



<Dorota-Anna.BURSA@ec.europa.eu>

12.07.2011 09:52

To <Public.Participation@unece.org>

cc

bcc

Subject "C/54" Email 46

From: BURSA Dorota Anna (ENV)

Sent: Friday, April 09, 2010 4:15 PM

To: BURSA Dorota Anna (ENV)

Subject: FW: Systematic non-compliance of Irish Administration with Environmental Acquis - AIE Request 4-3-2010: CHAP(2010)00645 / FB11.242.09

From: ENV CHAP

Sent: Tuesday, April 06, 2010 2:27 PM

To: WEGERDT Patrick (ENV); BURSA Dorota Anna (ENV); WALKER Margaret (ENV)

Subject: FW: Systematic non-compliance of Irish Administration with Environmental Acquis - AIE Request 4-3-2010: CHAP(2010)00645 / FB11.242.09

Reference CHAP(2010)00645

From: Pat Swords [mailto:pat.swords.chemeng@gmail.com]

Sent: Monday, April 05, 2010 6:14 PM

To: ENV CHAP; gbfi_dv@garda.ie; Minister Ryan; MINISTER; privateoffice@taoiseach.gov.ie; info@ag.irlgov.ie; Meskell, Brendan; info@o cei.ie

Cc: info@amcham.ie; customerservices@dublincity.ie; Customer Service; oposull@gmail.com

Subject: Systematic non-compliance of Irish Administration with Environmental Acquis - AIE Request 4-3-2010: CHAP(2010)00645 / FB11.242.09

To: European Commission DG Environment ENV.A.2

Compliance Promotion, Governance, Legal Issues

CHAP(2010)00645

Garda Bureau of Fraud Investigation FB11.242/09

Commissioner for Environmental Information

Senior Officials of Irish Administration including Minister Ryan (Department of Communications, Energy and Natural Resources)

and Private Secretary Colm O'Conaill, Minister Gormley

(Department of the Environment, Heritage and Local Government)

and Private Secretary Eddie Kiernan, Taoiseach's Private Office

and Paul Mooney, Attorney General's Office and Brendan Meskell
Date:5/4/2010

It is clear that senior elected and non-elected officials in the Irish Administration are systematically acting outside the legislative basis. The EU Commission has given this Administration a final warning with regard to Access to Justice and proceedings in the European Court of Justice are imminent. This will result in huge fines which the Irish taxpayer is expected to pick up because officials are acting outside the legislation for personal gain. It is clear that these systematic non-compliances are occurring because elected and non elected officials are given 'Carte Blanche' to do so with neither the Civil Service Code of Standards and Behaviour or the 2001 Prevention of Corruption (Amendment) Act being enforced. Furthermore for almost six months now I have been requesting the "Legal Policy of the Irish Administration for Compliance with the Environmental Acquis", on every occasion, such as this one, there has been a refusal to comply with Directive 2003/4/EC on Access to Information on the Environment (S.I. No. 133 of 2007). Indeed it is abundantly clear that as an administration there is no intention of complying with the Environmental Acquis and providing EU Citizens resident in Ireland with their rights.

It is also clear that elected and non-elected officials are systematically operating outside the Environmental Acquis and doing so for personal gain:

- The Government Policy of 40% of electricity from renewable sources, primarily wind, has systematically violated Directives 2003/4/EC, 2001/77/EC, 2001/42/EC and others. The capital cost of this programme is in excess of €30 billion, it has already added €0.5 billion annual electricity costs, which will rise to €3 billion per annum and at best it will avoid about €10 million per annum in environmental damage to the planet due to slightly warmer temperatures.
- The same environmental benefits could have been achieved by incineration of waste and anaerobic digestion of animal slurries at a capital cost of about €1 billion. These projects were / are being deliberately obstructed by elected and non-elected officials for personal gain, violating Directives 1999/31/EC, 2003/4/EC, 2001/77/EC, 2001/42/EC and others.
- Officials in the planning appeals board (An Bord Pleanála) and the Environmental Protection Agency are making

regulatory decisions for the purposes of political patronage in violation of Directives 2008/1/EC, 2003/4/EC, 2003/35/EC, and others. As StatoilHydro summed it up in August 2009 with regard to "political risks with practical consequences to project progress then Ireland unfortunately stands out as an example".

Not only has this had a disastrous impact on the livelihoods of those of us who work in industrial development, but by operating outside of Directives 2003/4/EC, 2003/35/EC and others, these officials have been guilty of abusive behaviour to us. No attempt was made by the Department of Communications, Energy and Natural Resources to answer the Access for Information on the Environment request below when submitted by myself or my colleague on EU technical aid projects, Oisín O'Sullivan, on the 2nd March. Indeed this Department clearly acts as if they don't have to respond to any such requests (CEI/09/0016). According to Articles 10 (7) and 12 (4 ii) of S.I. No. 133 of 2007 it is my understanding that we are now entitled to appeal to the Commissioner for Environmental Information relating to the two requests below.

