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**Request for comments concerning a complaint to the Aarhus Convention
Compliance Committee, the Environmental Protection Agency's case No.
MST -89-00005**

Further to my associate Kresten Gaub's telephone conversations with legal officer Morten Imer Møller on 18 and 23 September 2009, I can inform you that I have no direct comments to the remarks Knud Haugmark made concerning the Ombudsman in his letter of 10 September 2009. However, please note that while the authorities are not formally obligated to follow my opinion on points of law, it is nevertheless a rare exception from the rule when they do not do so in those cases where I do express my opinions.

The Ombudsman's case processing time in individual cases varies, of course, but I can inform you that according to the most recent analysis, the mean case processing time for materially processed cases was 6.0 months. It appears from the Science Ministry's letter of 23 September 2009 that the ministry has replied to the Environmental Protection Agency's 2nd question in an e-mail on 22 September 2009.

For your general information concerning the Ombudsman's functions I enclose a copy of the English folder I use to provide complainants and others with information on the broad outline of my activities. For a more detailed description in English I refer you to the book "The Danish Ombudsman" published by Folketingets Ombudsmand in 2005, ISBN 87-87318-02-4.

The Ombudsman cannot consider complaints about matters which may be appealed to another administrative authority until that authority has made a decision in the matter (Section 14 of act No. 473 of 12 June 1996, The Ombudsman Act). When there is no actual right to appeal but it is possible to bring the matter before a supervising authority, the Ombudsman still does not usually consider the matter until that supervising authority has had the opportunity to consider it (Section 16(1) of the same act). This principle is also valid in cases where the subject matter of a complaint causes an international institution to carry out an investigation or otherwise consider the matter.

Case No. 2009-3430-301/KGA
Please quote with enquiries

File No. 4

Personal enquiries: 10-15
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+ encl.

On this basis I kindly ask you to keep me informed of the further progress of the case at the Compliance Committee under the Aarhus Convention. For the time being I have suspended my investigation of the complaint concerning the refusal by the Ministry of Science, Technology and Innovation to grant access to Veststat's documents until I hear whether or not the committee intends to consider Knud Haugmark's complaint.

For their information I have sent a copy of this letter to Knud Haugmark and two other citizens who have complained to me about the authorities' handling of the same issue. I have also sent a copy to the Ministry of Science, Technology and Innovation.

This letter has been sent both by e-mail and by regular post.

Yours sincerely,



Hans Gammeltoft-Hansen