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Ref: ACCC/C/2014/101

7 August 2015

Robert Konrad and Angelika Wiedner  
DG Environment  
European Commission  
Brussels  
Belgium

Christopher Stanwell  
Nabarro LLP  
London  
United Kingdom

Dear Mr. Konrad and Ms. Wiedner,  
Dear Mr. Stanwell,

**Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the European Union in connection with the proposed construction the “High Speed 2” railway (ACCC/C/2014/101)**

At its forty-ninth meeting (Geneva, 30 June – 3 July 2015), the Compliance Committee noted that the communicants had on 4 June 2015, at the Committee’s request, provided their views on the submission made by the Party concerned that one of the communicants, London Borough of Hillingdon, was a public authority within the definition of article 2, paragraph 2 of the Convention, and thus not a member of the public within the scope of article 2, paragraph 4 of the Convention (page 3 of the Party’s response to the communication).

After taking into account the communicants’ views of 4 June 2015, the Committee considered that, since the London Borough of Hillingdon exercised administrative decision-making powers, it was a public authority within the definition of article 2, paragraph 2(a), of the Convention. While under domestic law of the Parties, municipalities might exercise their right to self-government and other subjective rights, even before courts, in the context of the Convention and international law in general, a “public authority” under article 2, paragraph 2(a) of the Convention was an emanation of the Party concerned. Hence, an allegation brought to the Committee by the communicant would give rise to an internal dispute between authorities of a Party concerned which was not within the remit of the Committee. The Committee therefore found that the London Borough of Hillingdon was not a member of the public for the purposes of article 15 of the Convention and was thus unable to submit a communication to the Committee under paragraph 18 of the annex to decision I/7 of the Meeting of the Parties. It re-confirmed its earlier determination of preliminary admissibility with respect to the other two communicants.

The Committee provisionally scheduled to discuss the substance of the communication in the presence of the two remaining communicants and the Party concerned at its fifty-first meeting (Geneva, 15-18 December 2015).

Please do not hesitate to contact the secretariat if you require any further information.

Yours sincerely,



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Fiona Marshall  
Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Delegation of the European Union to the United Nations Office and other international organizations in Geneva