

8 October 2019

Ms. Marianna Said
Ministry for the Environment and Natural Resources
Reykjavik, Iceland

Magnús Óskarsson
Attorney-at-law
Reykjavik, Iceland

Dear Ms. Said, dear Mr. Óskarsson,

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)

I refer to the communication submitted by several environmental associations on 25 February 2019. The communication alleges that Iceland has failed to comply with 6, 8 and 9 of the Convention in connection with new legislation on fish farming.

As indicated in my email of 15 July 2019, the Compliance Committee agreed to send questions regarding the use of domestic remedies for the parties' reply in advance of the Committee's sixty-fifth meeting (Geneva, 4-8 November 2019).

I would be grateful to receive your replies to the enclosed questions on or before **1 November 2019**. Please send your reply to aarhus.compliance@un.org, copying the other party.

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

Yours sincerely,



Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of Iceland to the United Nations Office and other international organizations in Geneva

Enc.: Questions from the Committee to the communicants and the Party concerned

Questions to both parties:

Please keep your replies to the following questions as short and concise as possible.

1. What is the current status of cases Nos. E-525/2019 and E-253/2019?
2. What are the main allegations that have been made to the court in each case? Who are the defendants in each case?
3. What are the possible remedies if the plaintiffs' claims in cases Nos. E-525/2019 and E-253/2019 are successful? Could the court overturn the temporary operational licences? Could the court rule Article 21C of the Act on Fish Farming unlawful in these proceedings?
4. If the temporary operating licences issued to Fjaroalax hf. and Arctic Sea Farm hf. on 5 November 2018 were granted for the maximum period of 10 months, they would presumably have expired on 5 September 2019. What is the current status of these two operating licences? Are the fish farms currently in operation and if so, under what legal basis?

Question to the communicants

5. Is it correct that Natturverndarsamtök Islands was one of the plaintiffs in cases Nos. E-525/2019 and E-253/2019? Is it still one of the plaintiffs?

Question to the Party concerned:

6. Please comment on the statement of the communicants that it will take approximately 18 months before the court of first instance issues its decision in cases Nos. E-525/2019 and E-253/2019 and a decision by the court at the second instance would take an additional 12 months.¹

¹ Communicant's comments on the comments of the Party concerned regarding admissibility, 30 June 2019, p. 2.