

Secretary to the Aarhus Convention Compliance Committee
United Nations Economic Commission for Europe
Environment Division
Palais des Nations
CH-1211 Geneva 10, Switzerland

Sent by e-mail to aarhus.compliance@un.org

Reykjavík, 2 November 2019.


Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Iceland with articles 6, 8 and 9 of the Convention in connection with legislation on fish farming (PRE/ACCC/C/2019/168).

After reading Iceland's answers from yesterday in more detail and in light of cases E-252/2019 and 253/2019 at the Reykjavik District Court I have found out that the Icelandic government claimed in both of those cases that the plaintiffs, *inter alia*, Náttúruverndarsamtök Íslands, did not have access to the courts and the cases should have been dismissed from the beginning because they did not have legally protected interest.

The communicants agree that this is the legal situation in Iceland and that is the reason why it is stated in part IV. of the communication that domestic remedies are not available. Court cases where environmental nongovernmental organizations in Iceland sue the government because of environmental issues are always dismissed because the courts are of the opinion that such NGO's do not have legally protected interests in such cases, as opposed to, e.g. an owner of a land that is going to be polluted.

Therefore, it is now clear that both the party (the Icelandic government) and the communicants agree that domestic remedies are not available. If the party claims otherwise before the ACCC on Monday it would completely contradict with what it claimed before the Reykjavik District Court earlier this year. This new information should settle the issue of use of domestic remedies.

Sincerely,


Magnús Óskarsson,
Attorney-at-Law.