



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

11.07.2011 15:46

To <Public.Participation@unece.org>

cc

bcc

Subject "C/54" Email 21

From: FEDER Maja Dorota (ENV)
Sent: Monday, December 06, 2010 11:50 AM
To: BURSA Dorota Anna (ENV)
Cc: LONG Antoinette (ENV)
Subject: FW: CHAP (2010) 00645 / Garda Bureau of Fraud Investigation (FB.11/242.09) : Internal Review of AIE/2010/015

Dorota,

Could you please upload the docs in CHAP (2010) 00645.
MAny thanks in advance,

MAja

Maja FEDER
Office of Mr Brakeland
Unit A.2 - Compliance promotion, governance & legal issues
European Commission - DG Environment
BU-9 1/03
tel. +32 (0)2 29 59935
e-mail: Maja-Dorota.FEDER@ec.europa.eu

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TURN DOWN. SWITCH OFF. RECYCLE. WALK - CHANGE

From: ENV CHAP
Sent: Monday, December 06, 2010 8:40 AM
Cc: FEDER Maja Dorota (ENV); ENV CHAP A
Subject: FW: CHAP (2010) 00645 / Garda Bureau of Fraud Investigation (FB.11/242.09) : Internal Review of AIE/2010/015

From: Pat Swords [mailto:pat.swords.chemeng@gmail.com]
Sent: Friday, December 03, 2010 4:49 PM
To: ENV CHAP; GBFI_DV; CASHMAN Liam (ENV); info@ocei.ie
Cc: Martin,David; Brian Cotter; info
Subject: CHAP (2010) 00645 / Garda Bureau of Fraud Investigation (FB.11/242.09) : Internal Review of AIE/2010/015

To: EU CHAP (2010) 00645 / Garda Bureau of Fraud Investigation (FB.11/242.09) / Liam-Joseph Cashman DG Environment, Unit Env. A2 Compliance Promotion, Governance and Legal Issues / Office of the Commissioner of Environmental Information
CC: Covanta Energy, American Chamber of Commerce in Ireland

Date: 3-12-2010

Please note official reply from Department of the Environment over 5 months after the information was requested. My position on this is clear in the attached documentation. Firstly a Foreshore License is an administrative issue, not one of judicial or legislative matters. Secondly the Prevention of Corruption (Amendment Act) 2001 is perfectly clear with regard to "making and an omission in regard to his or her office or position (in relation to a consideration)... shall be guilty of an offence". No attempt was made to address this item in the reply, such that we have now effectively established for the Republic of Ireland, that projects can be delayed indefinitely at the whim of the relevant Minister, even if they are essential to meeting relevant targets set under the Environmental Acquis (Directive 1999/31/EC).

Liam, as I made it very, very clear to you this morning at our meeting in Brussels with DG Environment / DG Energy, companies and individuals involved in industrial development are simply not willing to suffer the vagaries of a regulatory / administrative system, which is clearly operating outside EU and National Legislation. Officials, such as those involved in this documentation, are given 'Carte Blanche' to operate outside the law. Directive 2003/4/EC is simply not functioning as access to information is denied at will, furthermore officials simply do not generate the documentation related to Good Administration, such as processing applications within the terms of 'Public Interest and Appropriate Timeframes', so they don't have to provide access to it on request. This can then be officially recorded, such as by paying €150 to the Commissioner for Environmental Information, as I am doing yet again here, but what then? Unless there is clear evidence that yourselves or the Member State officials responsible for enforcement of the relevant legislation are willing to demonstrate in the short term, that they are prepared to enforce compliance with the legislation on the Statute Books, then the message is very, very clear to all of us involved in the field of Industrial Development - GO ELSEWHERE.

Pat

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

From: AIE <AIE@environ.ie>

Date: 2010/12/3

Subject: Internal Review of AIE/2010/015

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

Dear Mr. Swords

Please see attached decision letter and associated documents in relation to the internal review of the decision on your request for information under the Access to Information on the Environment Regulations.

Regards

Matthew McLoughlin

FOI / AIE Unit

Department of Environment, Heritage and Local Government

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 frithvórais chun vórais ríomhaire a aimsiú.

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Summary of Decision Making.doc Internal Review Response to Requester.doc



Schedule of Records.doc CEI-10-0016 Acceptance Letter 18-11-2010.pdf



Submission to Commissioner for Environmental Information CEI-2010-0016 21-11-2010.pdf



Correspondence to EU CHAP (2010)00645 Investigation File and Garda Bureau of Fraud Investigation File regarding Poolbeg V