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2012-07-05

RE: P0516-03 Boliden Tara Mines Limited Submission to appeals.

Knockumber, Navan, County Meath

Dear Sir/Madam

I refer to the attached press release dated Brussels, 21 June 2012 from DG Environment European Commission which states;

*"On the recommendation of Environment Commissioner Janez Potočnik, the Commission is therefore referring Ireland back to the European Court of Justice and requesting that it impose a lump sum fine of over €1.800.000 and a daily penalty payment of over €19 000 for each day after the second Court ruling until the infringement ends."*

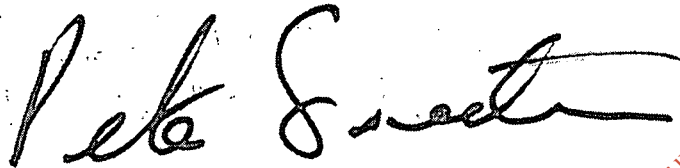
*"A fundamental objective of the Environmental Impact Assessment Directive (EIA Directive) is to ensure that projects likely, by virtue of their nature, size or location, to have significant effects on the environment are subject to an impact assessment. Despite an earlier referral to the Court and a subsequent Court ruling in March 2011 Ireland has not yet ensured the full transposition of the EIA Directive into national law. Concerns remain regarding the complete transposition of Article 3 of the Directive, avoiding any negative consequences of split decision making between Irish planning authorities and the Irish Environment Protection Agency, and the exclusion of demolition*



*works. Ireland generally accepts the Court's findings and stated its intention adopt all the necessary legislation to implement the Court's judgment by the end of May 2012. However the necessary has not yet been adopted, so the Commission is referring the case back to the Court."*

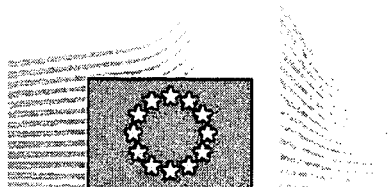
We submit that any outcome of this appeal other than to uphold our appeal could be considered to be in contempt of the decision of the European Court of Justice in Case C- 50/09.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Peter Sweetman', with a stylized flourish at the end.

Peter Sweetman and  
on behalf of the  
Swans & The Snails Ltd.

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EUROPEAN COMMISSION

## PRESS RELEASE

Brussels, 21 June 2012

### **Environment: Commission refers Ireland back to Court over incomplete environmental impact assessment laws**

The European Commission is urging Ireland to bring its national legislation on assessing the effects of projects on the environment into line with EU rules. Despite considerable interaction with the Commission, legislation on environmental impact assessments in Ireland still contains shortcomings. On the recommendation of Environment Commissioner Janez Potočnik, the Commission is therefore referring Ireland back to the European Court of Justice and requesting that it impose a lump sum fine of over €1.800.000 and a daily penalty payment of over €19 000 for each day after the second Court ruling until the infringement ends.

A fundamental objective of the Environmental Impact Assessment Directive (EIA Directive) is to ensure that projects likely, by virtue of their nature, size or location, to have significant effects on the environment are subject to an impact assessment. Despite an earlier referral to the Court and a subsequent Court ruling in March 2011 Ireland has not yet ensured the full transposition of the EIA Directive into national law. Concerns remain regarding the complete transposition of Article 3 of the Directive, avoiding any negative consequences of split decision making between Irish planning authorities and the Irish Environment Protection Agency, and the exclusion of demolition works. Ireland generally accepts the Court's findings and stated its intention to adopt all the necessary legislation to implement the Court's judgment by the end of May 2012. However the necessary legislation has not yet been adopted, so the Commission is referring the case back to the Court.

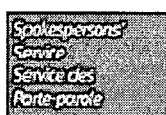
### **Background**

The aim of the EIA Directive is to ensure that projects which are likely to have a significant effect on the environment are adequately assessed before they are approved. Hence, before any decision is taken to allow such a project to proceed, its possible impacts on the environment are identified and assessed. Developers can then adjust projects to minimise negative impacts before they actually occur, or the competent authorities can incorporate mitigation measures into the project approval.

### **For current statistics on infringements in general, see:**

[http://ec.europa.eu/community\\_law/infringements/infringements\\_en.htm](http://ec.europa.eu/community_law/infringements/infringements_en.htm)

[http://ec.europa.eu/environment/legal/implementation\\_en.htm](http://ec.europa.eu/environment/legal/implementation_en.htm)



IP/12/657

**See also:**

MEMO/12/464

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