



**NATIONS UNIES**  
**COMMISSION ÉCONOMIQUE**  
**POUR L'EUROPE**

**ОБЪЕДИНЕННЫЕ НАЦИИ**  
**ЭКОНОМИЧЕСКАЯ КОМИССИЯ**  
**ДЛЯ ЕВРОПЫ**

**UNITED NATIONS**  
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19 August 2009

Mr. Charles Pirotte  
Aarhus Convention Focal Point  
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Dear Mr. Pirotte,

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

At its twenty-fourth meeting (30 June – 3 July 2009), the Aarhus Convention Compliance Committee took note of the letter of 2 July 2009 from the European Commission requesting the Committee to defer further consideration of the above communication until the European Community judicature has ruled on a related case (T-338/08 – Stichting Natuur en Milieu and Pesticides Action Network Europe v. European Commission). Such a deferral would be based on the discretion provided to the Committee under paragraph 21 of the annex to decision I/7 of the Meeting of the Parties.

The Committee examined the request and was prima facie sympathetic to the argument for postponing the discussion on the communication in question until the release of the final court decision on the case. However, it agreed to seek the views of the communicant on this approach, and then to take a decision, using its electronic decision-making procedure, on whether or not to defer further consideration of the communication as proposed.

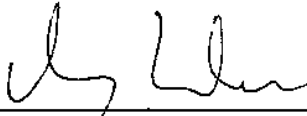
The communicant, which was represented by an observer at the twenty-fourth meeting of the Committee, has provided its views on the request for a deferral by letter of 10 August 2009, which for logistical reasons only came to the attention of the secretariat this week. Please find attached the relevant correspondence.

You are welcome to make any observations on the comments of the communicant. However, please note that the Committee aims to decide on the request for a deferral by the middle of next week, in the interests of giving all concerned, including the Commission, due notice and adequate time to prepare in case it is decided to discuss the communication, or part of the communication, at the twenty-fifth meeting of the Committee. Therefore any such observations should be made as soon as possible, taking this timeframe into account.

In connection with your request for a deferral of consideration of the case, the Committee at its twenty-fourth meeting also requested the secretariat to ask you to inform the Committee at your earliest convenience on your expectations regarding the likely timing of a final ruling by the European Community judicature in case T-338/08.

Finally, we are forwarding together with this letter an amicus brief that was submitted by the non-governmental organization WWF-UK in connection with communication ACCC/C/2008/32 shortly before the twenty-fourth meeting of the Committee. We regret the delay in bringing this to your attention, which was due to an administrative oversight. The Committee agreed at its meeting that WWF-UK should be copied on the correspondence concerning the request for a deferral.

Yours sincerely,



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Jeremy Wates

Secretary

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

Encs: Letters (two) from ClientEarth dated 10 August 2009, together with an update on the WWF-UK case

Amicus brief with four annexes submitted by WWF-UK

Cc: Mr. James Thornton and Ms. Anais Berthier, ClientEarth  
Ms. Carol Hatton (Solicitor), WWF-UK  
Prof. Philippe Sands QC and Ms. Jessica Simor, Matrix Chambers  
Mr. Richard Stein (Solicitor), Leigh, Day & Co Solicitors