

Exhibit 7

The Environmental Board of Appeal
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Attn.: Anne-Marie Rasmussen, Chairman of the Board

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10 September 2012

Dear Anne-Marie Rasmussen

Cases before the Environmental Board of Appeal, NMK 400-00063, NMK 400-00067 and NMK 400-00069 - complaint against the adoption of the national river basin management plans

Thank you for your letter of 6 September 2012.

Initially, I stress that my client and I of course respect and generally trust the Nature and Environmental Board of Appeal and its secretariat.

Me approaching you must be seen in the context of my knowledge that, previously, the Board has obtained legal advice from the Legal Advisor to the Danish Government in situations where the Legal Advisor to the Danish Government has also acted as counsel and adviser to the national authorities, being parties involved in the same case. Seen from a legal point of view, this is not satisfactory.

I understand that, in this specific complaints case, the Board's secretariat has held separate discussions with the Legal Advisor to the Danish Government about the case handling due to the fact that legal proceedings as well as complaints are pending in respect of the validity of the river basin management plans. In this context, I ask you to kindly elaborate on whether (a) the discussions in question involved the obtaining of legal advice after 31 May 2012 when the writ of summons was filed, or whether (b) the secretariat discussed the planning of the case with the lawyer for one of the parties without involving the lawyer for the other party, who could also be expected to have an opinion on the matter.

I assume that the Board has a practice for handling situations in which legal proceedings as well as complaints are pending on the same topic. If so, the Board's secretariat has hardly had the need to receive legal advice from the Legal Advisor to the Danish Government on this issue.

If the Legal Advisor to the Danish Government has been asked what he prefers and on which grounds, this amounts to setting aside the fundamental legal principle that both parties to a case must be treated equally and consequently have the same possibilities of safeguarding their interests. In addition, the duty of contradiction may have been set aside in respect of the complaints.

I stress in that connection that it appeared from your letter that the discussion with the Legal Advisor to the Danish Government formed the basis of the Board continuing the consideration of the complaints despite the legal proceedings (see the word "*consequently*"). The discussions have indeed had a decisive importance for the Board's decision in that respect.

Similarly, I find it unsatisfactory that the Board has held a meeting and exchanged other correspondence, in relation to both the complaints and the legal proceedings, with the one party of the Danish Nature Agency without participation of the other party and without the other party, at the Board's own initiative, having received notification of such meeting and its contents. If the Danish Nature Agency has had the opportunity to present arguments for its viewpoints in relation to the complaints case, this constitutes a serious and unacceptable matter in relation to my clients' right of contradiction and in respect of the principle of equal treatment.

I ask you to kindly provide me with note sheets pursuant to s. 6 or minutes based on good administrative practice and prepared by the Board in connection with (a) the discussions with the Legal Advisor to the Danish Government and (b) the discussions and the meeting with the Danish Nature Agency, respectively.

As you may know, it follows from good administrative practice that a note sheet should be prepared to a wider extent than provided for in s. 6 of the Danish Access to Public Administration Files Act (*offentlighedsloven*). Reference is made to for example Gammeltoft-Hansen et al.; Forvaltningsret [Administrative Law], 2nd edition, page 641ff, and the practice referred to therein.

Finally, I emphasise that the set of decisions and statutes of which the river basin management plans form part reflects the most destructive and serious intervention in the circumstance of the farming industry for decades. For several farmers, the intervention constitutes a direct threat to their welfare.

This is the reason why my client and I find it necessary to ensure that the Board does not engage in preferential treatment to the benefit of one of the parties: The Danish Nature Agency or the lawyer for the Environmental Board of Appeal, the Legal Advisor to the Danish Government, respectively, who besides being the lawyer for the Environmental Board of Appeal also acts as the lawyer for the Danish Nature Agency in the cases concerning the river basin management plans. Consequently, in this context, the Legal Advisor to the Danish Government is not an independent adviser with whom the Board may or should consult. The contacts to one of the parties and the lawyer for one of the parties, respectively, described in your above letter are regrettably likely to give the impression that the Danish Nature Agency and the lawyer for the Nature Agency/the Board receive preferential treatment.

