

# **ANNEX I - Checklist for communications**

## **I. Information on correspondent submitting the communication**

Full name of submitting organization or person(s): Robert Latimer

Permanent address: Shell Hill, Bents rd, Whitburn, Tyne & Wear SR6 7NT

Address for correspondence on this matter, if different from permanent address:

Telephone: 01915292276

Fax: 01915292200

E-mail: robert@latimers.com

If the communication is made by a group of persons, provide the above information for each person and indicate one contact person.

If the communication is submitted by an organization, give the following information for the contact person authorized to represent the organization in connection with this communication:

Name:

Title/Position:

## **II. Party concerned**

Name of the State Party concerned by the communication: Defra UK

## **III. Facts of the communication**

Detail the facts and circumstances of the alleged non-compliance. Include all matters of relevance to the assessment and consideration of your communication. Explain how you consider that the facts and circumstances described represent a breach of the provisions the Convention:

As part of the Court Case C-301/10 I learnt of 2010 study and asked for a copy of this. There is evidence that this study contains a number of errors and was flawed in its conclusion.

## **IV. Nature of alleged non-compliance**

Indicate whether the communication concerns a specific case of a person's rights of access to information, public participation or access to justice being violated as a result of non-compliance or relates to a general failure to implement, or to implement correctly, (certain of) the provisions of the Convention by the Party concerned:

Denied access on the grounds that this document formed part of UK Government's defence:

- a) Adversely affect international relations, defence, national security or public interest: this cannot be justified as the document for part of the court case and would only have further adversely affected international relations if it could be demonstrated that the study was flawed. I should have had the opportunity to examine the study and demonstrate that it contained errors. Ironically it is far more likely to damage international relations by being allowed to go before the Court unchallenged and without correction.
- b) Adversely affect the course of justice: What Defra really mean is the disclosure would adversely affect the UK Government's case before the Court. Justice would have been improved if the study had been shared and become open to wider examination and challenge.

- c) Adversely affect confidentiality: this seems perverse and completely contrary to the Aarhus Convention that aims to improve access to information: any citizen should have the right to get a wide and easy access to environmental information.

## **V. Provisions of the Convention relevant for the communication**

List as precisely as possible the provisions (articles, paragraphs, subparagraphs) of the Convention that the Party concerned is alleged to not comply with: Aarhus aims to improve public participation in decision making: the public must be informed over all the relevant projects and it has to have the chance to participate during the decision-making and legislative process. Decision makers can take advantage from people's knowledge and expertise; this contribution is a strong opportunity to improve the quality of environmental decisions, outcomes and to guarantee procedural legitimacy.

The Court Case is a fundamental part of the "legislative process" and access to this key study was a vital element of public participation.

## **VI. Use of domestic remedies or other international procedures**

Indicate if any domestic procedures have been invoked to address the particular matter of non-compliance which is the subject of the communication and specify which procedures were used, when which claims were made and what the results were:

- a) Request under the EIR to Defra as per all information enclosed – refused.
- b) Request to Defra to carry internal review – again refused.
- c) Domestic Procedures – Request Ref FERO439690 to the ICO 30/7/12
- d) 22/5/2012 - International Procedures – Request to the EC Ref GuestDem No 2012/2114.
- e) 19/7/2012 - International Procedures – Confirmatory application for access to documents under Regulation (EC) No 1049/2001 – GuestDem 2012/2114

Indicate if any other international procedures have been invoked to address the issue of non-compliance which is the subject of the communication and if so, provide details (as for domestic procedures):

## **VII. Confidentiality**

Unless you expressly request it, none of the information contained in your communication will be kept confidential. If you are concerned that you may be penalized, harassed or persecuted, you may request that information contained in your communication, including the information on your identity, be kept confidential. If you request any information to be kept confidential, you are invited to clearly indicate which. You may also elaborate on why you wish it to be kept confidential, though this is entirely optional.

## **VIII. Supporting documentation (copies, not originals)**

- Relevant national legislation, highlighting the most relevant provisions.
- Decisions/results of other procedures.
- Any other documentation substantiating the information provided under VII.
- Relevant pieces of correspondence with the authorities.

Avoid including extraneous or superfluous documentation and, if it is necessary to include bulky documentation, endeavour to highlight the parts which are essential to the case.

Some included (DEFRA and EC Refusals) Other sot be sent by post

## **IX. Summary**

Attach a two to three-page summary of all the relevant facts of your communication.

Sent by separate e mail

## **X. Signature *Robert Latimer 10 March 2013***

The communication should be signed and dated. If the communication is submitted by an organization, a person authorized to sign on behalf of that organization must sign it.

## **XI. Address**

Please send the communication by email AND by registered post to the following address:

Secretary to the Aarhus Convention  
United Nations Economic Commission for Europe  
Environment and Human Settlement Division  
Room 332, Palais des Nations  
CH-1211 Geneva 10, Switzerland  
Phone: +41 22 917 2384  
Fax: +41 22 917 0634  
E-mail: [public.participation@unece.org](mailto:public.participation@unece.org)

Clearly indicate: "Communication to the Aarhus Convention's Compliance Committee"