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UNITED NATIONS

ECONOMIC COMMISSION  
FOR EUROPE

Environment Division  
Bureau 332  
Palais des Nations  
CH-1211 Geneva 10  
Switzerland

Phone: +41-22-917 3294  
Fax: +41-22-917 0634  
E-mail: [public.participation@unece.org](mailto:public.participation@unece.org)  
Website: [www.unece.org/env/pp](http://www.unece.org/env/pp)

1 February 2011

Mr. Justin Neal  
Fish Legal  
Permanent address:  
Eastwood House  
6 Rainbow St. Leominster  
Herefordshire HR8 8DQ  
United Kingdom

Dear Mr. Neal,

**Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the United Kingdom with provisions of the Convention in connection with access to information held by privatized water companies (Ref. ACCC/C/2010/55)**

On 3 December 2010, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received from you the above communication addressed to the Compliance Committee of the Convention. The communication concerns compliance by the United Kingdom with provisions of the Convention in connection with access to information held by privatized water companies. The communication was submitted in accordance with the provisions of chapter VI of the annex to decision I/7 of the Meeting of the Parties.

The communication has been registered under the symbol ACCC/C/2010/55, which you are invited to cite in future correspondence on the matter. The main documentation relating to the communication will be shortly available on the Committee's web site at: <http://www.unece.org/env/pp/pubcom.htm>.

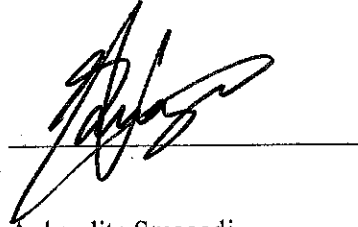
The Compliance Committee, having considered the admissibility of the communication at its thirtieth meeting (14–17 December 2010), has on a preliminary basis determined it to be admissible in accordance with paragraph 20 of the annex to decision I/7. A copy of the preliminary determination on admissibility is attached. Please note, however, that the Committee has not reached any conclusions with respect to the compliance issues referred to in the communication.

In order to facilitate further consideration of the communication, the Committee has requested the secretariat to invite you to address a number of questions that are annexed to this letter. Please provide any supplementary documentation which is necessary to substantiate your response to the questions. At the same time, you are encouraged to avoid submitting to the Committee excessive documentation which is not strictly relevant to the allegation of non-compliance.

In a letter to the Party concerned, a copy of which you will receive for your information, the Committee has invited the Party to address other questions. You are welcome to respond to those questions, if you so wish.

You are invited to submit your response to the Committee as soon as possible, but no later than 1 July 2011.  
Please do not hesitate to contact the secretariat if you have any questions.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Aphrodite Smagadi', is written over a horizontal line.

Aphrodite Smagadi  
Secretary to the Aarhus Convention Compliance Committee

- Cc: Ms. Jane Barton, International and European Coordination Division, DEFRA, UK  
Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office  
and other international organizations in Geneva
- Enc. Preliminary determination on admissibility  
Datasheet on the communication

### **ANNEX - Questions to the communicant**

- 1) Could you please comment on the main arguments of the decision of the Upper Tribunal (Case No. GI/2458/2010)?
- 2) Under the applicable law, can you appeal the decision of the Upper Tribunal (Case No. GI/2458/2010)? If yes:
  - a. Have you taken any steps to this direction?
  - b. What would be the costs involved?
  - c. Would you be able to apply for legal aid?
- 3) Please provide information about the regulatory framework (including the text of the relevant laws) that governs the relationship between the State and the privatized water and sewage companies. Does the State apply any monitoring/control of the operations of these companies?