

*Aarhus Convention Compliance Committee
c/o Ms Fiona Marshall
aarhus.compliance@un.org
fiona.marshall@un.org*

14 August 2019

Dear Ms Marshall,

Our Ref.: DOUTRELOUX / S.A. SCIERIE CLOSE 0000012 AL/AG/2347

Your Ref.: ACCC/C/2015/134

I am attaching three separate letters covering the three court cases relevant to Communication 2015/134.

I would like to draw the Committee's attention to the following points:

- 1) I am sending a copy of this letter and its three annexes to Mr Michel Delnoy, Counsel for the other party;
- 2) the Justice of the Peace before whom this action was brought, in light of the amount of the claim, gives judgment at first and last instance, with no possibility of appeal;
- 3) the Justice of the Peace concerned refused to hear the case with short pleadings at the introductory hearing or as soon as possible thereafter;
- 4) the amounts obtained from the Justice of the Peace as compensation or as case preparation allowances are derisory by comparison with the sums committed, which, given the context, must obviously mount up.¹ This means that fairly substantial costs are incurred in order to obtain, and only after very considerable delay, information that might facilitate media, political or court action – action for which this information merely provides a possible starting point. It still remains to make use of the information, and doing so brings its own costs. This approach on the part of the Municipality of Stavelot is intended to put a brake on any desire for environmental scrutiny and to use financial means to stifle local people who want to take action.

Yours faithfully,

[signed]
Alain LEBRUN
Lawyer.

¹ €2,248.26 + €3,056.97 = €5,574.54 for just one of the communicants, Mr Doutreloux.

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14 August 2019

Dear Ms Marshall,

Our Ref.: PISCINE DE STAVELOT 00001298 AL/AG/66

Your Ref.: ACCC/C/2015/134 – *Answers of communicant*

Please find below the **communicant's replies** to your letter of 28 June **concerning Stavelot Municipal Swimming Pool**:

I.

1.

- (a) Originating application of 20 January 2015 (Case 15A22)
- (b) Judgment of 21 November 2018.
- (c) A reply was given on 7 September 2015, indicating that an application for permission to regularize unauthorized development was ongoing. This permission was eventually granted in June 2016 and a copy was obtained in December 2016.
- (d) There were two hearings – the introductory hearing and the hearing on 7 December 2016; drawing up a three-page summons; bringing the case before the CRAIE; 25 items of correspondence; the Submissions of 8 June 2015, consisting of 11 pages and 9 supporting documents, and the 15-page Summary Submissions of 27 October 2017. Therefore 12 hours of services were billed at a fee of €150/h + VAT, making a total of €2,178.00; to this must be added two return journeys from Liège to Stavelot at a cost of €94.40 + VAT, a total of €114.22, as well as secretarial costs of €392.85 + VAT, a total of €475.35: this comes to a grand total of **€2,767.57**. The Municipality of Stavelot was ordered to pay €286.31 for the cost of the summons and a case preparation allowance of €150 intended to cover the defence costs. The communicant was also awarded non-material damages of €100. This amount of €250 was far from sufficient to cover the actual costs incurred and not refunded – and in fact, €2,517.57 (i.e. €2,767.57 - €250) represented about half of the applicant's available cash funds.

2.

- (a) The request for access to information dates from 29 August 2014 ([supporting document to] our initial Communication); the reply dates from 5 September 2015 and was received on 7 September 2015. Thus the period of time that elapsed was more than 12 months.
- (b) The time taken to obtain this judgment was also particularly long, since the Justice of the Peace required 34 months – i.e. almost three years – to hear and determine the case.

Yours faithfully,

[signed]
Alain LEBRUN
Lawyer.

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14 August 2019

Dear Ms Marshall,

Our Ref.: DOUTRELOUX / S.A. SCIERIE CLOSE 00000012 AL/AG/2346

Your Ref.: ACCC/C/2015/134 – *Answers of communicant*

Please find below the **communicant's replies** in the case concerning the slip road under **the old Francorchamps motor-racing circuit**.

