

**From:** KONRAD Robert (email address redacted)  
**Sent:** Thursday, June 30, 2016 9:33 AM  
**To:** Fiona Marshall; Aarhus Compliance  
**Cc:** WIEDNER Angelika; GARBAA Affef (email addresses redacted)  
**Subject:** RE: ACCC/C/2008/32 (European Union) - draft findings for comment by the Party concerned

Dear Ms Marshall,

Thank you for having transmitted us the draft findings by the Aarhus Convention compliance Committee in Case ACCC/C/2008/32 concerning compliance by the EU in connection with access by members of the public to review procedures.

You have informed us that any comments by our part should reach you by Monday 25 July 2016. We would indeed like to present comments to the draft findings. However, unfortunately we will not be able to provide them by the set deadline, as we need to follow internal procedural rules, adopted end 2014 by the Commission, which notably foresee a so-called "inter-service consultation". This is a formalised procedure that takes some time, but reflects the importance of the Aarhus compliance procedure and ensures that the principle of collegiality is fully respected in the Union's reply.

It would be important to follow this procedure all the more in this important case, to ensure that the EU can fully exercise its rights of defence. Pursuant to paragraph 34 of the Annex to Decision I/7 on review of compliance, the Committee shall take into account any comments made by the Party concerned to draft findings. The set deadline would effectively deprive the Union of its right to comment.

We would thus ask you to allow the EU to present its observations to this case by following the applicable internal rules. We assure you that we will do our utmost to provide the Union's comments as soon as possible.

Yours sincerely,

**Robert KONRAD**  
Head of Unit



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