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1 February 2011

Ms. Jane Barton  
National Focal Point for the Aarhus Convention  
EU and International Coordination  
Department for Environment, Food and Rural Affairs (DEFRA)  
Area 1 Nobel House, 17 Smith Square  
London SW1P 3JR, United Kingdom

Dear Ms. Barton,

**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 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.

Please find enclosed a copy of the communication, which is being forwarded to you at the request of the Committee in accordance with the provisions of paragraph 22 of the annex to decision I/7.

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.

Having regard to paragraph 23 of the annex to decision I/7, you are kindly invited to submit to the Committee, as soon as possible but at the latest within five months of the date of this letter (i.e. 1 July 2010), any written explanations or statements clarifying the matter referred to in the communication and describing any response that may have been made in the mean time.

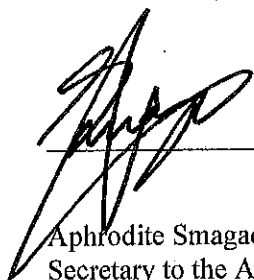
Additionally, in order to facilitate further consideration of the communication, the Committee has requested the secretariat to invite you to address a number of questions that are annexed to this letter. Please provide any supplementary documentation which is necessary to substantiate your response 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 providing your response, please note that you should explicitly comment on the communication itself and the allegations contained therein, as well as addressing the questions raised by the Committee.

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

Please do not hesitate to contact the secretariat if you have any questions.

Yours sincerely,



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Aphrodite Smagadi  
Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office  
and other international organizations in Geneva  
Mr. Justin Neal, Head Solicitor, Fish Legal

Encs. Communication ACCC/C/2010/55 (including annexes)  
Preliminary determination on admissibility  
Datasheet on the communication

### **ANNEX - Questions to the Party concerned**

- 1) In its decision the Upper Tribunal only considered the arguments put forward by the Appellant to the lead case - Smartsources. How would you respond to the arguments presented by Fish Legal in its "Grounds of Appeal"?
- 2) Please provide, if possible, examples of public authorities in the United Kingdom that would fall under the scope of article 2, paragraphs 2 (b) and (c) of the Convention. Please elaborate on why the WASCs and the WOCs would not fit under these provisions.
- 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?