I.

1.

- (a) Originating application of 15 December 2014 (Case 14A295).
- (b) Judgment of 12 August 2015 ordering the Town of Stavelot to supply, within eight days, the information requested, on pain of a per diem penalty of €50 for failure to comply (from the date of service of the judgment).
- (c) The text of the licence was supplied on 19 August 2015, but without its associated plan. This plan was not received until 13 October 2015.
- (d) Preparing the draft summons, managing two hearings and drafting three letters to the bailiff concerning service of the summons, three letters to the relevant Minister, an application to the CRAIE, 10 letters to the client, 10 letters to the other party and an application on 3 September 2015 to set a procedural timetable together totalled 10 hours of work at a fee of €150/h + VAT – a total of €1,500 + VAT (21%) = €1,815; to this must be added two return journeys from Liège to Stavelot at a cost of €94.40 + VAT, a total of €1[1]4.22, as well as secretarial costs of €528.13 + VAT, a total of €639.04: this comes to a grand total of **€2,568.26**. The court fees were €286.31 for the summons to initiate proceedings and €182.10 for service of the judgment: in due course, these should be borne by the Municipality of Stavelot.

2.

- (a) 14 and a half months.
- (b) 8 months. The judgment has not yet ruled on costs and damages. However, the Justice of the Peace is not responsible for this situation: it is the applicant (the communicant) who has not applied to have the case reset at this stage, since he has been the victim of a serious car accident (and suffered partial amnesia). On the other hand, the previous decisions of this court have already established that it limits the costs awarded to cover lawyers' fees to a €220 case preparation allowance and the damages to some €100. Consequently, if €320 are eventually deducted from the total of €2,568.26 shown above (answer to Question 1.(d)), the fact remains that – setting aside the delay in obtaining the costs and damages – the applicant will have to take responsibility for a total amount of €2,248.26.

Yours faithfully,

[signed]
 Alain LEBRUN
 Lawyer.

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14 August 2019

Dear Ms Marshall,

Our Ref.: CAMPING EAU ROUGE 00001407 AL/AG/9

Your Ref.: ACCC/C/2015/134 – *Answers of communicant*

Please find below the **communicant's replies** to your letter of 28 June **concerning the L'Eau Rouge campsite**:

I.

1.

- (a) Originating application of 20 January 2015 (Case 15A23)
- (b) Judgment of 7 September 2016 granting €100 by way of non-material damages and the reimbursement of the costs of the summons and of filing the case plus a €220 case preparation allowance to compensate for the expenses of bringing the action. These amounts were far from sufficient to cover the actual costs incurred (see (d) below).
- (c) 4 May 2016
- (d) Fees for lawyers' services came to a total of €2,722.50, representing 15 hours billed at €150/h + VAT. This reflected the fact that there were hearings on 4 February 2015, 16 September 2015, 7 October 2015, 6 April 2016 and 4 May 2016. In addition, lawyers' services included drafting the applicant's Submissions of 8 June 2015, which totalled 10 pages, an application on 17 November 2015 to prepare the case for hearing, three letters to the relevant Minister, five letters to the other party, five letters to the Justice of the Peace, an application to the CRAIE, various letters to the client and to the bailiff concerning service of the summons, and the compilation of a case file containing 16 supporting documents. Then we must add four return journeys from Liège to Stavelot at a cost of €188.80 + VAT, a total of €228.45, as well as secretarial costs of €352.08 + VAT, a total of €426.02: this gives a grand total of **€3,376.97**. As stated in (b) above, the judgment did award the court fees against the Municipality: €3,376.97 - €320 = €3,056.97.

2.

- (a) The request for access to information was made on 28 June 2014 and the relevant documents were received on 4 May 2016 – therefore the period of time that elapsed was 20 months.
- (b) 18 months

Yours faithfully,

[signed]
Alain LEBRUN
Lawyer.