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FOR EUROPE

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13 October 2009

Mr. Knud Haugmark
Skelhøjvej 25 C 1. th.
DK 2800 Lyngby
Denmark

Dear Mr. Haugmark,

**Re: Communication to the Aarhus Convention Compliance Committee concerning
access to information on distribution of medicine to Danish livestock
(Ref. ACCC/C/2008/28)**

At its twenty-fifth meeting (22-25 September 2009), the Committee considered information provided by you, at the request of the Committee (ECE/MP.PP/C.1/2009/4, para. 25), concerning your intentions regarding the further use of domestic remedies in connection with the matter which was the subject of the above communication. You had indicated your intention to appeal the matter to the Danish Ombudsman but had stated that you considered the option of an appeal to the courts to be beyond your capabilities in terms of the time involved and the costs.

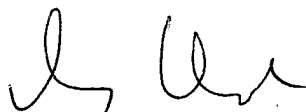
The Committee also considered further information provided by the Party concerned at the request of the Committee. The Party concerned had commented upon your remarks and also responded to some specific questions posed by the Committee concerning inter alia the costs and the duration of the relevant appeals processes. Its response included a letter from the Danish Ombudsman indicating that he would suspend his investigation of the complaint due to the fact that the matter was under consideration by the Committee.

The Committee considered that while your communication fulfilled the requirements for admissibility, it was apparent that you had not exhausted the domestic remedies available in Denmark. Without deciding whether the Danish Ombudsman met the requirement of article 9, paragraph 1, the Committee noted the aforementioned decision of the Ombudsman to suspend his investigation of the matter while the case was under consideration by the Committee. Furthermore, the Committee noted that you had not at any stage brought the case to the Danish judiciary for a legal review, despite the possibility for doing so. Finally, the Committee noted that, according to the information received, various initiatives had been taken by the Danish authorities in order to accommodate at least to some extent the application made by you.

For these reasons, the Committee has decided to postpone any further deliberation of the case until the Danish Ombudsman has completed his investigation of the matter. The Committee requested the secretariat to write to the Party concerned, asking it to inform the Danish Ombudsman about the Committee's decision, in order for the Ombudsman to continue his investigation. You will be copied on that letter.

Please do not hesitate to contact the secretariat if you any further questions.

Yours sincerely,



Jeremy Wates

Secretary

Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Cc: Mr. Morten Imer Møller, National Focal Point for the Aarhus Convention, Danish Environmental Protection Agency