

[Letterhead of the Environmental Board of Appeal]

To Håkun Djurhuus, Lawyer

Sent by email to djur@bechbruun.com and jle@bechbruun.com

6 September 2012 · Ref. no.: NMK-400-00063, NMK-400-00067 and NMK-400-00069 · Ref.: ssc

Dear Håkun Djurhuus

Complaints against the adoption of the national river basin management plan

Thank you for your letter of 31 August 2012, in which you ask questions about the consideration of the complaints made against the national river basin management plan and in which you also state that you intend to make a supplementary submission on behalf of your clients.

Initially, I would like to stress that, in respect of all cases brought before the Board, the Environmental Board of Appeal and its secretariat of course observe the general rules of Danish administrative law and the principles of good administrative practice.

In addition, please note that, in this specific case, the secretariat of the Environmental Board of Appeal has engaged in a discussion with the Legal Advisor to the Danish Government solely about the fact that legal proceedings as well as complaints are pending concerning the adoption of the national river basin management plan. On the basis of this discussion, the Board has decided to continue considering the complaints instead of suspending consideration of the complaints and awaiting the outcome of the legal proceedings pending.

Furthermore, the secretariat of the Environmental Board of Appeal has held discussions with the Danish Nature Agency concerning the information provided on the complaints against the river basin management plan, for example in connection with the forwarding of the many complaints from the Agency to the Board, including about which material was to accompany the individual complaints and for what material it was sufficient to provide links to the website of the Agency.

Most recently, the Agency has provided information at a meeting on this issue that, in the light of the legal proceedings, the Agency wishes to make a supplementary statement on the complaints. The said statement is expected to be made in mid-September. When the statement has been received by the Nature and Environmental Board of Appeal, it will be sent to all the complainants giving them the opportunity to comment thereon and to make any supplementary statements and submissions.

Yours sincerely

[signed]

Anne-Marie Rasmussen

For information purposes, a copy of this letter has been sent to:

- The Danish Nature Agency nst@nst.dk, ref. no. NST-4208-00017
- The Legal Advisor to the Danish Government, Sune Fugleholm sfs@kammeradvokaten.dk



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Til advokat Håkun Djurhuus

Sendt pr. mail til djur@bechbruun.com og jle@bechbruun.com

6. september 2012 • J.nr.: NMK-400-00063, NMK-400-00067 og NMK-400-00069 • Ref.: ssc

Klager over vedtagelsen af den statslige Vandplan

Tak for dit brev af 31. august 2012, hvori du stiller spørgsmål til behandlingen af klagerne over den statslige Vandplan, og desuden oplyser, at du på vegne af dine klienter vil komme med et supplerende indlæg.

Indledningsvis vil jeg gerne understrege, at Natur- og Miljøklagenævnet og dets sekretariat i alle sager, der indbringes for nævnet, naturligvis iagttager de almindelige forvaltningsretlige regler og principperne for god forvaltningsskik.

Jeg kan i øvrigt oplyse dig om, at Natur- og Miljøklagenævnets sekretariat i den konkrete sag alene har haft en drøftelse med Kammeradvokaten om det forhold, at der både verserer retssager og klagesager om vedtagelsen af den statslige Vandplan. På baggrund af denne drøftelse har nævnet besluttet at fortsætte behandlingen af klagerne, frem for at stille sagerne i bero og afvente udfaldet af de verserende retssager.

Endvidere har Natur- og Miljøklagenævnets sekretariat haft drøftelser med Naturstyrelsen om oplysning af klagesagerne om vandplanen bl.a. i forbindelse med oversendelsen af de mange klager fra styrelsen til nævnet, herunder om hvilket materiale der skulle vedhæftes de enkelte klager, og hvad der kunne henvises til via links til styrelsens hjemmeside.

Senest har styrelsen ved et møde herom oplyst, at denne i lyset af retssagerne ønsker at komme med en supplerende udtalelse om klagerne. Udtalelsen forventes medio september. Når denne udtalelse er modtaget i Natur- og Miljøklagenævnet, vil den blive sendt til alle klagerne med mulighed for at kommentere og afgive evt. supplerende udtalelser og indlæg.

Med venlig hilsen

Anne-Marie Rasmussen

Kopi af dette brev er sendt til orientering til:

- Naturstyrelsen nst@nst.dk, j.nr. NST-4208-00017
- Kammeradvokaten, Sune Fugleholm sfs@kammeradvokaten.dk