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28 January 2011

Mr. Jean-Francois Brakeland
Head of Unit
DG Environment, Unit A2
Compliance promotion, governance and legal issues
BU-9 00/201, Rue de la Loi 200, 1049 Brussels
Belgium

Dear Mr. Brakeland,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the European Union with provisions of the Convention in connection with the renewable energy programme in Ireland (Ref. ACCC/C/2010/54)

On 15 October 2010, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received the above communication addressed to the Compliance Committee of the Convention. The communication concerns compliance by the European Union with provisions of the Convention in connection with the renewable energy programme in Ireland. The communication was submitted in accordance with the provisions of chapter VI of the annex to decision I/7 of the Meeting of the Parties.

Please find enclosed a copy of the communication, which is being forwarded to you at the request of the Committee in accordance with the provisions of paragraph 22 of the annex to decision I/7.

The communication has been registered under the symbol ACCC/C/2010/54, which you are invited to cite in future correspondence on the matter. The main documentation relating to the communication will be shortly available on the Committee's web site at: <http://www.unece.org/env/pp/pubcom.htm>.

The Compliance Committee, having considered the admissibility of the communication at its thirtieth meeting (14–17 December 2010), has on a preliminary basis determined it to be admissible in accordance with paragraph 20 of the annex to decision I/7. A copy of the preliminary determination on admissibility is attached. Please note, however, that the Committee has not reached any conclusions with respect to the compliance issues referred to in the communication.

Having regard to paragraph 23 of the annex to decision I/7, you are kindly invited to submit to the Committee, as soon as possible but at the latest within five months of the date of this letter (i.e. 28 June 2011), any written explanations or statements clarifying the matter referred to in the communication and describing any response that may have been made in the mean time.

Additionally, in order to facilitate further consideration of the communication, the Committee has requested the secretariat to invite you to address a number of questions that are annexed to this letter. Please provide any supplementary documentation which is necessary to substantiate your response to the questions. At the same time, you are encouraged to avoid submitting to the Committee excessive documentation which is not strictly relevant to

the allegation of non-compliance. In providing your response, please note that you should explicitly comment on the communication itself and the allegations contained therein, as well as addressing the questions raised by the Committee.

In a letter to the communicant, a copy of which you will receive for your information, the Committee has invited the communicant to address other questions. You are welcome to respond to those question, if you so wish.

Please do not hesitate to contact the secretariat if you have any questions.

Yours sincerely,



Aphrodite Smagadi
Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Delegation of the European Union to the United Nations Office and other international organizations in Geneva
Pat Swords BE CEng FIChemE CEnv MIEMA, Ireland

Encs. Communication ACCC/C/2010/54 (including annexes)
Preliminary determination on admissibility
Datasheet on the communication

ANNEX - Questions to the Party concerned

1. What activities or steps have the European Union, the European Commission in particular, taken to monitor the implementation of the Convention in Ireland, and how do these activities or steps relate to the subject matter of the communication.
2. When taking the September 2007 decision to approve the REFIT I program for state aid (State aid N 571/2006 Ireland) did the European Commission ascertain if the program was in compliance with the Convention?
3. When taking the March 2010 decision to allocate 110,000,000 Euro to the interconnector between Ireland and the United Kingdom (Wales) did the European Commission ascertain if the decision-making process regarding the interconnector was in compliance with the Convention?
4. Has the European Union, the European Commission in particular, ascertained whether the Renewable Energy Action Plan submitted by Ireland to the European Commission was developed in compliance with the Convention?