

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 mail and a copy by e-mail to [aarhus.compliance@un.org](mailto:aarhus.compliance@un.org)**

Reykjavík, 30 June 2019.

**Re: PRE/ACCC/C/2019/168 (Iceland)**

Yesterday, Saturday 29 June 2019, I received a digital copy by e-mail of what seems to be the first page of a letter from the Icelandic Ministry of Industries and Innovation dated 28 June 2019 regarding case PRE/ACCC/C/2019/168 (Iceland). The date on the letter seems to be incorrect as the letter was received electronically the day after, on Saturday 29 June 2019.

I represent the complainants in the case. The complainants object to Iceland's arguments on that page and reserve the right to object to the remainder of the letter when it will be made available to the complainants. I was not aware of the court cases mentioned in the letter and the complainants were not aware of them either except possibly the complainant Náttúruverndarsamtök Íslands.

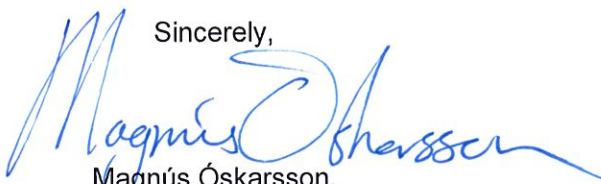
- 1) The complainants object to that the letter is sent at this late stage and on a weekend when they have had little chance of gathering information about the court cases mentioned in the letter, e.g. in what court or courts the cases are being tried, who the plaintiffs and defendants are, what demands are being made and on what legal and factual grounds. It is for example not clear whether Iceland is a defendant in the cases or only the salmon farming companies. The complainants must therefore object to that the cases relate to the communication in a relevant way until further evidence of that is provided.
- 2) The Icelandic government's practice of rushing this letter to the Committee last minute is the same tactic as it used to rush the legislation through that is the subject of the communication. The rushed legislative process is described on page 4 of the communication. This is a tactic used by Iceland to give the complainants as little chance as possible to object. In Iceland's letter it is stated that first hearing was held on 28 June 2019. I have not been able to confirm that. That statement by Iceland is also misleading because according to Icelandic procedural rules a subpoena must have

been served earlier. The cases were therefore not new to Iceland last Friday, 28 June 2019.

- 3) The little information that is available about the court cases shows that they are not about the same subject matter as the communication. The communication is about the non-compliance of Iceland to its commitments according to the Aarhus Convention, *inter alia* because the new legislation denies environmental NGO's like the complainants access to a review procedure according to Article 9 of the convention.
- 4) The court cases will take a long time to be resolved. It can be estimated that at the court of first instance a decision will be reached in about 18 months and the second instance will take an additional 12 months. These estimates can vary greatly.
- 5) The complainants (possibly excluding Náttúruverndarsamtök Íslands) are of the opinion that domestic remedies are not available to them. As described in the communication the new legislation states that: "Temporary operating license pursuant to this paragraph are final decisions at the executive level." Therefore, the complainants do not have access to The Icelandic Complainants Committee for cases regarding environmental matters and natural resources. It is also proven by multiple precedents of the Icelandic Supreme Court that the complainants do not have access to the regular courts in such cases.

Due to how late Iceland's letter was sent the complainants reserve the right to object further and in more detail to Iceland's arguments.

Sincerely,



Magnús Óskarsson,  
Attorney-at-Law.