

[Letterhead of the Environmental Board of Appeal]

To Håkun Djurhuus, Lawyer

Sent by email to djur@bechbruun.com and jle@bechbruun.com

12 October 2012 · Ref. no.: NMK-400-00063, NMK-400-00067 and NMK-400-00069 · Ref.: ssc

Dear Håkun Djurhuus

Complaints against the adoption of the national river basin management plan

In your letters of 20 September 2012, 8 and 10 October 2012, you commented on my letter of 19 September 2012 and our telephone conversation and you also asked additional questions as to the consideration of the complaints against the national river basin management plan.

As you have previously been informed, the secretariat of the Environmental Board of Appeal has not consulted or discussed the contents of the complaints or the Board's upcoming decisions on the adoption of the river basin management plan with the Legal Advisor to the Danish Government or with the Danish Nature Agency. Nor has the Board received legal advice on the construction of the Danish Act on Environmental Objectives (*miljømålsloven*) or discussed the planning of the consideration of the cases with the Legal Advisor to the Danish Government or the Agency.

Furthermore, the Board secretariat does not intend to discuss the outcome of the cases or the content of the complaints made by the plot owners represented by you or the other complaints with the Legal Advisor to the Danish Government or the Agency.

As for the issues stated by you on the exchange of documents as well as minutes of the meeting held with the Nature Agency, please note that the meeting with the Nature Agency was held at the request of the Agency. Consequently, no documents were prepared by the secretariat of the Environmental Board of Appeal prior to the said meeting. As I have also stated, no documents were exchanged prior or subsequent to the meeting. At the meeting, the Agency reiterated the content which already appeared from the Agency's letter and stated that the Agency wished to provide a supplementary statement. This statement was sent to you and to the other complainants of the cases still pending before the Board by way of the email of 5 October 2012.

No final decision has yet been made as to which of the remaining approx. 80 complaints must be presented at the Board's meeting in December for the purpose of consideration of selected issues.

I still confirm that the members of the Environmental Board of Appeal will receive copies of the relevant documents in the cases in respect of which the Board members are to make a decision. Consequently, the members will also receive copies of your letters.

Yours sincerely

[signed]

Anne-Marie Rasmussen

[Letterhead of the Environmental Board of Appeal]

For information purposes, a copy of this letter has been sent to:

- The Danish Nature Agency nst@nst.dk, ref. no. NST-4208-00017
- The Legal Advisor to the Danish Government, Sune Fugleholm sfs@kammeradvokaten.dk

Til advokat Håkun Djurhuus



NATUR- OG
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Sendt pr. mail til djur@bechbruun.com og jle@bechbruun.com

12. oktober 2012 · J.nr.: NMK-400-00063, NMK-400-00067 og NMK-400-00069 · Ref.: ssc

Klager over vedtagelsen af den statslige Vandplan

I breve af 20. september 2012, 8. og 10. oktober 2012 har du kommenteret mit brev af 19. september 2012 og vores telefonsamtale samt stillet yderligere spørgsmål til behandlingen af klagerne over den statslige Vandplan.

Som jeg tidligere har oplyst dig om, så har Natur- og Miljøklagenævnets sekretariat ikke konsulteret eller drøftet indholdet af klagerne eller nævnets kommende afgørelser om vedtagelsen af vandplanen med Kammeradvokaten eller Naturstyrelsen. Nævnet har heller ikke indhentet juridisk rådgivning om miljømålslovens fortolkning eller drøftet tilrettelæggelsen af sagernes behandling med Kammeradvokaten eller styrelsen.

Nævnets sekretariat agter heller ikke at drøfte sagernes udfald eller indholdet af klagerne fra de lods- ejere du repræsenterer eller de øvrige klagesager med Kammeradvokaten eller styrelsen.

Til de forhold du anfører om udveksling af dokumenter samt om referat fra mødet med Naturstyrelsen kan jeg oplyse, at mødet med Naturstyrelsen blev holdt på styrelsens foranledning. Derfor blev der heller ikke udarbejdet papirer i Natur- og Miljøklagenævnets sekretariat forud for mødet. Som jeg også har oplyst, så blev der ikke udvekslet dokumenter før eller efter mødet. På mødet gentog styrelsen, hvad der allerede fremgik af styrelsens oversendelsesbrev og oplyste om, at denne ønskede at komme med en supplerende udtalelse. Udtalelsen er med mail af 5. oktober 2012 sendt til dig og til de øvrige klagere i de sager, som fortsat verserer i nævnet.

Der er endnu ikke truffet endelig beslutning om, hvilke af de resterende ca. 80 klagesager, der skal forelægges på nævnets møde i december med henblik på stillingtagen til udvalgte problemstillinger.

Jeg kan fortsat bekræfte, at Natur- og Miljøklagenævnets medlemmer vil få kopi af relevant materiale i de sager, nævnsmedlemmerne skal træffe afgørelse i. Medlemmerne vil således også få kopi af dine breve.

Med venlig hilsen

Anne-Marie Rasmussen

Kopi af dette brev er sendt til orientering til:

- Naturstyrelsen nst@nst.dk, j.nr. NST-4208-00017

- Kammeradvokaten, Sune Fugleholm sfs@kammeradvokaten.dk