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**BY EMAIL**

**Secretary to the Aarhus Convention**

United Nations Economic Commission for Europe  
Environment and Human Settlement Division  
Palais des Nations, Room 429-4  
CH-1211 GENEVA 10

For Attention of: Fiona Marshall

Email: [Fiona.Marshall@unece.org](mailto:Fiona.Marshall@unece.org)

4 June 2015

Our ref: PH/CFS/TNS/H2953/00005

Your ref: ACCC/C/2014/101

Dear Sirs

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

Thank you for your letter dated 20 May 2015 setting out the Committee’s request for the communicants’ view on whether the London Borough of Hillingdon (“LBH”) is a public authority within the definition of Article 2, paragraph 2 of the Convention and, if so, whether (and on what legal basis) it should nevertheless be understood to be a member of the public within the scope of Article 2, paragraph 4 of the Convention and/or entitled to submit a communication in accordance with Article 15 of the Convention and Part VI of the Annex to decision I/7.

The Communicants have already addressed these issues in full in their Outline Reply to the EU’s Response, dated 17 March 2015 (“the Outline Reply”). The Outline Reply explains that whilst LBH is a public authority within the definition of Article 2, paragraph 2 of the Convention in some contexts, in the context of the present communication and the underlying facts to which it relates, it is a member of the public within the definition of Article 2, paragraph 4 of the Convention and as such is entitled to submit the communication pursuant to Article 15 and decision I/7. Please see in particular paragraphs 3-8 of the Outline Reply, which set out in detail the legal basis for this as well as Annex 1 to which footnote 1 refers.

Please also note that the objection to LBH’s entitlement to submit a communication cannot in any event affect the admissibility of the communication given that there is no objection to the other two communicants’ entitlement to submit a communication.

In the circumstances, the communicant respectfully requests the Committee to make arrangements for the substance of the allegations mentioned in the communication to be discussed at its 50th meeting in early October.

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Thank you for your assistance in this matter.

Yours faithfully

*NABARRO LLP*

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