

Aarhus Convention Compliance Committee
Communication ACCC/C/2013/82:
Johnstone v. Norway¹

Annexure “A”

List of Aarhus Convention Compliance Committee ‘Inadmissible’ Rulings:

- [1] **2004/07: Poland: Antoni Zawislak:**
A. “Not admissible, (5th meeting of the Committee, 23-24.09.2004)”
- [2] **2004-09: Armenia: Edik Baghdasaryan:**
A. “While the communication fulfilled all the admissibility criteria set out in paragraph 20 of the annex to decision I/7, it was submitted without the communicant having made sufficient use of available domestic remedies. Having regard to paragraph 21, the Committee will not therefore consider it further at this stage. (24.09.2004)”
- [3] **2004-10: Kazakhstan: Sergey Kuratov:**
A. “Not admissible (7th meeting, 16-18.03.2005)”
- [4] **2005-14: Poland: Antoni Zawislak:**
A. “Postponed subject to additional information requested from the communicant. No response received. Determined inadmissible at the 11th meeting of the Committee (para. 23 of the report of the 11th meeting (ECE/MP.PP/C.1/2006/2))”
- [5] **2007-19: UK: John Dall:**
A. Not admissible. The Committee, having considered the communication at its sixteenth meeting (13-15 June 2007), noted that the information contained in the communication indicated that the decision in question was now subject to an independent inquiry and as such was still pending. It also noted that although the communication might meet the

¹ <http://ecofeminist-v-breivik.weebly.com/unece-aarhus-comp-comm.html>

formal admissibility criteria set out in paragraph 20 of the annex to decision I/7 of the Meeting of the Parties, it provided no information on the use of available domestic remedies. Paragraph 21 of the annex to decision I/7 requires the Committee to take into account at all relevant stages any available domestic remedy unless the application of the remedy is unreasonably prolonged or obviously does not provide an effective and sufficient means of redress. In this regard the Committee took note of information on the website of the Tameside Council concerning some of the available appeals procedures, including information on the Complaints System (http://public.tameside.gov.uk/forms/comp_public.asp) and information on the Local Government Ombudsman (<http://www.lgo.org.uk/complain.htm>).

- B. Taking into account the pending status of the decision and the lack of information on the use made of domestic remedies, the Committee agreed not to proceed for the time being with the preliminary determination on admissibility pending further clarification from the communicant with regard to the use made of available domestic remedies.
- C. A letter to this effect was sent to the communicant and copied for information to the Party concerned on 22 June 2007.
- D. For technical reasons a verification was requested from the communicant by the secretariat in September 2007 as to whether any information had been sent by the communicant in the period of June-September 2007. In response to this an email was received from the communicant on 28.09.2007 with regard to the ongoing procedure referred to in the communication.
- E. At its 18th meeting, the Committee, on the basis of information available to it, determined that the communication was not admissible.
- F. The Committee agreed that although it considered that the criteria of paragraph 20 of the annex to decision I/7 were met, it would exercise the discretion given to it under paragraph 21 of the annex to decision I/7 not to consider the communication further, as the matter was subject to an ongoing inquiry

[6] **2008-25: Albania: Ardian Klosi, Sinan Hibro:**

- A. Committee decided not to proceed with the review of the communication as the issues raised in the communication were already considered by it under the review of communication ACCC/C/2005/12, and would

therefore also be considered by Albania in the course of implementation of recommendations of the Committee made in connection with that communication (ECE/MP.PP/C.1/2008/4)

[7] **2008-34: Spain: Maria Lopez Lax:**

- A. No. The Committee noted that no further correspondence had been received from the communicant. It decided that the case was not admissible for the reasons that had been given to the communicant in January and due to the absence of the corroborating information required under paragraph 19 of the annex to decision I/7.

[8] **2009-42: Hungary:**

- A. No, at CC-27 (16-19 March 2010). At the request of the communicant, at CC-26 the Committee decided to agree to defer a preliminary determination on the admissibility of the case until a public version of the communication and English translations of the documentation relating to the communication be transmitted. At CC-27, the Committee noted that no further correspondence had been received from the communicant. Due to the absence of corroborating information required under paragraph 19 of the annex to decision I/7 and of collaboration from the communicant in dealing with the issue of confidentiality, the Committee decided that the communication was not admissible.

