EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate A - Communication, Legal Affairs and Civil Protection
ENV.A.2 – Infringements
The Head of Unit

Brussels, 08. 11. 2006
ENV A2/IF/mm D(2006) 22381

Mr Robert Latimer
Shell Hill
Bents Road
Whitburn
Tyne and Wear SR6 7NT
UNITED KINGDOM

Dear Mr Latimer,

Subject: Complaint 2004/5141 concerning Sea Disposal Trials in the Port of Tyne

Further to our letter of 10 October 2006, we have now undertaken a further assessment of the information you provided in your e-mails of 11, 12, 19, 21 and 22 September 2006 in relation to your above complaint.

As you are aware, our letters of 28 August 2006 and 23 June 2006 set out our reasons for not pursuing further with the UK authorities the issues raised in your complaint. Nevertheless, I can advise you that the Commission has already initiated separate infringement proceedings against the UK for its general failure to implement the Environmental Impact Assessment Directive (85/337/EEC as amended), as regards marine dredging projects listed in Annex II of the Directive. A reasoned opinion in that case was issued to the UK in December 2005 under Article 226 of the EC Treaty. The Commission is currently assessing the response of the UK with a view to considering whether to refer that case to the European Court of Justice.

In the circumstances, the Services of the Commission have come to the view that it would not be useful to pursue a separate individual case on the application of the Directive to marine dredging projects. However, should the above case fail to be resolved satisfactorily, we will if necessary, use the information you have provided in support of any subsequent proceedings.

We are sorry if you disagree with our reasoning but we consider that in the meantime there is no basis for pursuing this case further with the UK authorities and we therefore intend to proceed to close the case.

Yours sincerely,

J. García Burgués

Julio García Burgués

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