



Pat Swords <pat.swords.chemeng@gmail.com>

REP1601/JG/10

Pat Swords <pat.swords.chemeng@gmail.com>

Mon, Mar 8, 2010 at 4:50 PM

To: MINISTER <minister@environ.ie>

To: Minister Gormley and Private Secretary Eddie Kiernan

If by the designated one month period from when the AIE request was submitted there is no reply to the request it will demonstrate once again that yourself and the Minister are acting outside the law. There is a proper way of replying to such requests under the AIE regulations, which includes an AIE reference number and it is not an asinine statement that the contents are noted or it has been brought to the attention of so and so!

These systematic non-compliances with the Environmental Acquis in which senior members of the Irish Administration obviously consider they can 'cherry pick' what happens to suit their own personal agendas are causing huge financial losses and denying EU Citizens their rights in this jurisdiction. Under the Charter of Fundamental Rights of the Lisbon damages there is a Right to a Good Administration and the Union has to make good the damages if this does not occur. I also note that this is not the first time you as individuals refused to answer the contents of this AIE request as did Minsiter Ryan to whom you passed the 'buck' to more than two months ago.

On Mon, Mar 8, 2010 at 12:25 PM, MINISTER <minister@environ.ie> wrote:

Please Quote Ref: REP1601/JG/10

8 March, 2010

[Email:pat.swords.chemeng@gmail.com](mailto:pat.swords.chemeng@gmail.com)

Dear Mr Swords,

I have been asked by Mr. John Gormley, T.D., Minister for the Environment, Heritage and Local Government to acknowledge receipt of your recent email in connection with systematic non-compliance of Irish Administration with Environmental Acquis - AIE Request 4-3-2010 .

The contents of your e-mail have been noted.

Yours sincerely,

Eddie Kiernan
Private Secretary

>>> Pat Swords <pat.swords.chemeng@gmail.com> 04/03/2010 14:44 >>>

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 Meskell

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 Omdsman 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@dceur.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
>
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>
> On behalf of Mr. Eamon Ryan T.d, Minister communications, Energy and
> Natural Resources, I would like to acknowledge your email of 17
> February.
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> Your email has been brought to the attention of the Minister.
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>
> Yours sincerely
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>
>
> 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
>
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> To: Head of Government, Ministers and Senior Officials of the Irish
> State
>
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> 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 chosing 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.

>

>

>

Is faoi rún agus chun úsáide an té nó an aonán atá luaite leis, a sheoltar an ríomhphost seo agus aon comhad atá nasctha leis. Má bhfuair tú an ríomhphost seo trí earráid, déan teagmháil le bhainisteoir an chórais.

Deimhnítear leis an bhfo-nóta seo freisin go bhfuil an teachtaireacht ríomhphoist seo scuabtha le bogearraí frithvíorais chun víorais ríomhaire a aimsiú.

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager.

This footnote also confirms that this email message has been swept by anti-virus software for the presence of computer viruses.
