Exhibit 2

Breaches of the Aarhus Convention

This includes sections of the Aarhus Convention and Irish law and EU law and court precedents which support our case for an Injunction. In Ireland the general public and local communities were deliberately prevented from public consultation and participation on environmental matters through the following :

(i) no full disclosure to local communities about the influx of foreign migrants into a local community and its effects on the environment and local community

(ii) no informed consent from local communities

(ii) no public consultation in terms of provision of all material and important information about the influx of foreign migrants and its impact on living persons and the lived environment and local community

(iii) no public participation to determine the impact, the effects, the crime aspects and the costs and benefits of an influx of foreign migrants into a local community, and the impact on the lived environment. And no opportunity for rectification of environmental matters regarding living people in the lived environment

(iv) no assessment of and no disclosure of the carbon footprint and pollution footprint of the influx of foreign migrants into a local community

(v) no assessment of and no disclosure of the crime risks of the influx of foreign migrants into a local community. And no provisions made for protecting local communities, including vulnerable people.

The Aarhus Convention

This breached the Aarhus Convention. Public disclosure, consultation, informed consent and participation about issues which affect the lived environment and local communities are all required under the Aarhus Convention. The impact on the environment including carbon footprint and pollution footprint are also required. None of this was done by the Irish authorities.

This is a breach of Irish laws and EU laws which include and enforce the Aarhus Conventions specifically the Environment (Miscellaneous Provisions) Act 2011. Over 60 pieces of legislation have been used to implement the Aarhus Convention in Ireland. They include S.We. No. 309/2018, S.We. No. 615/2014, S.We. No. 352/2014, S.We. No. 137/2013, S.We. No. 283/2013 and the European Union (Environmental Impact Assessment) (Integrated Pollution Prevention And Control) Regulations 2012.

And there is a breach of EU laws which enforce the Aarhus Convention specifically Directive 2003/4/EC on Public Access to Environmental Information, Directive 2003/35/EC on Public Participation, REGULATION (EC) No 1367/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL and Article 10 of EC Directive 85/337 incorporating international obligations under the UNECE Aarhus Convention.

The Environment (Miscellaneous Provisions) Act 2011 in Ireland provides for Protective Costs Orders along similar lines to that of the Aarhous Convention. Article 9(4) of the Aarhus Convention, the fifth paragraph of Article 10a of the EIA Directive and the fifth paragraph of Article 15a of the IPPC Directive each provide that environmental proceedings must be fair, equitable, timely and not prohibitively expensive.

EU legislation provides that member states are to provide the public with the right to participate in environmental decision making and that procedures governing environmental matters should not be unduly prohibitive in terms of cost - **Article 10a of EC Directive 85/337, incorporating international obligations under the UNECE Aarhus Convention.** In Commission v Ireland C-427/07, the European Court of Justice found that the failure of Ireland to put in place costs rules in relation to environmental review procedures was in violation of EU legislation and it was not enough that the Irish courts have discretion to not apply the usual costs rule.

Precautionary Principle

And there has been a breach of the Precautionary Principle in relation to the environment and the safety of local communities.

Court Precedents and Grounds for a Protective Costs Order under the Aarhus Convention

In the court precedent of European Commission v United Kingdom of Great Britain and Northern Ireland [2013] EUECJ C-530/11 (12 September 2013), argued in the **European Court of Justice**, it was stated **that that EU law and Directives and the Aarhus Convention over-ride common law, national law, and precedents in national courts**. And this is highly relevant to our court case. I cite the judgment in this case.

> *' declare that the United Kingdom of Great Britain and Northern Ireland has failed to fulfil its obligations under Articles 3(7) and 4(4) of Directive 2003/35/EC of the European Parliament and the*

Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC "'

I cite some of the points in this judgment

' Article 9(4) of the Aarhus Convention refers, inter alia, to costs:
In addition and without prejudice to paragraph 1 above, the procedures referred to in paragraphs 1, 2 and 3 above shall provide adequate and effective remedies, including injunctive relief as appropriate, and be fair, equitable, timely and not prohibitively expensive. …'

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8. In implementing the provisions on access to justice laid down in Article 9(2) of the Aarhus Convention, Article 3(7) of Directive 2003/35 inserted Article 10a into the Environmental Impact Assessment Directive (EIA Directive) (6) and Article 4(4) of Directive 2003/35 inserted Article 15a into the Integrated Pollution and Prevention Control Directive (IPPC Directive). (7) Paragraph 5 of each of those inserted provisions lays down, in identical words, rules on costs: '

'Any such procedure shall be fair, equitable, timely and not prohibitively expensive.'

