

Secretary to the Aarhus Convention Compliance Committee  
United Nations Economic Commission for Europe  
Environment Division  
Palais des Nations  
CH-1211 Geneva 10, Switzerland

Sent by e-mail to [aarhus.compliance@un.org](mailto:aarhus.compliance@un.org)

Reykjavík, 19 February 2024.

**Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Iceland with Articles 6, 8 and 9 of the Convention in connection with legislation on fish farming (PRE/ACCC/2019/168).**

Reference is made to your letter dated 22 January 2024. Below are questions you ask in your letter and our replies:

**1. Please provide an update regarding the allegations made in the communication submitted on 25 February 2019 in relation to article 21(2)c of the Fish Farming Act, as amended, including whether:**

**a. Article 21(2)c of the Fish Farming Act remains in force;**

Yes, but with some amendments.

**b. Any further temporary operating licenses have been granted under article 21(2)c of the Act since the submission of the communication;**

Not that we are aware of, but Iceland is in a better position to answer this question.

**c. There are any other updates you consider relevant for the Committee's assessment of the allegations in the communication.**

Article 21(2)(c) has been amended. Nothing else that we are aware of.

**2. Did the public have an opportunity to comment on the new operating licences, including to comment on the report on alternatives issued on 16 May 2019, prior to the new operating licences being granted on 27 and 29 August 2019?**

Not that we are aware of, but Iceland is in a better position to provide information on this.

**3. Were the temporary operating licences themselves subject to a positive EIA screening determination under article 6 of Law 106/2000? If not, on what legal basis do you consider that the temporary operating licences (as opposed to the original operating licenses) are themselves subject to article 6 of the Convention?**

Unfortunately, it is difficult to give a definitive answer to the first part of the question. Presumably, the temporary licenses should have been subject to a positive EIA screening determination under article 6 of Law 106/2000 according to the wording of that provision. No such screening was performed, and the Icelandic authorities have probably considered Article 21(2)(c) of the Fish Farming Act to be superior to article 6 of Law 106/2000 (i.e. *lex specialis* and *lex posterior* principles). It stipulated a very short procedural time which, given the speed of proceedings in the Icelandic administration, would not have been sufficient to carry out such a screening. Thus, it was probably assumed that no such screening should take place. In addition, Article 21(2)(c) stated that the decision on a temporary operating license may be based on data that has been obtained during the preparation of the revoked operating license. Thus, for this reason it was probably also assumed that no screening for EIA should be performed for the temporary licenses.

In any case, Article 6 of the Convention should at least apply on the basis of section 1(b), i.e. that these are activities that have "significant effect on the environment".

It would be useful to have an opportunity to cover this issue in an oral hearing.

On behalf of the complainants:



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Attorney-at-law.