



NATIONS UNIES
COMMISSION ÉCONOMIQUE
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ОБЪЕДИНЕННЫЕ НАЦИИ
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ДЛЯ ЕВРОПЫ

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ECONOMIC COMMISSION
FOR EUROPE

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2 April 2007

Mr. Søren Wium-Andersen
Ådalen 15, DK-3400 Hillerød, Denmark
Tel: + 45 48 26 75 15

Dear Mr. Wium-Andersen,

**Re: Communication to the Aarhus Convention Compliance Committee concerning
access to procedures to challenge acts and omissions which contravene
provisions of national law relating to the environment in Denmark
(Ref. ACCC/C/2006/18)**

On 26 December 2006, 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 submitted by you and addressed to the Compliance Committee of the Convention regarding compliance by Denmark with certain provisions of the Convention.

The communication has been registered under the symbol ACCC/C/2006/18, which you are invited to cite in future correspondence on the matter.

The Committee, having considered the communication, 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.

The communication and the preliminary determination on its admissibility are now being forwarded to the Party concerned, in accordance with paragraph 22 of the annex to decision I/7.

In order to facilitate further consideration of the communication, the Committee has requested the secretariat to invite you to submit further details related to some of the matters raised in the communication. The Committee, in particular, would like to request the following:

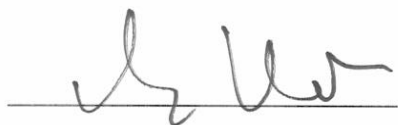
1. From the information provided in the communication it appears as if the culling plans were made public through the newspaper. In light of this, did you approach

the relevant municipality to discuss the matter before or during the culling? If so, what was the response? If not, why not?

2. In addition to the procedure before the local police and the public prosecutor, and the report to the Nature protection Board of Appeal, did you try to make use of any other possible means to challenge the acts or omissions of public authorities related to the protection of wild birds as set out in Danish legislation and the 1979 EC Directive 79/409 on the Conservation of Wild Birds? In particular, did you make requests to any local, regional or central supervisory authority, address the Ombudsman, or initiate a judicial procedure against the public administration in court? If not, please explain whether this was because no such procedure is available or if this was not done for other reasons?
3. Did you make any report on or complain about the decisions mentioned in the communication to the National Forest and Nature Agency, as suggested by the public prosecutor as well as the Nature Protection Board of Appeal? If so, what was the response? If not, why not?
4. If you addressed the National Forest and Nature Agency and the outcome of the complaint was not satisfactory, did you then complain to the Ministry of the Environment? If so, what was the response? If not, why not?
5. Are there, in your view, any other means available, *inter alia* under civil or administrative law, for challenging acts or omissions by public authorities which contravene laws related to the protection of wild birds as set out in Danish legislation and the 1979 EC Directive 79/409 on the Conservation of Wild Birds?

Should you also wish to address any of the questions raised at the request of the Committee in the letter to the Party concerned, a copy of the letter is attached for your information.

Yours sincerely,



Jeremy Wates

Secretary

Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Cc: Ms. Heidi Kristine Kongslev Hilbert, Legal Advisor, Danish Environmental Protection Agency, Ministry of the Environment

Encl. Preliminary determination on admissibility
Datasheet

Copy of the letter to Ms. Heidi Kristine Kongslev Hilbert, Legal Advisor, Danish Environmental Protection Agency, Ministry of the Environment