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Ref: ACCC/C/2012/68

8 January 2013

Jean-Francois Brakeland
Head of Unit DG Environment, Unit A2
Compliance promotion, governance and legal issues
European Commission
BU-9 00/201
Rue de la Loi 200
1049 Brussels, Belgium

Barbara Anning
Department for Environment, Food and Rural Affairs (DEFRA)
EU and International Coordination
Area 1B, Nobel House
17 Smith Square
London SW1P 3JR, United Kingdom

Christine Metcalfe
Community Councillor
Avich & Kilchrenan Community Council
Taigh a Luana
Taynuilt
Argyl. PA35 1HJ, United Kingdom

Dear Ms. Anning,
Dear Ms. Metcalfe,
Dear Mr. Brakeland

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

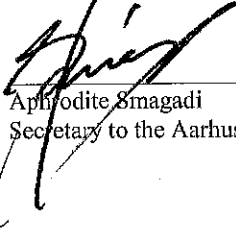
On behalf of the Aarhus Convention Compliance Committee, I would like to thank the participants in the discussion of the above referenced communication at the thirty-ninth meeting of the Compliance Committee (Geneva, 11-14 December 2012).

The report of the meeting, including information concerning the discussion on the communication at issue, will be shortly accessible at the following link <http://www.unece.org/env/pp/ccMeetings.htm>.

You may recall that during the discussion of the communication, the Committee requested you to submit some additional information, as detailed in the questions annexed to the present letter. You are invited to reply to the questions as soon as you can, but no later than **11 February 2013**. In providing your responses, please address the questions of the Committee in a brief and explicit manner and provide the text of the relevant supporting documents in English.

Please do not hesitate to contact the secretariat if you require any further information.

Yours sincerely,



Aphrodite Smagadi
Secretary to the Aarhus Convention Compliance Committee

Cc: 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

Annex
Questions with regard to communication ACCC/C/2012/68

To the United Kingdom:

- 1- Please demonstrate how the comments submitted by the communicant in the decision-making for (a) the Carriag Gheal wind farm, and (b) the West Loch Awe Timber Haul, were considered in during the decision-making.
- 2- What was the basis document (policy document, strategy, programme, plan, etc.) for the decisions on the Carriag Gheal wind farm and the linked access West Loch Awe Timber Haul Route?
- 3- Under Scottish law, is there a specific obligation that information about comments received during the EIA procedure is available before the decision is issued?
- 4- Please elaborate on why the Renewable Energy Routemap, is a policy rather than a plan/programme.

To the European Union

- 1- Please provide information on how the requirement of article 6, paragraph 8, was addressed in the consultations leading to the adoption of the communication on "Renewable Energy: a major player in the European Energy market" (COM(2012)271) on 6 June 2012.

To the communicant

- 1- Please provide specific information (hard proof) on the comments you submitted relating to the decision-making for (a) the Carriag Gheal wind farm, and (b) the West Loch Awe Timber Haul Route, and show how your comments were *not* considered in the decisions taken.
- 2- With respect to the consultation process in relation to the communication on "Renewable Energy: a major player in the European Energy market" (COM(2012)271), please provide a copy of the comment submitted to the European Commission, and show (provide evidence) how this was *not* considered.