

**From:** John Damm Sørensen [REDACTED]  
**Sent:** 08 April 2019 11:47 PM  
**To:** ECE-Aarhus-Compliance [REDACTED]  
**Cc:** [REDACTED] gvamis (um.dk) [REDACTED]  
**Subject:** Re: ACCC/C/2019/162 (Denmark) - letter to communicant enclosing determination of preliminary admissibility

Dear Fiona Marshall,

With respect to the Danish state's failure to comply with with the Aarhus Conventions demand for public access to decisions and court rulings about environmental matters I would like to add the following.

In 1982 the Danish Parliament decided the formation of a database for all court rulings and all legal binding documents. So far only the database with legal binding documents (Laws etc.) has been established. The database for court rulings has been discussion ever since and in 2017 an EU tender process was initiated and the the project was awarded to the Danish company J.H. Schultz Information A/S in 2018. But according the press the project has been cancelled and a new tender process will take part.

<https://ted.europa.eu/udl?uri=TED:NOTICE:130451-2017:TEXT:DA:HTML&src=0&tabId=4>

<https://ted.europa.eu/udl?uri=TED:NOTICE:149409-2018:TEXT:DA:HTML>

Whenever the database becomes reality it will only have new court rulings and as such cannot be in compliance with the Aarhus Convention as users will not be able to conclude anything with respect to possible outcome of a court case. Furthermore this database will only have court rulings. A substantial amount of case are handled by The Environmental Board of Appeal and the board only publishes selected rulings and in various formats.

One note about The Environmental Board of Appeal. It has a set of members and a secretariat preparing the cases. Often the secretariat sketches more than one possible outcome without giving a complainer the possibility to comment on the alternatives. Furthermore the secretariat persistently denies access to the alternative rulings claiming the documents to be for internal use only.

With respect to the term legal interest in the context of environmental assessments it is my belief that the term is totally irrelevant.

This is because the assessment solely deals with the possible influence on the environment and the assessment as such has no legal bindings for any legal entity. Taken into account that the convention dictates a wide audience further emphasizes the term legal interest as irrelevant. Given that the greatest distance within Denmark is less than 600 kilometers I argue that any Danish person participating in the assessment of the environment has the right to have environmental assessment rulings challenged.

In my case the use of the term legal interest had the sole purpose to prevent a knowledge person from having the ruling made by the Gladsaxe Municipality challenged.

Best Regards

John Damm Sørensen