From: Sibylle.Grohs@ec.europa.eu [mailto:Sibylle.Grohs@ec.europa.eu]
Sent: 27 April 2009 10:43
To: Thomas Bell
Subject: RE: EIA Directive infringement proceedings

Thanks Thomas

I am aware of ClientEarth's submission to the Convention Committee and have infact been contacted by the complainant in the Tyne case as he appeared to have lost his documentation in the case and requested further copies which I sent him. You could of course contact him and see if he can provide you with the reasoning which was communicated to him about the decisions taken. Otherwise this matter is not made public through resolutions etc - we are only obliged to inform registered complainants of the decision and the Member State is not privy to that correspondence either.

Sibylle

From: Thomas Bell [mailto:thomas.bell@mcsuk.org]
Sent: Monday, April 27, 2009 11:39 AM
To: GROHS Sibylle (ENV)
Subject: RE: EIA Directive infringement proceedings

Hi Sibylle and thanks again for coming back to us. We're not pursuing the Port of Tyne case per se at the moment but rather using our involvement with it over several years as a case study in a complaint to the Aarhus Commission.

MCS and an environmental law firm called ClientEarth made a submission to the Aarhus Compliance Committee at the back end of last year concerning compliance by the UK with provisions of the Aarhus Convention relating to the scope of judicial review, costs, timing and other issues related to access to justice (illustrated with the Port of Tyne case). The Committee admitted the complaint and are due to consider it later this year. In the course of preparing a response to preliminary questions from the Committee I was trying to determine what had happened with the EC's EIA Directive infringement proceedings back in 2005 relating to Annex II marine dredging operations. I was struggling to find a communication online and thought I'd email just in case you happened to know of the resolution. Useful to know that the case was closed after the UK amended their law and required EIA for dredging projects.

The details of our Aarhus submission are online here:
http://www.unece.org/env/pp/compliance/Compliance%20Committee/33TableUK.htm

Thanks again and with kind regards,

Thomas

From: Sibylle.Grohs@ec.europa.eu [mailto:Sibylle.Grohs@ec.europa.eu]
Sent: 26 April 2009 14:14
To: Thomas Bell
Subject: RE: EIA Directive infringement proceedings

Dear Thomas

The Port of Tyne complaint was a separate file and was closed at the end of 2006. For details of this you would however need to contact the complainant.

Best wishes

Sibylle

From: Thomas Bell [mailto:thomas.bell@mcsuk.org]
Sent: Thursday, April 23, 2009 5:54 PM
To: GROHS Sibylle (ENV)
Subject: RE: EIA Directive infringement proceedings

Dear Sibylle,

Many thanks. Any further information you might have would be much appreciated. I am having a little trouble tracking down the case papers online. We're looking at it from the point of view of a submission we've made to the Aarhus Committee on access to environmental justice, using a Port of Tyne dredging operation licensed in 2004 as a case study.

Kind regards,

Thomas

From: Sibylle.Grohs@ec.europa.eu [mailto:Sibylle.Grohs@ec.europa.eu]
Sent: 23 April 2009 10:53
To: Thomas Bell
Subject: RE: EIA Directive infringement proceedings

I would need to check but off the top of my head the case was closed after the UK amended their law and required EIA for dredging projects.

Sibylle

From: Thomas Bell [mailto:thomas.bell@mcsuk.org]
Sent: Thursday, April 23, 2009 11:34 AM
To: GROHS Sibylle (ENV)
Subject: EIA Directive infringement proceedings

Dear Sibylle,

I hope you're well. I was wondering if you might be able help with a quick question relating to the EIA Directive.

The Commission began infringement proceedings against the UK in December 2005 for a failure to implement the Environmental Impact Assessment Directive (85/337/EEC as amended) in relation to marine dredging projects listed in Annex II of the Directive. Would you be able to tell us what the situation is now?

With kind regards,

Thomas

Thomas Bell
Coastal Pollution Officer
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The Marine Conservation Society (MCS) is
the UK charity dedicated to protecting
our seas, shores and wildlife.

Please join us - visit our website at www.mcsuk.org
View www.goodbeachguide.co.uk for information on
the UK & Ireland's beaches.

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