



EUROPEAN COMMISSION

DIRECTORATE-GENERAL

ENVIRONMENT

Directorate A - Communication, Legal Affairs and Civil Protection

ENV.A - The Director

02 JUL. 2009

Brussels,
Ares (2009) 454093

Mr Jeremy WATES
Secretary to the Convention on
Access to Information, Public
Participation in Decision-making
and Access to Justice in
Environmental Matters
United Nations Economic
Commission for Europe
Office 332, Palais des Nations
Av. de la Paix 10
CH-1211 Geneva 10

Subject: Communication to the Aarhus Convention Compliance Committee concerning compliance by the European Community with provisions of the Convention in connection with access to members of the public to review procedures (ACCC/C/2008/32)

Dear Mr Wates,

By letter of 24 December 2008, you invited the European Community to submit any written explanations or statements clarifying the matter referred to in the above-mentioned communication.

The European Commission submitted, on behalf of the European Community, its comments on communication ACCC/C/2008/32 by letter 127270 of 11 June 2009.

As the Compliance Committee meets from 30 June to 3 July 2009, I thought it advisable to request you to specifically draw the attention of the Committee to paragraphs 88 and 94 to 97 of the European Community written response, in which the Commission draws the attention of the Committee to the fact that some of the issues raised in the communication are currently *sub judice* before the Court of First Instance of the European Communities in the context of case T-338/08 (Stichting Natuur & Milieu and Pesticides Action Network Europe v Commission). The Commission, referring to paragraph 21 of the Annex to Decision I/7 – Review of Compliance, calls therefore upon the Committee to exercise its discretion so that it does not consider communication

ACCC/C/2008/32 until such time the Community judicature has ruled on case T-338/08 (see, in particular, paragraph 99 of the European Community written response).

For the sake of consistency and in order to streamline the procedure, the European Community would argue further that consideration by the Committee of all points arising in communication ACCC/C/2008/32 should be deferred.

We are comforted in submitting this request as we have in the meantime learned that the Committee recently agreed, in the context of communication ACCC/2008/31 – compliance by Germany with provisions of the Convention in connection with German legislation on access to justice in environmental matters, to postpone the deadline for the response of the Party concerned until after the Court of Justice of the European Communities will have delivered its judgment in case C-115/09.

I would be grateful if you could inform us of the decision of the Committee on our request for deferral as and when such a decision is made.

Yours sincerely,


Pia Bucella