Pat Swords BE CEng FICHEM CEnv MIEMA

----- Forwarded message -----

From: **Pat Swords** <pat.swords.chemeng@gmail.com>
Date: Thu, Mar 4, 2010 at 2:44 PM
Subject: Systematic non-compliance of Irish Administration with Environmental Acquis - AIE Request 4-3-2010
To: Minister Ryan <minister.ryan@dcenr.gov.ie>, MINISTER <minister@environ.ie>, privateoffice@taoiseach.gov.ie, info@ag.irlgov.ie, "Meskill, Brendan" <Brendan_Meskill@ag.irlgov.ie>

To: Senior Officials of Irish Administration including Minister Ryan (Department of Communications, Energy and Natural Resources) and Private Secretary Colm O'Conaill, Minister Gormley (Department of the Environment, Heritage and Local Government and Private Secretary Eddie Kiernan, Taoiseach's Private Office and Paul Mooney, Attorney General's Office and Brendan Meskill

It is clear from the correspondence below with DG Environment that there are serious non-compliances with the Administration in

which you are senior officials, both elected and non-elected. There is also an investigation proceeding with the EU Ombudsman 2587/2009/JF. The consequences of these systematic non-compliance are that EU Citizens tax resident in the Irish Republic are being denied their rights and are suffering significant financial losses, not to mention loss in business opportunities that are being obstructed by officials systematically operating outside the legislative basis. In the past I have requested the "Legal Policy of the Irish Administration for Compliance with the Environmental Acquis", none of you would reply to this simple request under Directive 2003/4/EC (S.I. No. 133 of 2007). The Commissioner of Environmental Information has decided (CEI/10/0001) that the Office of the Attorney General is subject to the Request for Information on the Environment process and Article 2 (1) (c) certainly covers policies for legal compliance with the essential legislative properties of the Environmental Acquis.

So I am now awaiting my reply, I don't really care which one of you replies but if you continue to send me asinine letters with a reference number from the Minister's Office that it has been brought to the attention of 'so and so', who never bothers to reply, and in which you just cut and paste my name into a standard text, then I just have to point out that this is (a) a total non-compliance with 'The Civil Service Code of Standards and Behaviour' and (b) furthermore is illegal under the terms of the 2001 'Prevention of Corruption (Amendment) Act'. It's your choice ladies and gentlemen on how much evidence of non-compliance you want to demonstrate, i.e. that the system is yours and you can 'cherry pick' what legislation suits you and deny the citizens their rights who question it!

While we are at it there is a second request for information on the environment relating to the Department of Communications, Energy and Natural Resources and the question (as attached) of 'monitoring' on the Corrib site, which clearly seems to have the only purpose of feeding information to the Irish Times so they can whip up hysteria over a bucket of suds that happened to tip over. So:

- What was the legislative basis for this 'environmental monitoring' with reference to the relevant Directives in the Environmental Acquis?
- What was the justification? For example the costs incurred, the benefits foreseen and alternatives considered, for instance with regard to the alternatives there is always the 'do nothing' option or using the existing environmental

compliance division of regulatory authorities, such as Mayo County Council.

- Who approved this financial expenditure.

So to complete my requirements relating to S.I. No. 133:

Pat Swords BE CEng FIChemE CEnv MIEMA

10 Hillcourt Rd
Glenageary
Co. Dublin
2852768

(but e-mail is best as I'm out of the country most of the time as nobody in their right mind would invest in a country where the principles of law and civil decency are not respected).

----- Forwarded message -----

From: <Patrick.WEGERDT@ec.europa.eu>

Date: Wed, Feb 24, 2010 at 3:21 PM

Subject: RE: Systematic non-compliance of Irish Administration with Environmental Acquis - Right to a Good Administration and Damages

To: pat.swords.chemeng@gmail.com

Dear Mr. Swords,

thank you for this summary. We will assess the information provided and respond to you in due course.

yours sincerely,

*Patrick Wegerdt
European Commission
DG Environment*

Unit A.2 Compliance promotion, governance & legal issues

From: Pat Swords [mailto:pat.swords.chemeng@gmail.com]

Sent: Wednesday, February 24, 2010 10:33 AM

To: WEGERDT Patrick (ENV)

Cc: info@ocei.ie; gbfi_dv@garda.ie; info@eeb.org

Subject: Re: Systematic non-compliance of Irish Administration with Environmental Acquis - Right to a Good Administration and Damages

To: Patrick Wegerdt

Attached summary as requested. if you have any queries please don't hesitate to get back to me.

Pat

On Mon, Feb 22, 2010 at 9:23 AM, <Patrick.WEGERDT@ec.europa.eu> wrote:

Dear Mr. Swords,

Thank you for your email setting out allegations regarding non-compliance with the requirements for public access to environmental information, under Directive 2003/4, transposing the relevant part of the Aarhus Convention.

