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ОБЪЕДИНЕННЫЕ НАЦИИ
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8 May 2012

Mr. Jean-Francois Brakeland
Head of Unit - DG Environment, Unit A2 - Compliance promotion, governance and legal issues
European Commission
BU-9 00/201
Rue de la Loi 200,
1049 Brussels
Belgium

Ms. Barbara Anning
Department for Environment, Food and Rural Affairs - EU and International Coordination
Area 1B, Nobel House
17 Smith Square
London SW1P 3JR
United Kingdom

Dear Ms. Anning, Mr. Brakeland

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the European Union and the United Kingdom in relation to the implementation of the renewable energy programme in Scotland (Ref. ACCC/C/2012/68)

On 12 March 2012, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received the above communication addressed to the Compliance Committee of the Convention. The communication concerns compliance by the European Union and the United Kingdom with provisions of the Convention on access to information, public participation and access to justice in relation to the implementation of the renewable energy programme in Scotland. The communication was submitted in accordance with the provisions of chapter VI of the annex to decision I/7 of the Meeting of the Parties.

Please find enclosed a copy of the communication, which is being forwarded to you at the request of the Committee in accordance with the provisions of paragraph 22 of the annex to decision I/7.

The communication has been registered under the symbol ACCC/C/2012/68, which you are invited to cite in future correspondence on the matter. The main documentation relating to the communication will be shortly available on the Committee's web site at: <http://www.unece.org/env/pp/pubcom.htm>.

The Compliance Committee, having considered the admissibility of the communication at its thirty-sixth meeting (27-30 March 2012), has on a preliminary basis determined it to be admissible in accordance with paragraph 20 of the annex to decision I/7. A copy of the preliminary determination on admissibility is attached. Please note, however, that

the Committee has not reached any conclusions with respect to the compliance issues referred to in the communication.

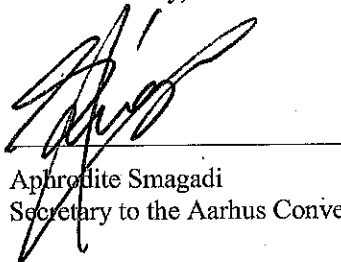
Having regard to paragraph 23 of the annex to decision I/7, you are kindly invited to submit to the Committee, as soon as possible but at the latest within five months of the date of this letter (i.e. by **8 October 2012**), any written explanations or statements clarifying the matter referred to in the communication and describing any response that may have been made in the meantime.

Additionally, in order to facilitate further consideration of the communication, the Committee has requested the secretariat to invite you to address a number of questions that are annexed to this letter. Please provide any supplementary documentation which is necessary to substantiate your response to the questions. At the same time, you are encouraged to avoid submitting to the Committee excessive documentation which is not strictly relevant to the allegations of non-compliance. In providing your response, please note that you should explicitly comment on the communication itself and the allegations contained therein, as well as addressing the questions raised by the Committee.

In a letter to the communicant, a copy of which you will receive for your information, the Committee has invited the communicant to address several questions. You are welcome to respond to those questions, if you so wish.

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

Yours sincerely,



Aphrodite Smagadi
Secretary to the Aarhus Convention Compliance Committee

cc: Permanent Delegation of the European Union to the United Nations Office and other international organizations in Geneva

Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office and other international organizations in Geneva

Christine Metcalfe, Community Councillor, Avich & Kilchrenan Community Council

Encs. Communication ACCC/C/2012/68 (including annexes)

Preliminary determination on admissibility

Datasheet on the communication

ANNEX
ACCC/C/2012/68 European Union and United Kingdom
Questions to the parties

To the Parties concerned and the communicant

1. Were any public consultations conducted in relation to the adoption of the National Renewable Energy Action Plan in the United Kingdom? If public consultations were conducted, please provide the Committee with relevant information.
2. Were any public consultations conducted in issuing the planning permission for the Carriag Gheal wind farm? If public consultations were conducted, please provide the Committee with relevant information.
3. Please provide the Committee with relevant information that indicates how the access road to the Carriag Gheal wind farm comes within the purview of the Convention. Were the decisions regarding the access road subject to public consultations in accordance with national law?

To the communicant

1. The communicant at various places in the communication refers to the fact that she is a Community Councillor. Please indicate to the Committee whether the communication is being submitted in the communicant's capacity as a Community Councillor and on behalf of the Community Council of Avich & Kilchrenan or in her personal capacity.
2. The communication mentions a consultation on renewable energy conducted by the Commission of the European Union in early 2012. Please provide relevant information to substantiate that this consultation was not in compliance with the Convention.
3. At various points in the communication it is submitted that either the United Kingdom or the European Union did not comply with the provisions of articles 4 and 5 of the Convention.
 - (a) With respect to article 4: Please provide the Committee with relevant information on what information was refused to the communicant and why that information was refused.
 - (b) With respect to article 5: Please provide the Committee with relevant information on how the United Kingdom's or the European Union's system for providing information on renewable energy is not in compliance with article 5 of the Convention.
4. Please update the Committee on the status of the domestic remedies that are mentioned on page 9 of the communication.