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Ref: ACCC/C/2013/83

2 May 2013

Ceri Morgan  
Head of EU Environment Policy  
Department for Environment, Food and Rural Affairs  
Area 1C, Nobel House  
17 Smith Square, London SW1P 3JR,  
United Kingdom

Dear Ms. Morgan,

**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 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.

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/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.

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 2

October 2013), 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 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 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 question, if you so wish.

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

Yours sincerely,



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Apollodite Smagadi  
Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office and other international organizations in Geneva  
Mr. Robert Latimer

Encs. Communication ACCC/C/2013/83 (including annexes)  
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 **environmental** 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.