

Brussels, 1.3.2006
A/3458
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Dear Dr Lucas,

Thank you for your letter of 27 November 2005 concerning the Integrated Waste Management Services Contract (IWMC) in East Sussex. Having looked more closely at this issue, my services have come up with the following preliminary findings.

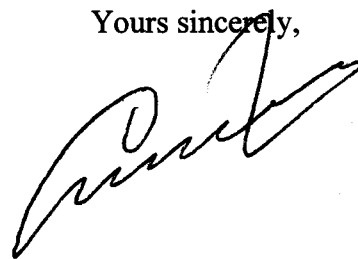
On the basis of the information available to us, it is not clear whether or not the Public Participation Directive, which transposes into EU law the relevant Århus provisions, would apply to the situation you outline in your letter. In order to pursue this matter, we would need to receive additional information indicating whether or not the UK authorities had omitted to consult the public on one of the plans and programmes listed in Annex I of the directive.

Concerning access to environmental information, the relevant provisions of the Århus Convention have become EU law following the adoption of the Access to Environmental Information Directive. The environmental information associated with the IWMC should be made available to the public under the terms of the Directive. However, it is not clear at this stage whether or not there has been a refusal on the part of public authorities to release such information. I would be grateful if you would provide further information to clarify this point.

I recognise your concern that the IWMC was awarded prematurely and in advance of the adoption of the Waste Local Plan for East Sussex. However, in this regard, additional information would be necessary to determine if a breach of Community law has occurred. In particular it would be important to know whether, in awarding the IWMC, the content of the Waste Local Plan for East Sussex was in some way pre-determined.

I would like to invite you to provide any additional information on the above directly to the Head of Unit of the Infringements Unit, Mr García Burgués, BU-9 1/85, Directorate General of Environment, European Commission, B-1049 Brussels. My services will carry out a more detailed assessment of the case and this will enable us, if required, to initiate formal infringement proceedings.

Yours sincerely,



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