In cases like the one in question, there is an obvious conflict of interests. The interests of the Environmental Board of Appeal, on the one hand, and the interests of the Danish Nature Agency and the Legal Advisor to the Danish Government (as a party representative), respectively, on the other hand, should in cases like the present one be mutually exclusive.

Considering the planning and completion of the legal proceedings, the interest of the Legal Advisor to the Danish Government is very likely to be that the Danish Nature Agency is successful in the complaints case. However, it should be in the interest of the Environmental Board of Appeal to make a correct and unbiased decision. Otherwise, the automatic right of appeal does not serve an objective purpose.

Legal advice obtained from the Legal Advisor to the Danish Government in a case like the present one is consequently, by definition, not unbiased, and it violates the principle of equal treatment and the duty of contradiction.

This is the reason for my requests to receive a note sheet and detailed information on the actual proceedings at the meeting held with the Danish Nature Agency and the discussions with the Legal Advisor to the Danish Government.

As for the meeting, I need to be informed of who took part in the meeting and to receive copies of the correspondence exchanged, minutes and other documents in relation to the meeting.

I request that the Board members be made aware of this correspondence and the minutes of meetings and any other material on such aspects prior to making a decision in the complaints case. Please confirm that this will be taken care of.

Yours sincerely

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10. september 2012

Natur- og Miljøklagenævnets sag NMK 400-00063, NMK 400-00067 og NMK 400-00069 – Klage over vedtagelsen af de statslige vandplaner

Tak for dit brev af 6. september 2012.

Indledningsvis understreger jeg, at jeg og min klient naturligvis har respekt for og generel tillid til Natur- og Miljøklagenævnet og Nævnets sekretariat.

Min henvendelse skal ses på baggrund af, at jeg er bekendt med, at Nævnet tidligere har indhentet juridisk rådgivning fra Statens advokat, Kammeradvokaten, i situationer, hvor Kammeradvokaten samtidig har fungeret som advokat og rådgiver for de statslige myndigheder der, som parter, var involveret i samme sag. Dette er ud fra enhver juridisk målestok ikke betryggende.

Jeg forstår, at Nævnets sekretariat i den konkrete klagesag har haft en separat drøftelse med Kammeradvokaten om sagshåndteringen i anledning af, at der både verserer retssager og klagesager om vandplanernes gyldighed. Jeg skal i denne sammenhæng venligst anmode om, at få uddybet, hvorvidt der har været tale om, a) indhentelse af juridisk rådgivning efter den 31. maj 2012, hvor stævningen blev indgivet, eller, b) at sekretariatet har drøftet sagens tilrettelæggelse med den ene parts advokat, uden inddragelse af den anden parts advokat, der jo også kunne have en mening om dette forhold.

Jeg går ud fra, at Nævnet har en praksis for håndtering af situationer, hvor der både verserer en retssag og en klagesag om samme emne. I så fald har Nævnets sekretariat vel næppe haft behov for juridisk rådgivning fra Kammeradvokaten om dette spørgsmål.

Hvis Kammeradvokaten er blevet spurgt om, hvad Kammeradvokaten foretrækker og med hvilken begrundelse, er der tale om en tilsidesættelse af det fundamentale retsprincip, at begge parter i en sag skal behandles lige og således har samme muligheder for at varetage deres interesser. Herudover har man i givet fald tilsidesat pligten til kontradiktion i forhold til klagerne.

Jeg fremhæver i den forbindelse, at det af dit brev fremgår, at det er drøftelsen med Kammeradvokaten, der har udgjort grundlaget for, at Nævnet fortsætter behandlingen af klagerne, trods retssagerne (jf. ordet "derfor"). Drøftelserne har altså haft afgørende betydning for Nævnets beslutning i så henseende.

