

From: Robert KONRAD [email address redacted]
To: Fiona Marshall
Cc: [email addresses redacted]
Date: 18/03/2015 11:32
Subject: RE: ACCC/C/2008/32 (European Union), part II - draft request for prolongation of deadline according to Aurel's indications

Dear Fiona,

I refer to your mail of 2 March 2015, informing us of the Communicant's comment to the European Court of Justice's rulings of 13 January 2015 on the Aarhus Regulation 1367/2006, in the framework of Case ACCC/C/2008/32. You asked us to submit our comments by 23 March 2015.

We would like to inform you that we would indeed like to present our observations to this comment which criticizes these judgments and the functioning of the EU legal order. However, due to our internal procedures for submitting observations in Aarhus compliance cases, we will not be able to submit these observations within the required deadline.

We understand, as you have pointed out in earlier cases, that under paragraph 23 of the Annex to Decision I/7 on Review of Compliance, the ACCC is not at liberty to grant an extension beyond the five months deadline for reaction by the Party on a communication. However, in the event of follow-up comments relating to a communication, we equally need a sufficient time-frame to allow us to submit a substantiated comment, with the implication of all concerned services. The wording of paragraph 23 would allow for an extension in these situations, also in line with the general principles of equality of arms and due process.

We consider that the minimum time we need for consultation within the framework of the institution's internal procedures for the representation of the EU in compliance cases under the Aarhus Convention is 2 months.

We would thus kindly ask you to extend the deadline to submit our observations in the present case to 2 May 2015.

Yours sincerely,

Robert KONRAD
Head of Unit

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