



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

Fwd: REP140/EOC/11: Commissioner for Environmental Information CEI/11/002: Garda Bureau of Fraud Investigation FB 11/242.09

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

Wed, Mar 30, 2011 at 9:19 AM

Dear Mr Swords,

Your attached e-mail is acknowledged.

Divisional Office
Garda Bureau of Fraud Investigation

From: Pat Swords [mailto:pat.swords.chemeng@gmail.com]
Sent: 29/03/2011 20:54
To: info; GBFI_DV; ombudsman@ombudsman.gov.ie
Subject: Fwd: REP140/EOC/11: Commissioner for Environmental Information CEI/11/002: Garda Bureau of Fraud Investigation FB 11/242.09

To: Commissioner for Environmental Information / Garda Bureau of Fraud Investigation / Office of the Ombudsman
Date: 29-3-2011

Let me kindly point out Article 4 paragraph 1 of the attached Directive and the content of the Submission attached.

With regard to the response below, I would like to point out:

- With the likes of Michael Lowry and Denis O'Brien espousing this philosophy all over the media it's little wonder that our Civil Servants feel that this is appropriate behaviour...

I could also point out that why not! The Gardai never take action, the situation with exMinister Lowry demonstrated that, as did their refusal for years to deal with clerical child abuse; too politically hot to handle. Furthermore one can only deduct from exMinister Sargents' conduct that political interference was widespread, after all the only reason we got to know about it was that a member of the force exposed it to the media. Certainly her superiors never did anything before or after about it.

As for the office of the Ombudsman, the public statements below are quite pathetic given that this office never did anything to establish and enforce proper standards, except for producing a few glossy brochures.

- <http://www.irishtimes.com/newspaper/ireland/2011/0328/1224293222185.html>

So where is all this going to go to? The UN Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters was ratified by the EU in February 2005. Therefore, since then it has had full effect here in Ireland.

Unfortunately Ireland has failed to implement the necessary compliance measures, and is now essentially alone in Europe with Russia, in having failed to ratify the Convention. What this means, in simple terms, is that the EU is the liable Party and not Ireland.

In December 2010 the Aarhus Convention Compliance Committee accepted their 54th Communication. This was prepared by myself, in my personal time. Indeed the investigation ACCC/C/2010/54 is available on the website of the UNECE. The substance relates to failures in Ireland, with regard to environmental and energy legislation. The Party under investigation is the EU.

The recent decision on the 27th Communication, in relation to a planning appeal in Belfast, was that the legal costs of £39,454 were prohibitively expensive. A non-compliance with access to justice, which is fair, equitable, timely and not prohibitively expensive. Following this and similar conclusions on Communications to the Compliance Committee, the UK is introducing legal reforms to bring down the cost of access.

If Ireland fails to make the necessary reforms to ensure compliance with the Convention, due process will be followed by the Compliance Committee. This will in effect leave the EU facing the prospect, of having to withdraw as a Party to this critically important UN Convention.

- <http://www.unece.org/env/pp/compliance/Compliance%20Committee/54TableEU.htm>

There is a report being prepared to answer the UNECE questions referenced in the above investigation, including Question 3 to the Communicant. The answers are not going to look pretty!

There is also the little matter that the entire investment community, both national and international, are well aware that the Irish regulatory process is being used time and time again, to put legitimate businesses out of operation and hand the market over to the political friends - plus ca change.

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

From: **Minister** <MINISTER@environ.ie>

Date: 2011/3/29

Subject: REP140/EOC/11

To: "pat.swords.chemeng@gmail.com" <pat.swords.chemeng@gmail.com>

29 March 2011

Mr Pat Swords

RE: REP140/EOC/11

Email: pat.swords@chemeng@gmail.com

Dear Mr Swords,

I wish to refer further to your email of 6 February 2011.

The 2007 Programme for Government contained a commitment to carry out an international review of waste management plans, practices and procedures and to act on the review's conclusions. In November 2009 the International Review of Waste Management Policy was published, commissioned from an international consortium made up of Eunomia Research and Consulting, and a number of national and international partners.

On 15 July 2010 a Draft Statement of Waste Policy was published for public consultation. The draft policy statement was based on the recommendations and analysis of the International Review of Waste Management Policy. In advance of finalising a Statement of Waste Policy by Government, comments were invited from relevant stakeholders and any other interested parties. The closing date for receipt of submissions was 1 October 2010.

A decision was made on 7 December 2010 to post the submissions received on the Department's website, with some redactions relating to personal information, legally privileged information or information that might be prejudicial to Garda investigations and this was completed on 11 January 2011.

On behalf of the Minister, I would like to comment on your concerns in relation to the application of the Aarhus Convention in respect of the consultation concerning the Draft Statement. It is not accepted that the Department has ignored the Convention's core principles. On the contrary, the consultation process was conducted entirely in accordance with the Articles quoted in your letter.

As regards the completion of a Strategic Environmental Assessment, I refer you to the e-mail from this Department sent to you on 19 July 2010, and reiterate that an SEA is not required in respect of a draft waste policy. Such assessments are appropriate at a later stage of the policy formulation cycle.

In relation to perceived divergence between submissions received and the Environment (Miscellaneous Provision) Bill 2010, it is entirely a matter for Government to disagree with any submission received during a consultation period, subject, obviously, to legal requirements.

I regret that you are of the view that the Department has failed in its duty to provide a satisfactory level of customer service to you, and that you feel that officials have been obstructive. However, the Department is satisfied that its conduct has been entirely in accord with accepted standards of transparency, customer service and administration. Further, the several accusations of illegality made in your correspondence of 6 February have no basis.

Providing a high-quality, efficient and effective service is central to our work in the Department of the Environment, Heritage and Local Government. If you, as a customer, are not happy with the quality of the

service which you have received from the Department, you may wish to make a customer service complaint. You will find details of how to do so on our website at www.environ.ie

Yours sincerely,

Eddie Kiernan

Private Secretary

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.

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