

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

Reykjavík, 22 April 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 a letter from the Ministry of the Environment and Climate in Iceland, dated 5 April 2024. In the letter the ministry answers questions asked in your letter dated 22 January 2024. The complainants would like to make the following comments to the letter from the ministry dated 5 April 2024.


Regarding answer to question 6: In its answer to question 6 Iceland could have been one word: "Yes." That is what the answer means but in too many words because this fact is uncomfortable for the state.

Regarding answer to question 7: Same as above. The answer is simply "Yes." but in many words.

Regarding answer to question 10b: The communicants object to this answer. The NGOs do not have standing to challenge the temporary licenses before the domestic courts however they can challenge them before the ÚUA and possibly challenge the administrative aspects of the case before the domestic courts but not the substance of the temporary licenses. The conclusion of the Reykjavík District court no. E-252/2019 does not seem to provide an answer to this question and that reference seems to be misleading. Although it is hard to tell because decision E-252/2019 (and E-253/2019) has not been published and is not accessible to me. Under Icelandic law unpublished court decisions cannot generally be considered binding precedents. Also, judgements of the district courts, which are courts of first instance are not binding precedents. Therefore, reference to these court cases is reprehensible.

The communicants object to all of Iceland's arguments.


On behalf of the complainants:


Magnús Óskarsson,
Attorney-at-law.