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ECONOMIC COMMISSION
FOR EUROPE

Environment Division
Bureau 332
Palais des Nations
CH-1211 Geneva 10
Switzerland

Phone: +41-22-917 3294
Fax: +41-22-917 0634
E-mail: public.participation@unece.org
Website: www.unece.org/env/pp

8 May 2012

Ms. Christine Metcalfe
Community Councillor
Avich & Kilchrenan Community Council
Taigh a Luana
Loch Avich
Taynuilt
Argyll. PA35 1HJ
United Kingdom

Dear Ms. Metcalfe

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the European Union and the United Kingdom in relation to the implementation of the renewable energy programme in Scotland (Ref. ACCC/C/2012/68)

On 12 March 2012, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received from you the above communication addressed to the Compliance Committee of the Convention. The communication concerns compliance by the European Union and the United Kingdom with provisions of the Convention on access to information, public participation and access to justice in relation to the implementation of the renewable energy programme in Scotland. The communication was submitted in accordance with the provisions of chapter VI of the annex to decision I/7 of the Meeting of the Parties.

The communication has been registered under the symbol ACCC/C/2012/68, which you are invited to cite in future correspondence on the matter. The main documentation relating to the communication will be shortly available on the Committee's web site at: <http://www.unece.org/env/pp/pubcom.htm>.

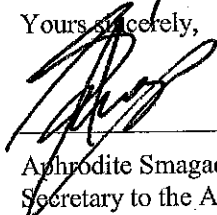
The Compliance Committee, having considered the admissibility of the communication at its thirty-sixth meeting (27-30 March 2012), has on a preliminary basis determined it to be admissible in accordance with paragraph 20 of the annex to decision I/7. A copy of the preliminary determination on admissibility is attached. Please note, however, that the Committee has not reached any conclusions with respect to the compliance issues referred to in the communication.

In order to facilitate further consideration of the communication, the Committee has requested the secretariat to invite you to address a number of questions that are annexed to this letter. Please provide any supplementary documentation which is necessary to substantiate your response to the questions. At the same time, you are encouraged to avoid submitting to the Committee excessive documentation which is not strictly relevant to the allegations of non-compliance.

In a letter to the Party concerned, a copy of which you will receive for your information, the Committee has invited the Party to address other questions. You are welcome to respond to those question, if you so wish.

You are invited to submit your response to the Committee as soon as possible, but no later than **8 October 2012**.
Please do not hesitate to contact the secretariat if you have any questions.

Yours sincerely,



Aphrodite Smagadi
Secretary to the Aarhus Convention Compliance Committee

cc: Mr. Jean-Francois Brakeland, European Commission, Compliance promotion, governance and legal issues
Ms. Barbara Anning, Department for Environment, Food and Rural Affairs - EU and International
Coordination European Commission
Permanent Delegation of the European Union to the United Nations Office and other international
organizations in Geneva
Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office
and other international organizations in Geneva

Enc. Preliminary determination on admissibility
Datasheet on the communication

ANNEX
ACCC/C/2012/68 European Union and United Kingdom
Questions to the parties

To the Parties concerned and the communicant

1. Were any public consultations conducted in relation to the adoption of the National Renewable Energy Action Plan in the United Kingdom? If public consultations were conducted, please provide the Committee with relevant information.
2. Were any public consultations conducted in issuing the planning permission for the Carriag Gheal wind farm? If public consultations were conducted, please provide the Committee with relevant information.
3. Please provide the Committee with relevant information that indicates how the access road to the Carriag Gheal wind farm comes within the purview of the Convention. Were the decisions regarding the access road subject to public consultations in accordance with national law?

To the communicant

1. The communicant at various places in the communication refers to the fact that she is a Community Councillor. Please indicate to the Committee whether the communication is being submitted in the communicant's capacity as a Community Councillor and on behalf of the Community Council of Avich & Kilchrenan or in her personal capacity.
2. The communication mentions a consultation on renewable energy conducted by the Commission of the European Union in early 2012. Please provide relevant information to substantiate that this consultation was not in compliance with the Convention.
3. At various points in the communication it is submitted that either the United Kingdom or the European Union did not comply with the provisions of articles 4 and 5 of the Convention.
 - (a) With respect to article 4: Please provide the Committee with relevant information on what information was refused to the communicant and why that information was refused.
 - (b) With respect to article 5: Please provide the Committee with relevant information on how the United Kingdom's or the European Union's system for providing information on renewable energy is not in compliance with article 5 of the Convention.
4. Please update the Committee on the status of the domestic remedies that are mentioned on page 9 of the communication.