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Ref: Follow-up on ACCC/C/2011/57

15 July 2013

Morten Imer Moller  
Head of section  
Danish Environmental Protection Agency  
Ministry of the Environment  
29, Strandgade str.  
DK-1401 Copenhagen K  
Denmark

Dear Mr. Moller,

**Re: Follow-up on communication ACCC/C/2011/57**

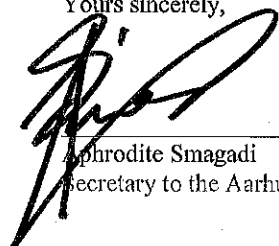
We refer to the findings and recommendations of the Aarhus Convention Compliance Committee with regard to communication ACCC/C/2011/57. The Committee, pursuant to paragraph 36 (b) of the annex to decision I/7 and noting the agreement of Denmark that the Committee take the measure referred in paragraph 37 (b) of the annex to decision I/7, had made a number of recommendations with regard to its findings on the communication.

You are now invited to submit information on progress by Denmark in implementing the recommendations of the Committee on the above referenced communication no later than **16 September 2013**. On the basis of this information, the Committee at its forty-second meeting (24 – 27 September 2013) will prepare its draft report, including the draft recommendations, to be considered by the Meeting of the Parties at its fifth session (Maastricht, the Netherlands, 30 June – 2 July 2014). The draft report will subsequently be shared with the Party concerned and the communicant(s) for comment, and then finalized and adopted by the Committee at its forty-third meeting (17 – 20 December 2013).

For your convenience, the findings and recommendations of the Committee are also annexed to this letter.

Please do not hesitate to contact the secretariat if you require further information.

Yours sincerely,



Aphrodite Smagadi  
Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of Denmark to the United Nations Office and other International Organizations in Geneva  
Christian Hjorth, Dansk Ornitologisk Forening – BirdLife Denmark (DOF) Permanent Mission of the

Annex

**Findings and recommendations with regard to communication ACCC/C/2011/57  
concerning compliance by Denmark (ECE/MP.PP/C.1/2012/7)**  
(paras. 54 – 57)

**IV. Conclusions and recommendations**

54. Having considered the above, the Committee adopts the findings and recommendations set out in the following paragraphs.

**A. Main findings with regard to non-compliance**

55. The Committee finds that by introducing a fee of DKK 3,000 for NGOs to appeal to NEAB, the Party concerned has failed to comply with the requirement in article 9, paragraph 4, of the Convention, that access to justice procedures not be prohibitively expensive (para. 52 above).

56. The Committee has taken note of the information provided by the Party concerned in its letter of 30 November 2011 that the Danish Government has decided to present a bill before the Danish Folketing to reduce the fee for those other than private persons to make a complaint to NEAB from DKK 3,000 to DKK 500. While welcoming this information, the Committee holds that this development does not change its findings with respect to the situation as it currently stands.

**B. Recommendations**

57. The Committee, pursuant to paragraph 36 (b) of the annex to decision I/7 of the meeting of the Parties to the Convention, and noting the agreement of the Party concerned that the Committee take the measures requested in paragraph 37 (b) of the annex to decision I/7, recommends that the Party concerned undertake the necessary legislative, regulatory and administrative measures to ensure that the fees for NGOs to appeal environmental decisions before NEAB are not prohibitively expensive.