



**EUROPEAN COMMISSION**

DIRECTORATE-GENERAL ENVIRONMENT

Directorate A - Legal Affairs and Cohesion

**ENV.A.2 - Compliance promotion, governance and legal issues**

Head of Unit

Brussels, 17 January 2011

ENV.A.2/SG/yy/CHAP(2010)03948

Dr Justin Neal  
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Leominster HR6 8DQ  
UNITED KINGDOM

Dear Dr Neal

**Subject: CHAP (2010) 03948 concerning access to environmental information**

Thank you for your letter of 12 January 2011. We would be very concerned if a decision was taken with regard to England and Wales to exclude all information held by water companies from public access under Directive 2003/4/EC on public access to environmental information. Article 2(2) of the Directive was deliberately drafted widely in order to ensure that environmental information such as this would not be privatised out of public access. Given the role played by water companies in England and Wales in providing water and sewerage services is regulated by legislation and carried under the oversight of government and other public administrations such as OFWAT it would be of some concern if the information held by these companies was deemed to fall outside of public scrutiny, in particular with regard to information on emissions into the environment. Furthermore, such information would presumably be available in other parts of the United Kingdom and other Member States where these functions had not been privatised leading to unequal access for what is effectively the same information. Many of the functions carried out by the water companies are vital to ensuring compliance with a whole raft of European environment directives such as the urban waste water treatment directive (91/271/EEC), the drinking water directive (98/83/EC) and the bathing water directive (2006/7/EC).

When your organisation first raised this matter with the Commission we advised that this matter should be dealt with through the appropriate national channels before the Commission could become involved. If you have reached the end of the road with regard to national forms of review, I would suggest that the preferable course of action would be for you to ask the final tribunal in this matter to refer the matter to the Court of Justice for clarification. I would be grateful if you could keep me informed as to how this matter progresses.

Yours sincerely

Jean-François Brakeland