Jeg finder det på tilsvarende vis ikke betryggende, at Nævnet har afholdt et møde og har haft anden korrespondance, både i relation til klagesagerne og retssagerne, med den ene part i Naturstyrelsen, uden deltagelse af den anden part, og uden at den anden part ved Nævnets egen foranstaltning har modtaget underretning om mødet og dets forløb. Såfremt Naturstyrelsen har fået lejlighed til at argumentere for sine synspunkter i relation til klagesagen, er der tale om et alvorligt og kritisabelt forhold i relation til mine klienters mulighed for kontradiktion, og i forhold til ligebehandlingsprincippet.

Jeg anmoder venligst om, at få udleveret § 6-notatark, eller referater baseret på god forvaltningsmæssig skik, udarbejdet af Nævnet i tilknytning til a) drøftelserne med Kammeradvokaten, henholdsvis b) drøftelserne med, og mødet med Naturstyrelsen.

Som bekendt følger det af god forvaltningsmæssig skik, at der bør udarbejdes notatark i videre omfang end foreskrevet i offentlighedslovens § 6. Jeg henviser bl.a. til Gammeltoft-Hansen m.fl.; Forvaltningsret, 2. udgave, side 641ff, og den her refererede praksis.

Afslutningsvis vil jeg fremhæve, at det afgørelses- og lovgivningskompleks, som vandplanerne er en del af, er udtryk for det mest destruktive og alvorlige indgreb i landbrugserhvervets vilkår i flere årtier. For en lang række landbrug er indgrebene direkte velfærdstruende.

Dette er baggrunden for, at jeg og min klient finder, at der er behov for at sikre, at der ikke hos Nævnet sker positiv særbehandling til fordel for den ene part; Naturstyrelsen, henholdsvis Natur- og Miljøklagenævnets advokat; Kammeradvokaten, der udover at være Natur- og Miljøklagenævnets advokat, også er Naturstyrelsens advokat i vandplansagerne. Kammeradvokaten er derfor i denne sammenhæng, ikke en uvildig rådgiver, som Nævnet kan eller bør konsultere. De kontakter til den ene part, henholdsvis den ene parts advokat, der er beskrevet i dit ovennævnte brev, er beklageligvis egnede til at nære et indtryk af, at Naturstyrelsen og Naturstyrelsens/Nævnets advokat får positiv særbehandling.

I sager som denne foreligger der en åbenlys interessekonflikt. Natur- og Miljøklagenævnet p.d.e.s., henholdsvis Naturstyrelsens og Kammeradvokaten (som partsrepræsentant) p.d.a.s.' interesser bør i en sag som denne være uforenelige.

Kammeradvokatens interesse er af hensyn til tilrettelæggelsen og gennemførelsen af retssagerne med stor sandsynlighed, at Naturstyrelsen får medhold i klagesagen. Natur- og Miljøklagenævnets interesse bør derimod være at træffe en rigtig og upartisk afgørelse. I modsat fald tjener den administrative rekursbehandling ikke et sagligt formål.

Rådgivning fra Kammeradvokaten i en sag som denne er derfor per definition ikke uvildig og den krænker ligebehandlingsprincippet og kontradiktionspligten.

Dette er baggrunden for mine begæringer om notatark og detaljerede oplysninger om, hvad der helt konkret er passeret i relation til mødet med Naturstyrelsen, og drøftelserne med Kammeradvokaten.

For så vidt angår mødet, har jeg behov for at få oplyst, hvem der deltog i mødet, samt kopi af korrespondance, referater og andre dokumenter vedrørende mødet.

Jeg ønsker, at nævnsmedlemmerne bliver gjort bekendt med denne korrespondance og møde-referater og andet materiale om disse forhold, forud for afgørelsen i klagesagen. Jeg beder dig venligst bekræfte, at dette vil ske.

Med venlig hilsen

Håkun Djurhuus