'The courts in Ireland had a discretion not to order an unsuccessful party to pay the costs and, in addition, to order expenditure incurred by the unsuccessful party to be borne by the other party.'

The judgment also cited the Corner House case in Britain

'The concept of a protective costs order was developed by the Court of Appeal of England and Wales in the case of Corner House. (23) The courts in Scotland and Northern Ireland have adopted the practice. In exceptional circumstances, an order of that kind may establish a cap on the costs that the applicant may be ordered to pay in respect of the proceedings before the relevant court in the event that he is unsuccessful. An order of that kind may be made at any stage of the proceedings provided the court is satisfied that:

– *the issues raised are of general public importance;*

– *the public interest requires that those issues should be resolved;*

– *the applicant has no private interest in the outcome of the case;*

– *having regard to the financial resources of the applicant and respondents and to the amount of costs that are likely to be involved it is fair and just to make the order;*

– *if the order is not made the applicant will probably discontinue the proceedings.'*

Our case fulfils the Corner House criteria above.

> *'Instead, an individual is to be protected also when enforcing his own rights conferred by European Union law.'*

We are enforcing our rights under EU law and citing and using EU laws.

> *'In actions brought against public bodies, no true equality exists from the outset as those bodies generally have much greater resources at their disposal than the persons covered by Article 10a of the EIA Directive and Article 15a of the IPPC Directive. To that extent, therefore, a one-way* protective costs order *is simply an initial step towards establishing equality of arms*.'

These are grounds for our protective costs order.

In Commission v United Kingdom (Judgment of the Court) [2014] EUECJ C-530/11 (13 February 2014), the European Court of Justice ruled that legal costs for environmental cases "must not be prohibitively expensive" so as to block court cases proceeding and that EU law over-rides national law and common law and case law in the national courts. In David Edwards, v Environment Agency, [2013] EUECJ C-260/11 (11 April 2013), the European Court of Justice made a similar ruling regarding costs. These are grounds for our protective costs order.

In the precedent of *An Taisce v ABP & Others* [2021] IEHC 422, argued in the **Supreme Court,** Justice Humphreys states at para 34:
"one should not unduly blame individual litigants for problems that are more properly down to the system overall. That applies with particular force where an applicant is exercising Aarhus rights, as here. It may be helpful to point out that art. 3(8) of the Aarhus convention renders unlawful, in international and EU law terms, the victimisation of an applicant for availing of rights of environmental participation and challenge. It logically follows that it would be equally unlawful, in such a sense, to counsel, procure or incite such victimisation, or to attempt to do so"

The Irish Supreme Court in Heather Hill Management Company CLG v an Bord Pleanála (2022) referenced the Aarhus Convention in its ruling and has ruled that litigants challenging planning permissions on environmental grounds are entitled to a special protective costs order (PCO) for all of their grounds of challenge. Environmental grounds encompass the lived environment in which human beings live including

environmental risk in terms of a significant and higher risk of injury, death ,illness or disability to those living in the environment in addition to damage to the environment itself.

In Allen & Ors v UK App. no. 5591/07 argued before the **European Court of Human Rights**, the Judges in their judgment that a claimant must have a **Legitimate Aim**. We have a legitimate aim that being protection of our local environment and our Aarhus Convention rights. This aim is reasonable, logical, rational, legal and lawful.

In Merriman v Fingal County Council, **the High Court** (Barrett J) made reference to a number of international conventions, including the Aarhus Convention and the European Convention on Human Rights, in identifying an unenumerated 'right to an environment consistent with human dignity and the well-being of citizens at large'.

A report by the European Commission titled '2022 Rule of Law Report Country Chapter on the rule of law situation in Ireland' applies in this court case. It states that the cost of justice under law should not be so prohibitive and oppressive that it deprives people of seeking or getting justice in the domestic courts. And this is especially the case in respect of bringing a court case to help protect people living in local communities and the environment. I quote from this report below:

' Continue actions aimed at reducing litigation costs to ensure effective access to justice, taking into account European standards on disproportionate costs of litigation and their impact on access to courts.'
'Following a review of the Administration of Civil Justice in 2020, concerns have remained in relation to the litigation costs in Ireland. The Minister for Justice stated in October 2021 that legal costs in Ireland are prohibitive and act as a barrier to people exercising their rights before the courts'
'European Commission (2019), The Environmental Implementation Review 2019, Country Report Ireland. The review recommended Ireland to ensure that individuals and environmental NGOs can bring environmental challenges without facing prohibitive costs'
'This is important, as European standards provide that disproportionate high costs can limit the access to a court of citizens'
These are grounds for a protective costs order.

