

Our ref: WR/251b
Your ref: ACCC/C/2010/55



20 April 2015

Secretary to the Aarhus Convention

United Nations Economic Commission for Europe
Environment and Human Settlement Division
Room 332, Palais des Nations
CH-1211 Geneva 10,
Switzerland

BY POST AND EMAIL TO: aarhus.compliance@unece.org

Dear Sirs,

Re: Communication to the Aarhus Convention's Compliance Committee concerning compliance by the United Kingdom with provisions of the Convention in connection with access to information held by privatised water companies (ref: ACCC/C/2010/55)

We write further to our email of 23 March 2015.

Fish Legal's communication to the Compliance Committee, referenced above, sought to address the situation whereby water and sewerage companies (WASCs) or water only (WOCs) companies in England and Wales were not subject to the Environmental Information Regulations 2004 (EIRs) and the Aarhus Convention.

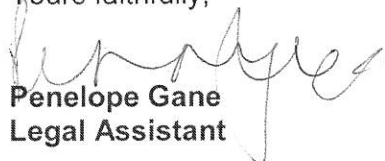
As you will be aware, on 16 February 2015 the Upper Tribunal (Administrative Appeals Chamber)¹ decided that United Utilities Plc, Yorkshire Water Services Ltd and Southern Water Services Ltd are 'public authorities' for the purposes of the Environmental Information Regulations 2004 (EIRs). As such these companies are now obliged to respond to requests for environmental information in accordance with those regulations.

It is our understanding that the Judgment has not been appealed.

Therefore, in light of the Upper Tribunal Judgment, we wish to withdraw our communication.

We are grateful to the Compliance Committee for its consideration of this matter.

Yours faithfully,



Penelope Gane
Legal Assistant

¹ *Fish Legal and Emily Shirley v Information Commissioner, United Utilities Water Plc, Yorkshire Water Services Ltd, Southern Water Services Ltd and the Secretary of State for the Environment, Food and Rural Affairs* [2015] UKUT 0052 (AAC)