

**Dansk Ornitologisk Forening**  
**Lokalafdeling Sønderjylland**

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Secretariat to the Aarhus Convention  
United Nations Economic Commission for Europe  
**Environment Division**  
**Room 332, Palais des Nations**  
**CH-1211 Geneva 10**  
**Switzerland**

13. December 2011

**ACCC/C/2011/57 - Compliance by Denmark with provisions of the Convention - fees for appeals to the Nature and Environment Appeal Board.**

Dear Mr. Chairman,

On behalf of the communicant DOF BirdLife Denmark I want to comment on the letter from the Ministry of Environments of the 30 November 2011.

Firstly it is to be noticed, that *the ministry does not challenge the facts in my summary of 23 October 2011.*

On the letter:

Page 1: The bill reducing the appeal fee to 500 DKK is *without any relevancy*. A reduced fee is no fact until the bill has passed our parliament Folketinget and most of our appeals were free of fees until this year. Furthermore, *a reduced fee is expected to be raised immediately in case of a government change*. When the bill was announced 29 November *the former minister of agriculture* from the political party Venstre made a statement just the same night to the internet-media Altinget that he *was sceptical* of the bill fearing longer duration of proceedings of the cases.

Actually, *the fee of 3,000 DKK has troubled the NGO's all this year* and this situation will go on next year. Just during this month December 2011 the 3 NGO's DN, DØR and DOF deal with about 20 cases which all apparently are illegal decisions made by the local authorities.

The bill might be seen as a kindness. However the *Ministry is still very dedicated in its opposition to the communication of DOF* and the Ministry does not want to admit, that the high fee is against the Convention.

Page 2: Table 1 shows a declining share of complaints from NGO's in 2011, i.e. since the introduction of the fee of 3000 DKK. Until then the share was 19 - 22 % but now it is only 11 %. *Consequently the fee has worked according to the intentions by the farmers and there allies in the political party Venstre - but against the Convention.*

Page 3: Table 2 and 3 about live stocks shows a similar picture with a decline of complaints (as percentage) from NGO's from 2010 to 2011.

Page 6: Table 6 illustrates *why the complaints from NGO's are so necessary*. None of the local decisions are upheld by the board, 2 are changed by the board and 93 are annulled by the board. *Those figures confirm the statistics in my letter of 23 October 2011.*

Page 7: *The remarks about more complaints by the end of each year are not correct*, because 2009 and 2010 were very special years as for live stocks decisions.

At New Year 2010 the way of calculating the strain from the animals were changed. Aiming to limit the practical problems about that the farmers and the local authorities agreed to conclude as many cases as possible during the last months of 2009. Only therefore the board got many complaints at the end of 2009.

During 2010 the government decided to pay the local authorities 30,000 DKK for each decision about live stocks. It was an incitement to conclude as many cases as possible. Only therefore many decisions were brought to the board in late 2010.

Yours sincerely

Per Janfelt  
Dansk Ornitologisk Forening