In R (on the application of the British Union for the Abolition of Vivisection) –v- Secretary of State for the Home Department [2006] EWHC 250 (Admin) a protective costs order was granted by the High Court for an NGO wishing to halt experiments on animals.
These are grounds for our protective costs order.

In England the Protective Costs Order rules are more well developed in terms of case law and precedents and general applicable principles. The lead English authority on this is R v Secretary of State for Trade and

Industry EWCA Civ 1342 provides that a Protective Costs Order may be granted where:

- the issues are of general public importance
- the public interest requires that the issues be resolved
- the applicant has no private interest in the case
- it is fair and just to make the order
- the applicant will probably discontinue the proceedings if no Protective Costs Order is made

This applies in our court case. We ask that these criteria from the English courts be considered and applied in our case in Ireland.

The rights enshrined in the Convention are complemented by Article 3(8) of the Aarhus Convention, which states: ‘Each Party shall ensure that persons exercising their rights in conformity with the provisions of this Convention shall not be penalized, persecuted or harassed in any way for their involvement. This provision shall not affect the powers of national courts to award reasonable costs in judicial proceedings.’

Source: Aarhus Convention (n 9) art 3(8).

This is valid grounds to give us a Protective Costs Order.

The relevant provision of the Aarhus Convention is not limited to climate issues only, they are applicable to environmental activism in areas other than the climate crisis. This includes the lived environment, the lived environment encompasses the environment where humans live and animals live and fauna and flora live, and the threats to such lived environments from toxins, poisons, climate destroyers, and pollutants, including those which can be injected into humans and cause injuries, serious illnesses, disabilities and premature deaths. I cite Aarhus Convention and ACCC case number: ACCC/C/2014/102 Belarus

Other Types of Court Precedents providing Protective Costs Orders for Public Interest Cases

The first Protective Costs order was granted in Ireland by the High Court in the case of Max Schrems v Data Protection Commissioner [2014] IEHC 310 and it cited the public interest and common good and the fact that he had an insignificant private interest in the case and the very high legal costs would cause financial ruin for him and act to deprive him of a fair trial and justice and under law. These are grounds for our protective costs order.

Equality of Arms under law. And the Constitutional right under Article 40 stating that all persons are equal before the law. The financial might of the state is pitted against ordinary citizens who are taking a legal case to protect the lives and health of thousands of children in Ireland. The state with its financial might and unlimited resources can bully, intimidate, frighten, and threaten ordinary people in public interest

court cases via the stick of high and exorbitant costs and use that to stop important and necessary cases proceeding in court. This creates inequality of arms in law and breaches article 40 of the Constitution.

Provisions under Articles 6 and 13 of the European Convention on Human Rights give one a right to due process, fair procedure, equality of arms, and litigation rights in courts especially in court cases of significant national importance and the Public Interest, which include significant risk of death, serious illness or disability to small children and people in general and accompanying breaches of human rights, Constitutional rights of informed consent and bodily integrity in the courts and NOT have this denied by oppressive costs or prohibitive costs.

In the criminal case of DPP vs Paul Murphy and others also known as the' Jobstown trial', protective costs orders were given to the defendants as the legal costs exceeded their incomes and were prohibitive to the extent that they could have undermined their legal right to a fair trial and justice under the law. This applies in our court case.

In Roche vs Roche the Irish Supreme Court ordered the successful party to pay the costs of the unsuccessful party as the case raised a unique and exception issue of public importance which "surpassed, to an exceptional degree, the private interests of the two parties.."
Our case is similar in this respect.

Another ruling of the Supreme Court in Curtin v Clerk of Dail Eireann & Ors, 2006, stated that where a matter raises legal issues of special and general public importance, this may warrant the granting of a Protective Costs Order. The Supreme Court involved 'exceptionality' as the applicable standard for diverging from the usual costs rule of the courts. We are certainly dealing with very exceptional circumstances in this court case. This applies in our court case.