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

Brussels, 28 AOUT 2006
ENV A2/IF/ac D(2006)17184

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

Thank you for your e-mails of 10 July, 1 and 3 August 2006 in response to our letter of 23 June 2006.

I am afraid that your e-mails do not raise new issues or information indicating a breach of Community law which would lead us to reconsider our conclusion that this case should be closed.

In your e-mail of 10 July 2006 you asked various questions concerning the application of Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 97/11/EC ("the EIA Directive"). As we set out in our letter of 23 June 2006, the EIA Directive would require new or proposed sludge-deposition sites to be screened for the need for an EIA Directive. As the disposal in this case took place on an existing disposal site, we accept that it is not an operation which would constitute a project within the meaning of paragraph 11(d) of Annex II of the Directive.

Furthermore, we continue to consider that there is insufficient evidence to indicate that the change of normal use of the disposal site was such as to have an significant adverse effect on the environment, so as to fall within paragraph 13 of Annex II of the Directive, and thus to trigger the screening requirements of Article 4(2) of the Directive.

You also indicated in your e-mail of 10 July 2006 that you would wish to respond more fully to our letter of 23 June 2006. You are of course welcome to contact us again should you have new information which indicates a breach of Community environmental law. We would assess such information with a view to considering whether to open a new or separate complaint. In the meantime however, we consider that 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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