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Palais des Nations, Room 348
CH-1211 GENEVA 10

Ref: ACCC/C/2013/83

2 May 2013

Robert Latimer
Shell Hill, Bents rd,
Whitburn, Tyne & Wear SR6 7NT,
United Kingdom

Dear Mr. Latimer,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the United Kingdom with provisions to the Convention on access to environmental information (ACCC/C/2013/83)

On 10 March 2013, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received from you the above communication addressed to the Compliance Committee of the Convention. The communication concerns compliance by the United Kingdom with the provisions of the Convention on access to environmental information. 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.

The communication has been registered under the symbol ACCC/C/2013/83, 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 fortieth meeting (25-28 March 2013), 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.

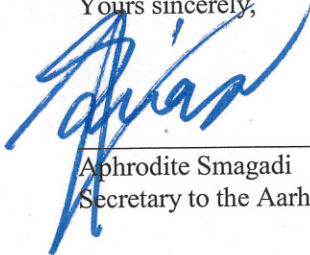
In order to facilitate further consideration of the communication, the Committee invites you to address a number of questions that are annexed to this letter. Please provide any supplementary documentation which is **necessary to substantiate** your response to the questions. At the same time, you are encouraged to **avoid submitting to the Committee excessive documentation which is not strictly relevant to the allegations of non-compliance**.

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

You are invited to submit your response to the Committee as soon as possible, but no later than **2 October 2013**.

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: Ceri Morgan, Head of EU Environment Policy, Department for Environment, Food and Rural Affairs
Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations
Office and other international organizations in Geneva
- Enc. Preliminary determination on admissibility
Datasheet on the communication

Annex
ACCC/C/2013/83 – Questions to parties

Questions to the Party concerned:

Please elaborate on the provisions of the national law providing for the possibility of the public authorities to refuse a request for environmental information, in particular when it is considered that the disclosure would adversely affect international relations, defence, national security or public safety; or when the information is qualified as “legally privileged”.

Please also explain:

- a. what is the discretion of the authorities to refuse disclosure;
- b. whether and how authorities are instructed on to apply the exemptions; and
- c. whether there is an established practice to follow to ensure that “grounds for refusal shall be interpreted in a restrictive way, taking into account the public interest served”..

Questions to the communicant:

- 1) Please provide a **well-structured** chronology of events, including:
 - a. How many requests for information have you submitted?
 - b. To which authorities (including the EU)?
 - c. What kind of information exactly did you request to receive?
 - d. What was the response?
- 2) In your communication you refer to general non-compliance by the Party concerned with the provisions of the Convention. The Committee understands that you allege non-compliance with article 4 of the Convention Please confirm.
- 3) You mention that, after the Court of Justice of the European Union delivered its judgment on 18 October 2010 on case C-301/10, you received approx.. 15000 items in response to your request to DEFRA. Was “the study carried out in 2010” included? Please confirm that you did not find the information you were interested (i.e. the calculations on the capacity of the Whitburn waste water collecting system) in the information you received.