

## Case PRE/ACCC/C/2023/204 concerning Ireland

### Statement on preliminary admissibility from the Communicants

12 September 2023

1. This written statement is made pursuant to paragraph 104 of the Guide to the Aarhus Convention Compliance Committee<sup>1</sup> in relation to the hearing on preliminary admissibility to be held on 19 September 2023 at the 80th meeting of the Compliance Committee.
2. In the communicant's view the communication is admissible since it is
  - a. Not anonymous
  - b. Not an abuse of the right to make a communication
  - c. Not manifestly unreasonable
  - d. Compatible with the provisions of decision I/7 and with the Convention
  - e. Supported by corroborating evidence
3. In addition, the events giving rise to the communication are current and ongoing and therefore relate to events which occurred since the Convention came into force for Ireland. Equally, Ireland is a Party which has not opted out of having communications from the public concerning its compliance considered by the Committee.
4. In relation to the Compliance Committee's obligation to take into account any available remedies, as set out in more detail in paragraphs 37 to 57 and 67 to 69 of the communication, the communicant has spent over five years pursuing judicial review procedures before the Irish Courts and has exhausted domestic remedies having been denied leave to appeal by the Irish Supreme Court in a decision dated 12 July 2023. The Supreme Court is the last instance court.
5. In addition to this, the communication raises systemic issues concerning compliance by Ireland and also concerns, at least in part, a requirement which the Compliance Committee in case ACCC/C/2007/21 concerning the European Union found does not to comply with Article 4 of the Convention (see paragraph 5 of the communication).
6. The communicant therefore asks the Compliance Committee to determine on a preliminary basis that the communication is admissible.

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<sup>1</sup> Second edition, May 2019