



Aarhus Convention Compliance Committee
Attn. Ms Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee
UN Economic Commission for Europe
Environment Division

P.O. Box 20061
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The Netherlands
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Contact
Michelle Duin

T [REDACTED]

Our reference
Min-BuZa.2023.15031-45

Encl. 3

Via e-mail only

Date 7 March 2023
Re Ref. Follow-up ACCC open session on ACCC/C/2014/124
(Eemshaven)

Dear Ms Marshall,

With regard to the Aarhus Convention Compliance Committee's open session of 16 December 2022 regarding the Netherlands' action plan on Communication ACCC/C/2014/124 and Decision VII/8m, I have the honour to hereby provide the Committee with the requested documents.

In paragraph 3 (b) of decision VII/8m, the Meeting of the Parties recommends that the Party concerned take the necessary legislative, regulatory and administrative measures to ensure that: (b) Public officials, including the judiciary, are under a legal and enforceable duty to ensure that documents relating to, or referring to, the imperative reasons of overriding public interest regarding a Natura 2000 site are considered to be environmental information within the meaning of article 2 (3) (b) of the Convention.

In its Plan of Action of 30 June 2022, the Netherlands stated what it is doing to comply with, and fulfil, the recommendations as provided for by the Aarhus Convention Compliance Committee in Decision VII/8m.

During the open session of 16 December 2022, the Aarhus Convention Compliance Committee requested copies of the Open Government Act (*Wet Open Overheid*, 'Woo'), and of two national judgments. Please find attached to this email the translated documents as requested during the open session of 16 December 2022.

Additionally, the Netherlands wishes to refer the Aarhus Convention Compliance Committee to the letter of the Netherlands of 2 August 2019 in which the relevant amended case law of the Administrative Jurisdiction Division of the Council of State in a case regarding the construction of two power plants (ACCC/C/2014/124) is explained.

Lastly, the Netherlands will provide the updated information in the progress report for Decision VII/8m that is due on October 1st 2023.

Datum
7 March 2023

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'René Lefeber', with a horizontal line underneath.

René Lefeber
Legal Adviser

Encl.:

- Open Government Act (*Wet Open Overheid*, 'Woo')
- Administrative Jurisdiction Division, *Stichting Greenpeace Netherlands v. the Provincial Executive of Groningen*, 16 August 2017 (ECLI:NL:RVS:2017:2211)
- Administrative Jurisdiction Division, *Sandd v. the Minister of Economic Affairs*, 24 October 2018 (ECLI: NL:RVS:2018:3459)