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United Nations Economic Commission for
Europe
Environment and Human Settlement Division
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*Compliance Committee
c/o Ms Maricar DE LA CRUZ
maricar.delacruz@un.org*

*Compliance Committee
c/o Ms Fiona MARSHALL
fiona.marshall@un.org*

7 October 2020

To the Chair of the Committee:

Dear Madam/Sir,

Our Ref.: DOUTRELOUX / S.A. SCIERIE CLOSE 00000012 AL/LR/2373
Your Ref.: Communication ACCC/C/2015/134

In connection with the case pending under the above reference number, please find enclosed a copy of the judgment of the Justice of the Peace of Stavelot (this court has been abolished and its jurisdiction transferred to the Justice of the Peace of Spa) of 9 September 2020 in the matter of failure to comply with the decision of the Walloon Region's Appeal Commission for the Right of Access to Environmental Information concerning the agreement that exists between the Town of Stavelot and Scierie Close on the use of the access ramps at the old Francorchamps motor-racing circuit.

As you will note from the judgment, the applicant has received €90 as a case preparation allowance intended to cover his fees for counsel, part of the cost of the summons (that is, the writ issued by the court) and compensation of €100 intended to cover 'inconvenience and unnecessary loss of time imposed on the applicant'.

This amount of compensation is very low, and is not dissuasive. The amount of the case preparation allowance is derisory by comparison with the cost of preparing the draft summons, fees for attending the hearing on 7 January 2015 and the application to set a procedural timetable and for other services connected with the proceedings.

The Justice of the Peace gives judgment at first and last instance.

Yours faithfully,

[signed]
Alain LEBRUN
Lawyer.

P.S. I am sending a copy of this letter to Mr Michel Delnoy, Counsel for the other party

Justice of the Peace of Spa

Clerk's Office

Tel.: 087 77 19 92

Fax: NO LONGER IN USE

email: j.p.spa@just.fgov.be

IBAN:

BIC:

Case reference 19A442

Sender: Justice of the Peace of Spa, 77A Avenue Reine Astrid,
4900 Spa

Alain LEBRUN
Lawyer
6, Place de la Liberté
4030 Grivegnée

Spa, 11 September 2020

OUR CASE
REFERENCE:
19A442

YOUR REFERENCE:
DOUTRELOUX Francis 00000012
AL/AG/2355 DOUTRELOUX
/SA SCIERIE CLOSE

ANNEX:
unsigned copy of the decision

IN RE:
DOUTRELOUX Francis
v. TOWN OF STAVELOT

RELEVANT LAW:
Article 792 of the Code
of Civil Procedure

SENT:
By unregistered mail

Dear Sir,

Please find attached herewith, for all legal purposes, the decision of the Justice of the Peace handed down on 9 September 2020.

Yours faithfully,

Chief Clerk of the Court
[signed]

Cécile BOISDEQUIN

Exempt from Registration Fee

(Art. 280(2) of the Registration Code)

Service of copy under Article 792 of the Code of Civil Procedure

Registration No: 2758/2020

	Dispatch	Certified as a European enforceable instrument	
Registration No 2020/2758	served on [date]	served on [date]	served on [date]
Judgment delivered on 9 September 2020	€ FROM:	€ FROM:	€ FROM:
Roll number 19A442 (formerly 19A163)			

Justice of the Peace of Spa

JUDGMENT

The Justice of the Peace has delivered the following judgment in the case of:

Mr Francis DOUTRELOUX, National Register No 59112021318, residing at 5, route de Cheneux, 4970 Stavelot, with counsel Alain Lebrun, lawyer, in chambers at 6, Place de la Liberté, 4030 Liège, which is his address for service

Applicant

THE TOWN OF STAVELOT, represented by the local authority, whose office is at 32, Place Saint-Remacle, 4970 Stavelot, with counsel Vincent Troxquet, lawyer, in chambers at 35 Rue aux Laines, 4800 Verviers

Defendant

Having reviewed the order made by the Justice of the Peace of Malmedy-Spa-Stavelot at Stavelot (Roll number 19A163) under Article 747 of the Code of Civil Procedure;

The Justice of the Peace has taken account of the pleadings and the documents submitted.

The law on the use of languages in the courts has been applied.

Having regard to the judgment given by default by the Justice of the Peace of Malmedy-Spa-Stavelot at Stavelot (Roll number 14A295) on 12 August 2015.

Consideration of the application for damages and for costs remained outstanding.

By letter of 9 September 2019, received at the Clerk's Office on 12 September 2019, counsel for the applicant requested that the case be relisted.

On 6 November 2019, counsel for the parties drew up an agreed procedural timetable, and an order consistent with this was made on the same date.

The court heard counsels' submissions.

Due to the COVID-19 pandemic, written proceedings were applicable.

Law

Following the previous decisions of this court and of the Tribunal de première instance de Liège, division Verviers (Verviers Court of First Instance), the inconvenience and unnecessary loss of time imposed on the applicant warrants the award of damages, assessed at €100.

Because there was an abnormal delay in preparing this part of the case, interest on this amount of €100 at the rate prescribed by law will be limited, and will accrue only from when the request for relisting was received at the Clerk's Office, i.e. from 12 September 2019.

Costs

The case concerns information to be obtained from the defendant and the latter's failure to supply this despite the decision of 2 October 2014 by the Appeal Commission for the Right of Access to Environmental Information: therefore it requires only short pleadings and a writ of execution to obtain the information requested.

The applicant requests a case preparation allowance of €1,440.

The case preparation allowance will be reduced to the minimum rate of €90, since the case is mixed in nature and requires only short pleadings: indeed, this is the amount that would have been awarded even if the Town of Stavelot had still failed to supply the information.

As to the cost of the summons, incurring charges for secure postal delivery does not seem to be warranted and therefore only €278.41 will be taken into account.

ON THOSE GROUNDS,

Ruling *inter partes*,

The court orders the Town of Stavelot to pay the applicant:

- The sum of €100, plus interest at the rate prescribed by law and calculated from 12 September 2019.

- Costs reduced to €368.41, to include the minimum case preparation allowance.

The court dismisses the applicant's remaining claims.

The Justice of the Peace orders Mr Francis DOUTRELOUX, National Register No 59112021318, to pay a filing fee of €50 (for relisting after omission from the roll). This filing fee is to be paid to the Belgian State.

This judgment of the Justice of the Peace of Spa is delivered in open court on **Wednesday, the ninth day of September in the year two thousand and twenty** by **Victor DEMARTEAU, Justice of the Peace**, assisted by **Cécile Boisdequin**, Chief Clerk of the Court.

Chief Clerk of the Court

Justice of the Peace

[signed]

[signed]

Cécile Boisdequin

Victor DEMARTEAU