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*Att.: Aphrodite Smagadi, Legal Officer*

Sent by e-mail: [public.participation@unece.org](mailto:public.participation@unece.org)  
[aphrodite.smagadi@unece.org](mailto:aphrodite.smagadi@unece.org) and  
[maryana.yanush@unece.org](mailto:maryana.yanush@unece.org) and by ordinary mail.

December 20th, 2012

**Ref. ACCC/C/2012/67 (Denmark) Compliance – Provisions on public participation in the adoption of river management plans**

Dear Ms. Aphrodite Smagadi,

The Danish State (Ministry of the Environment) has by e-mail-letter of December 10th requested the Aarhus Convention Compliance Committee "ACCC" to suspend its considerations regarding the communication in the case mentioned above – until the next meeting of the Committee (March 2013).

The Danish State also explained, that it will – before the next meeting of the committee - provide the Committee with a more detailed response concerning the ruling of the Danish Nature- and Environmental Board of Appeal, which on December 6<sup>th</sup>, 2012, found, that the supplemental public hearing, which lasted eight days from Saturday the 3rd of December 2011 until Saturday the 10<sup>th</sup> of December 2011, and was carried out by the Danish Nature Agency, was not in accordance with section 30, first and second sentences, of the Danish Act of Environmental Objectives ("*miljømålsloven*").

On behalf of the Danish Agriculture Food Council I hereby join the State in its requests for the committee to suspend its considerations until the next meeting is held in March 2013.

The reason behind this request lies in the consequences of the ruling by the Board – that the adoption of all 23 river bastion management plans were found invalid, thus the Board remitted all the plans to the Danish Nature Agency.

It therefore seems reasonable, that the Committee suspends its considerations until the next meeting in March 2013 in order for the Danish Nature Agency to inform the committee regarding the future supplemental public hearing for the new river bastion management plans.

It is my strong belief that the ACCC was an important factor in the considerations prior to the ruling of the Danish Nature and Environmental Board of Appeal. Despite the fact that the ACCC has not yet reached a material decision in this case, the Aarhus Convention and the ACCC have had an important impact in insuring the legal rights of the public.

In the light of all the factors mentioned above I hereby recommend the ACCC to ask the Danish Nature Agency to provide the ACCC with an English translation of the ruling of the Board (from December 6<sup>th</sup>, 2012) in order to ensure that the ACCC is informed properly on the state of the pending case.

I also kindly ask the ACCC to announce a deadline in late February/early March for the Danish Nature Agency to provide the promised information regarding the new river basin management plans.

A copy of this letter has been sent to The Danish Nature Agency (Mr. Oluf Engberg, Legal Head).

Yours Sincerely,  
Håkun Djurhuus

Jacob Schall Holberg