I propose to launch a complaint procedure in relation to your allegations, however in order to do this, details of the specific cases are required. I would be grateful therefore if you could send in summary the details of the individual requests, notably:

- the date of the original request, to which authority or body and nature of environmental information requested;
- the date of response and reasons for not granting access (if any)
- details of any appeal process (if sought).

Yours sincerely,

*Patrick Wegerdt
European Commission
DG Environment
Unit A.2 Compliance promotion, governance & legal issues*

From: Pat Swords [mailto:pat.swords.chemeng@gmail.com]
Sent: Sunday, February 21, 2010 3:51 PM
To: WEGERDT Patrick (ENV); COMM IE INFO REQUEST
Cc: Minister Ryan; MINISTER; privateoffice@taoiseach.gov.ie; gbfi_dv@garda.ie
Subject: Systematic non-compliance of Irish Administration with Environmental Acquis - Right to a Good Administration and Damages

To: European Commission, including DG Environment Unit A2 Infringements

CC: Senior Officials of Irish Administration including Minister Ryan (Department of Communications, Energy and Natural Resources) and Private Secretary Colm O'Conaill, Minister Gormley (Department of the Environment, Heritage and Local Government and Private Secretary Eddie Kiernan , Taoiseach's Private Office and Paul Mooney. Garda Bureau of Fraud Investigation.

Date: 21-2-2010

It is one hundred per cent clear that the Irish Administration has no intention of complying with the Aarhus Convention. There are systematic non-compliances with the Access to Information (Directive 2003/4/EC), see below, such as a refusal to provide the legal position of the Irish State for compliance with the Environmental Acquis. Arbitrary policies are being developed for personal gain, in particular with regard to energy and waste, which (a) are not compliant with EU legislation, (b) for which there has been no strategic environmental assessment completed (Directive 2001-42-EC) and (c) for which the Irish public has been systematically fed false information. Furthermore legally compliant companies have been refused permission to operate when they clearly met all regulatory requirements while operating permission has instead been given to other companies on a basis that has been clearly for the purpose of personal and political gain.

Not only is this a completed violation of the "Civil Service Code of Standards and Behaviour" but it is clearly corruption with the terms of the Prevention of Corruption (Amendment Act) 2001. Yet despite persistent corruption being routinely evident in the Irish Administration for more than two decades, the Administration clearly fails to take the necessary measures to ensure legal compliance. Furthermore as the Irish legal System does not meet minimum requirements for the

Aarhus Convention, the EU Citizens in Ireland are being denied Access to Justice by an Administration that is routinely obstructing the necessary reforms that are required.

EU Citizens in Ireland have suffered huge financial losses because of this behaviour, indeed many personal friends have lost their employment as Ireland is off limits for investment given that the Administration is clearly operating outside the minimum standards set in the legislation. The Charter of Fundamental Rights of the Lisbon Treaty is clear in that there is a Right to a Good Administration and the Union must make good any damages caused by its institutions or servants in performance with its duties.

Pat Swords BE CEng FIChemE CEnv MIEMA.
10 Hillcourt Rd
Glenageary
Co. Dublin
Ireland

----- Forwarded message -----

From: **Minister Ryan** <Minister.Ryan@dcenr.gov.ie>
Date: Wed, Feb 17, 2010 at 12:54 PM
Subject: RE: REP7873/JG/09
To: Pat Swords <pat.swords.chemeng@gmail.com>

Dear Mr. Swords

On behalf of Mr. Eamon Ryan T.d, Minister communications, Energy and Natural Resources, I would like to acknowledge your email of 17 February.

Your email has been brought to the attention of the Minister.

Yours sincerely

Colm O'conail

Private secretary

From: Pat Swords [mailto:pat.swords.chemeng@gmail.com]
Sent: 17 February 2010 12:29
To: MINISTER; Minister Ryan;
privateoffice@taoiseach.gov.ie
Cc: info@ocei.ie; gbfi_dv@garda.ie; Customer Service
Subject: Re: REP7873/JG/09

To: Head of Government, Ministers and Senior
Officials of the Irish State

It is becoming increasingly clear month after month, particularly with regard to the Department of Communications, Energy and Natural Resources, that paid officials, both elected and non-elected, are choosing to act outside the legislation of this State. There are clearly letters that should be answered as part of good governance, which are not being answered and there are requests for information that have to be legally addressed that are not. There are also legal procedures with respect to development of policies, such as dissemination of information to the public and the preparation of strategic environmental impact assessments, which clearly have not been complied with. This has reached the stage in which it is clear that corruption is

occurring. Whether the Gardai or the EU will step in to intervene is outside my control but the evidence of this corrupt behaviour is mounting.



Inadequate Reply from Department of Taoiseach 5-3-2010.pdf



Inadequate Reply from Minister of the Environment REP1601-JG-10 on 8-3-2010.pdf



Inadequate Reply from Attorney General 5-3-2010.pdf



Reply relating to Acknowledgement of Complaint Procedure by EU Commission 19-3-2010.pdf