no reason to believe that insufficient public participation took place prior to the adoption of this plan.*

As I have pointed out to yourselves at UNECE previously, the only conclusion one can reach, is that the EU Commission does not remotely take its obligations under the Aarhus Convention in any way seriously.

Regards

Pat