



Scoop

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UN: EU violates Aarhus Convention

The Compliance Committee of the United Nations Economic Commission for Europe (UNECE), which enforces the Aarhus Convention to which the EU is a party, has issued draft findings and recommendations which criticize the European Commission for failing to abide by the terms of the Convention with regards to the determination of its renewable energy policy (1). Today the plaintiff, **Mr. Pat Swords**, a chemical engineer critical of the way the EU imposes its “half-baked policy” to Members States, communicated the Committee’s decision to the **European Platform against Windfarms (EPAW)**. Draft recommendations are unlikely to be substantially modified when, after an ultimate input from the parties, they are converted into final ones.

The Compliance Committee found that the EU did not comply with the provisions of the Convention in connection with its programme “20% renewable energy by 2020”, and its implementation throughout the 27 Member States by **National Renewable Energy Action Plans (NREAP)**. In particular, the Committee opines that the EU did not ensure that the public had been provided with the necessary information within a transparent and fair framework, allowing sufficient time for citizens to become informed and to participate effectively in the decision process.

Says Pat Swords: “this is an important decision, because the EU’s renewable energy programme as it currently stands **is now proceeding without 'proper authority'**. The public's right to be informed and to participate in its development and implementation has been by-passed. A process will now be started to ensure that the Committee’s recommendations are addressed; if ultimately they are not, then UNECE has the option of **requiring the EU to withdraw from the UN Convention on Human and Environmental Rights.**”

The **Aarhus Convention** requires that public participation occur when all options are still open, not when policies are already set in stone. Furthermore, the authorities have to ensure and document that in the resulting decision, due account is taken of the outcome of public participation. “In the EU,” remarks the engineer, “what we’ve had is a travesty of public participation in a policy having hugely negative impacts on the environment and the economy.”

Mark Duchamp, Executive Director of EPAW, points that Mr. Swords initiated his recourse one and a half years ago, as it was already obvious that the European Commission was imposing an enormously costly and ineffective policy to EU Members States without properly investigating the pros and cons. “It is high time that Brussels be held accountable for the hundreds of billions that have been squandered without a reality check on policy effectiveness” says Mark. “To spend so much money, **a positive has to be proven**. - It hasn’t.”

Duchamp, who also happens to be an environmentalist and is chairman of the non-conformist NGO **World Council for Nature**, remarks that never has Europe’s environment been the object of so much destruction in so little time. “Even natural reserves, set up at great cost to the taxpayer, have been allowed to be invaded by industrial wind turbines,” he laments. “I presented objections to a number of eagle-killer wind projects, but the impression I get is that they were not even read. The Aarhus Convention is only being given lip service in Europe. The UNECE findings confirm this.”

Finally, there is another 'twist to this tale', says Pat Swords: “as the Convention is part of EU law, there is now a legal ruling that this law has not been complied with. There are long established legal procedures where if a Member State does not comply with EU law, **the citizen can seek 'damages made good'** (2). A can of worms has been opened,” warns Pat.

He continues: “Electricity costs are soaring to implement these dysfunctional policies, which have by-passed proper and legally-required technical, economic and environmental assessments. Not only is the landscape being scarred as thousands of wind farms are being installed, but people in the vicinity are suffering health impacts from low frequency noise, while birdlife and other wildlife is also adversely impacted. It is long overdue that a STOP was put to this type of **illegal and dysfunctional** policy development and project planning.”

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References:

(1) - Draft findings of 29 April 2012, communicated on May 4th by the Compliance Committee of the United Nations Economic Commission for Europe (UNECE): <http://www.unece.org/env/pp/compliance/Compliancecommittee/54TableEU.html> Last items at the bottom of the page (as at this date), namely “draft findings” and “letters to the parties”

Short video explaining the Aarhus Convention: <http://www.unece.org/env/pp/vid-presentation.html>

(2) - http://ec.europa.eu/eu_law/infringements/infringements_dommages_en.htm