[9] **2010-46: UK: Gareth Clubb:**

- A. No at CC-27 (16-19 March 2010). In light of the admissibility criteria set out in paragraph 20 of the annex to decision I/7 as developed through its practice, the Committee considered that the communication was not admissible, because the communicant's allegations concerning non-compliance with article 6 of the Convention only related to the fact that some documents relevant for public participation had not been available in a timely manner in the Welsh language. Specifically, the Committee found that while the principle of non-discrimination on the basis of citizenship, nationality or domicile was explicit in article 3, paragraph 9, of the Convention, the provision was silent on matters of discrimination on the basis of language. While the lack of availability of documentation in a particular language might under certain circumstances present an impediment to correct implementation of the Convention, nothing in the present communication suggested that such circumstances pertained. In addition, the Committee was not convinced that the possibility for domestic administrative and, in particular, judicial review had been adequately used by the communicant.

[10] **2010-47: UK: Frances McCartney:**

- A. At CC-28 (15-18 June 2010). The Committee determined that the communication would not be considered and the file would be closed, since it could not proceed due to lack of corroborating information, as required by paragraph 19 of decision I/7.

[11] **2010-49: UK: RM Buxton:**

- A. At CC-29 (21-24 September 2010). The Committee determined that the communication would not be considered and the file would be closed, since it could not proceed due to lack of corroborating information, as required by paragraph 19 of decision I/7.

[12] **2010-52: N. Ireland: Gary McGhee:**

- A. At CC-30 (14-17 December 2010), the Committee determined that the communication would not be considered and the file would be closed. The decision was based on the request from the communicant on 8 December 2010 to revert to the Committee on completion of these proceedings as the communicant had applied for and successfully obtained leave to judicially review decisions in relation to the matter of the communication.

[13] **2010-56: UK: T Ewing:**

- A. At CC-31 (22-25 February 2011) the Committee found that the information submitted was not sufficient and there were no clear allegations of non-compliance with specific provisions of the Convention. The Committee determined the communication inadmissible, as incompatible with the provisions of the annex to decision I/7 that require a communication to be supported by corroborating information (paragraph 20 (d) in conjunction with paragraph 19 of the annex to decision I/7).

[14] **2012-73: UK: Ian McNeil Cooke:**

- A. Determination on admissibility deferred twice in order to seek information from the communicant to clarify some aspects of the communication. At CC-38 (25-28 September 2012) the Committee determined that the communication was not admissible on the basis of paragraph 20 (d), in conjunction with paragraph 19, of the annex to decision I/7, because the communicant had failed to provide information that the main events of the decision-making had taken place after the Convention had entered into force for the Party concerned.

[15] **2012-74: UK: Frances McCartney:**

- A. Determination on admissibility deferred twice in order to seek information from the communicant to clarify some aspects of the communication. At CC-38 (25-28 September 2012) the Committee determined that the communication was not admissible on the basis of paragraph 20 (d) and 19 of the annex to decision I/7, because the communicant had failed to provide corroborating information in support of its allegations, despite the repeated requests of the Committee.

[15.2] **2012-75: UK: Terence Ewing v. UK:**

- A. Determination on admissibility deferred once in order to seek information from the communicant to clarify some aspects of the communication. At CC-38 (25-28 September 2012) the Committee determined that the communication was manifestly unreasonable on the basis of paragraph 20 (c) of the annex to decision I/7, because the proceedings on the adoption of the plan were still ongoing and the content of the communication was very close to the content of communication ACCC/C/2011/61, which was currently under consideration by the Committee.

[16] **2013-79: Italy: Rita D'Orsogna:**

- A. At CC-40 (25-28 March 2013) the Committee determined that the communication was not admissible for lack of corroborating information on the basis of paragraph 20 (d) in conjunction with paragraph 19 of annex to decision I/7.

[17] **2013-80: Croatia: Lucijan Mohorovich:**

- A. At CC-40 (25-28 March 2013) the Committee determined that the communication was not admissible for lack of corroborating information on the basis of paragraph 20 (d) in conjunction with paragraph 19 of the annex to decision I/7.

[18] **2013-82: Norway: Lara Johnstone:**

- A. At CC-40 (25-28 March 2013) the Committee determined the communication inadmissible, as manifestly unreasonable (paragraph 20 (c) of the annex to decision I/7).