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**COMMISSION ÉCONOMIQUE
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UNITED NATIONS

**ECONOMIC COMMISSION
FOR EUROPE**

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19 August 2009

Mr. James Thornton
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Belgium
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Dear Mr. Thornton,

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)


I wish to acknowledge your letters of 10 August 2009 providing comments on the request from the European Commission that the Aarhus Convention Compliance Committee defer further consideration of the above communication until the European Community judicature has ruled in a related case and enclosing an update on the WWF-UK case that was brought before the European Court of Justice (C-355/08). The correspondence has been circulated to the Committee and forwarded to the Party concerned.

The Committee examined the Commission's 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.

Having now received your views, the Committee aims to decide on the request for a deferral by the middle of next week, in the interests of giving all concerned 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.

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,



Jeremy Wates

Secretary

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

Encs: Amicus brief with four annexes submitted by WWF-UK

Cc: Mr. Charles Pirotte, Aarhus Convention Focal Point, Environment Directorate-General, European Commission
Ms. Carol Hatton (Solicitor), WWF-UK
Prof. Philippe Sands QC and Ms. Jessica Simor, Matrix Chambers
Mr. Richard Stein (Solicitor), Leigh, Day & Co Solicitors