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ДЛЯ ЕВРОПЫ

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13 October 2009

Mr. Morten Imer Møller
National Focal Point for the Aarhus Convention
Head of Section
Danish Environmental Protection Agency
Ministry of the Environment
29, Strandgade str.
DK-1401 COPENHAGEN K
Denmark
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Dear Mr. Imer Møller,

**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 the communicant, at the request of the Committee (ECE/MP.PP/C.1/2009/4, para. 25), concerning his intentions regarding the further use of domestic remedies in connection with the matter which was the subject of the above communication. The communicant had indicated his intention to appeal the matter to the Danish Ombudsman but had stated that he considered the option of an appeal to the courts to be beyond his 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. You had commented upon the communicant's 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. Your 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 the communication fulfilled the requirements for admissibility, it was apparent that the communicant had not exhausted the domestic remedies available in Denmark. Without deciding on 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 the

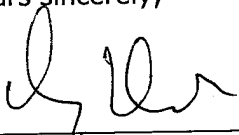
communicant had not at any stage brought the case to the Danish judiciary for a legal review, despite the possibility for doing so. Finally, the Committee noted that, according to the information received, various initiatives had been taken by the Danish authorities in order to accommodate at least to some extent the application made by the communicant.

For these reasons, the Committee decided to postpone any further deliberation of the case until the Danish Ombudsman would carry out its review of the matter. The Committee requested the secretariat to write to you, asking you to inform the Danish Ombudsman about the Committee's decision, in order for the Ombudsman to continue its investigation.

I would be grateful if you would inform the secretariat of whether the Danish Ombudsman, having been duly informed of the Committee's decision to postpone its deliberation on the case, intends to resume his investigation into the matter.

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

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