

*Compliance Committee
United Nations Economic Commission for
Europe
Environment and Human Settlement
Division
aarhus.compliance@unece.org
public.participation@unece.org*

4 October 2017

To the Chair

Dear Madam/Sir,

Our Ref.: DOUTRELOUX / S.A. SCIERIE CLOSE 00000012 AL/LR/2256
Your Ref.: ACCC/C/2015/134

In connection with the matter referenced in the heading above, please find enclosed various documents substantiating the communicants' argument that the current system for requesting access to information, in which direct enforcement of decisions of the Appeal Commission for the Right of Access to Environmental Information is clearly impossible, thus requiring proceedings before a court of law (a Justice of the Peace), infringes the right of access to environmental information in that it imposes excessively long time periods.

Annex 1 is a copy of the formal notice sent to Esneux Municipal Authority on 27 September 2017. A request for access to information in connection with this matter was made on 1 June 2017. The Decision of the Appeal Commission for the Right of Access to Environmental Information was made on 23 August 2017. The information subsequently received failed to make all the relevant documents available, therefore this formal notice was sent on 27 September 2017. If the local authority does not respond positively to it, then we will have to bring an action before the Justice of Peace. Therefore it is apparent that, at the earliest, we shall receive complete information in this matter **6 months** after requesting access to the information.

Annex 2 is a letter sent to the Municipality of Trooz for the same reasons. This Decision of the Appeal Commission for the Right of Access to Environmental Information was made on 30 May 2017. However, the information had still not been supplied by 25 July. Again, court action will be necessary and the time involved in obtaining the information will exceed **6 months**.

Annex 3 is a copy of the letter sent to Stavelot Municipal Authority by the Minister for Local Authorities, Housing and Sports Infrastructure in the Walloon Regional Government. Stavelot Municipal Authority has still not put into effect a Decision of the Appeal Commission for the Right of Access to Environmental Information of 18 April 2017 – in other words, more than **5 months** ago.

A copy of this letter has of course been sent to the representatives of the Belgian State in the matter of this Communication.

I am also sending you a Word version of this letter, as you requested.

Yours sincerely,

[signed pp]
Alain LEBRUN
Lawyer.

Municipality of Esneux
Local Authority
c/o Mrs Florine PARIZEL
info@esneux.be
florine.parizel@esneux.be

27 September 2017

FORMAL NOTICE

To the Mayor and Councillors

Dear Madam/Sir,

Our Ref.: RUE D'EMBOURG - CORTIL 00001274 AL/LR/267
Your Ref.: U1229/2017/FP

In connection with the matter referenced in the heading above, I am writing to follow up my request of 1 June 2017 for access to information, your partial response of 17 July 2017 and my letter to you of 31 July 2017 pointing out that the information received was only partial and that therefore I was seeking a review before the Appeal Commission for the Right of Access to Environmental Information ('the CRAIE').

You will have received notification of the CRAIE's Decision of 23 August 2017 on Appeal No 852 (copy enclosed for your convenience), Article 2 of which requires you to supply, within 8 days of notification of that Decision, copies of the requests for opinions to the various authorities concerned by the request for access to information, the replies given by these authorities, the opinion of the designated official, the acknowledgement of receipt sent to the applicant after 5 April 2017, etc. – in short, copies of all the documents concerned in the administration of Mr Depireux's application for permission to regularize unauthorized development that were not provided with your letter of 14 July 2017.

This letter constitutes a **FORMAL NOTICE** requiring you to comply with that Decision. If you fail to send the documents by **15 October 2017**, I shall be obliged to apply to the Justice of the Peace for enforcement of this obligation and for damages and costs of proceedings (cost of the summons and a case preparation allowance) to be awarded against you. Your conduct seriously undermines due process as guaranteed by the European Convention on Human Rights and is sufficient to give rise to liability on your part.

This letter concerns an amicable settlement and not judicial proceedings (court action or attachment).

Yours faithfully,

[signed]
Alain LEBRUN
Lawyer.

Alain LEBRUN

From: Alain Lebrun <a.lebrun@avocat.be>
Date: Wednesday 27 September 2017 12:43
To: 'info@esneux.be'; 'florine.parizel@esneux.be'
Subject: 1274-267
Attachments: 20170927124433.pdf

Please note the contents of the attached file.

Alain LEBRUN
Lawyer

Municipality of Trooz
Chief Executive
Local Authority
info@trooz.be

25 July 2017

To the Chief Executive

Dear Madam/Sir,

Our Ref.: RUE TRIMOTTET 00001525 AL/LR/22

Your Ref.:

I am writing to you in my capacity as legal advisor to Mrs Valge and her children.

I believe it to be the case that you have not yet put into effect CRAIE Decision No. 833 of 30 May 2017, which was notified to you on 16 June, giving you 8 days from that date to send me the information requested.

I am therefore under an immediate obligation to initiate court proceedings against the Municipality, in order to enforce the Decision on pain of a financial penalty.

Yours faithfully,

[signed]
Alain LEBRUN
Lawyer.

Alain Lebrun

From: Alain Lebrun <a.lebrun@avocat.be>
Date: Tuesday 25 July 2017 10:49
To: 'info@trooz.be'
Subject: 1525-22
Attachments: 20170725104854.pdf

Please note the contents of the attached file.

Alain LEBRUN
Lawyer

Public Services of Wallonia (SPW)

28 SEP. 2017

Department of Local Public
Policies

Stavelot Local Authority

32, Place Saint Remacle, 4970 Stavelot

Institutional Legislation Section

100, Avenue Gouverneur Bovesse
B-5100 NAMUR (JAMBES)

Telephone: +32 (0)81 32 36 32
legislationorganique.pouvoirslocaux@spw.wallonie.be

Your ref. :
Our ref. : 050302/DirLegOrg/ E17-00591 Stavelot -TG 13 NotifPL -EL
Annexe(s):

Your contact : Eric LALLEMENT, Administrative Officer - 081 32 37 06 - eric.lallement@spw.wallonie.be

Subject : Town of Stavelot - DOUTRELOUX/S.A. SCIERIE CLOSE 00000012 AL/LR/2243

To the Members of Stavelot Local Authority,

I am in receipt of a complaint from Mr DOUTRELOUX.

He informs me of a Decision of the Appeal Commission for the Right of Access to Environmental Information of 18 April 2017.

This Decision declared Mr DOUTRELOUX's appeal well founded and ordered the Town of Stavelot to supply him, within eight days of notification of the Decision, with copies of all the documents concerned in the administration of the licence under which Parc de l'Eau Rouge Ltd. was granted a right to temporary occupation of the access ramps at the old Francorchamps motor-racing circuit, with regard to the period after 31 May 2016.

It is apparent from the particulars of the complaint that you were notified of the Decision on 9 May 2017, yet, according to the information I have, no action has been taken on it.

I shall be grateful if you would comply with the Decision handed down by the Appeal Commission for the Right of Access to Environmental Information and, as ordered, send copies of the administrative documents in question.

I would also be grateful if you could send me an explanation of the reasons for your failure to provide these documents.

Yours sincerely,

Minister for Local Authorities, Housing and
Sports Infrastructure

Valérie DE BUE