

23 April 2018

Dear Ms Marshall,

**Our Ref.: DOUTRELOUX / S.A. SCIERIE CLOSE 00000012 AL/LR/2300**

**Your Ref.:**

I am writing to clarify one of the imputations of non-compliance implied in my clients' Communication to the Committee, which is as follows:

As far as concerns access to environmental information, Belgium has chosen to entrust responsibility for review procedures to an 'independent and impartial body', not to a 'court of law'. In the Walloon Region, this is the Appeal Commission for the Right of Access to Environmental Information ('the CRAIE').

Under the Aarhus Convention, a decision of this body 'shall be binding' on the relevant public authority. Yet this fundamental detail about the power of the CRAIE, whose rulings are not subject to appeal and therefore may be described as *final* decisions, does not appear in the applicable law – that is, Article D.10 et seq. of the (Walloon) Environmental Code. This means that the Convention has not been correctly transposed, since there remains a degree of ambiguity, on which some of those involved in these cases attempt to rely: this creates a lack of 'effective remedies'.

In our view, it is this failing that has given rise to the issue now before the Committee.

Yours sincerely,

Alain LEBRUN  
Lawyer.