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**Sent:** Sunday, July 11, 2021 11:13 PM  
**To:** ECE-Aarhus-Compliance <aarhus.compliance@un.org>  
**Subject:** ACCC/M/2017/3 (European Union) - Comments of Communicant of C-54 on Committee's draft Report

Dear Fiona

As highlighted at the audio conference this Thursday, I would like to thank the Committee for their very fair and well presented report. As regards the information provided by the Party on the 25th June 2021, this once again in relation to Ireland served to highlight the abject failure to comply with either the Convention or the Party's own legal framework with respect to plans and programmes related to the environment. In this regard I would like to draw attention to Section 2 of the Commission Staff Working Document "Assessment of the final national energy and climate plan of Ireland".

[https://unece.org/sites/default/files/2021-06/frPartyM3\\_25.06.2021\\_annex15.pdf](https://unece.org/sites/default/files/2021-06/frPartyM3_25.06.2021_annex15.pdf)

There is only a small section which addresses public participation and simply summarises:

- *A public consultation on the draft NECP was launched in late 2018 and closed on 22 February 2019. Ireland has submitted, together with the final plan, a summary of the feedback received from the public. Following a screening process, Ireland has concluded that a strategic environmental assessment is required under Directive 2001/42/EC, and work is currently ongoing with this.*

The whole purpose of strategic environmental assessment is that it is completed before the plan / programme is adopted, not after it, as in this case. Indeed, as Article 4(1) of Directive 2001/42/EC specifically states:

- *1. The environmental assessment referred to in Article 3 shall be carried out during the preparation of a plan or programme and before its adoption or submission to the legislative procedure.*

While Article 6(2) of the Directive states:

- *2. The authorities referred to in paragraph 3 and the public referred to in paragraph 4 shall be given an early and effective opportunity within appropriate time frames to express their opinion on the draft plan or programme and the accompanying environmental report before the adoption of the plan or programme or its submission to the legislative procedure.*

Once again just like with the NREAPs in 2010, we have a detailed plan / programme defining for example, the very significant MWs of wind energy to be constructed, which never underwent any form of environmental assessment before its adoption. Indeed, in the public consultation on the draft NECP highlighted above, submissions referred to the fact that a strategic environmental assessment was required for such a plan / programme. See for example page 6 below:

[https://unece.org/fileadmin/DAM/env/pp/compliance/Requests\\_from\\_the\\_MOP/ACCC-M-2017-3\\_European\\_Union/Correspondence\\_with\\_the\\_communicants\\_observers/frCommM3\\_C54\\_13.1\\_2.2019.pdf](https://unece.org/fileadmin/DAM/env/pp/compliance/Requests_from_the_MOP/ACCC-M-2017-3_European_Union/Correspondence_with_the_communicants_observers/frCommM3_C54_13.1_2.2019.pdf)

This was ignored. It is therefore encouraging to see that the Committee in its draft report has highlighted the failings which occurred in relation to Articles 6(4) and 6(8) of the Convention with respect to the adoption of these NECPs. Indeed, as regards Article 7 of the Convention and the 'necessary information', which is interpreted as being sufficient for effective public participation. Clearly the intent in Ireland is now to provide the information on the environmental impacts of this colossal NECP at some later stage in the future, while as regards the financial cost of the plan, well nobody has any idea of that, as it wasn't considered relevant with respect to its adoption and implementation.

Regards and thanks once again to the Committee

Pat