



Danish Ministry
of the Environment
Nature Agency

Jura
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Ref. bru

December 10 2012

United Nations Economic Commission for Europe
Environment Division, Bureau 348
Palais des Nations
CH-1211 Geneva 10, Switzerland

E-Mail: public.participation@unece.org

Att: Ms. Smagadi – Secretary to the Aarhus Convention Compliance
Committee

CC: Håkun Djurhuus, djur@beckbruun.dk

**RE: Case ACCC/C/2012/67 Denmark concerning the Compliance by
Denmark with provisions of the Convention on Public Participation in
the adaption of river basin management plans.**

In letter of 8 October 2012 to Aarhus Convention Compliance Committee
the Danish Nature Agency requested the Committee to exercise the
discretion in paragraph 21 of the annex to decision I/7 not to consider the
communication further at this point.

This request was based on the view that the communication was
inadmissible because national Danish remedies had not been exhausted. At
that point a large number of cases regarding the procurement of the Danish
river basin management plans were pending before the Danish Nature and
Environmental Board of Appeal (the Board) and the Danish Courts.

However, on 6 December 2012 the Board unanimously found that the
supplemental public hearing, which lasted 8 days from Saturday 3 December
2011 to Saturday 10 December 2011 (both days included) and was carried
out by the Danish Nature Agency, was not in accordance with section 30,
first sentence and second sentence, of the Danish Act on Environmental
Objectives (AEO) (in Danish "Miljømålsloven").

In that connection the Board stated that, the supplemental public hearing
period was substantially too short taking into account the volume, content and
complexity of the river management plans.

Evaluating the supplemental public hearing the Board involved Denmark's obligations under article 6 (3) (4) and (8) of The Aarhus Convention including experiences in this context regarding hearing periods (time-limits).

As a consequence of its findings the Board ruled that the adoption of all 23 Danish river basin management plans were invalid. The Board then remitted the plans to the Danish Nature Agency.

A copy of the Board's ruling on 6 December 2012 (in Danish) is annexed to this letter. If requested the Danish Nature Agency will translate the ruling into English.

The Danish Nature Agency will now thoroughly go over the Board's ruling examining its consequences.

As a result of this examination the Danish Nature Agency kindly asks for the Committee to suspend its consideration regarding the communication until the Committee's next meeting in March 2013.

Subsequently, the Danish Nature Agency will provide the Committee with a more detailed response regarding the ruling of the Board.

Yours sincerely


Oluf Engberg