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**ОБЪЕДИНЕННЫЕ НАЦИИ**  
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**UNITED NATIONS**  
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17 April 2008

Mr. Jean-Daniel Chetrit  
Attorney  
Cabinet Pichavant-Chetrit  
20 rue Laffitte  
75 009 Paris  
France  
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Dear Mr. Chetrit,

**Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by France with the provisions of the Convention in connection with decision-making process for a domestic waste disposal plant (Ref. ACCC/C/2007/22)**

On 21 December 2007, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received the above communication submitted by you on behalf of L'Association de Defense et de Protection du littoral du Golfe de Fos-sur-Mer, le Collectif Citoyen Santé Environnement de Port-Saint-Louis-du-Rhone and Fédération d'Action Régionale pour l'Environnement (FARE Sud) and addressed to the Compliance Committee of the Convention regarding compliance by the France with certain provisions of the Convention. 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/2007/22, which you are invited to cite in future correspondence on the matter.

The Compliance Committee, having considered the admissibility of the communication at its nineteenth meeting (5-7 March 2008), 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.

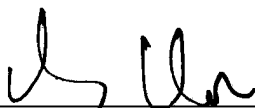
In order to facilitate further consideration of the communication, the Committee has requested the secretariat to invite you to submit further details related to some of the matters raised in the communication by addressing the following questions:

1. What is the legal relationship between the different decisions made for the waste management plant? Is the decision made by Marseille Provence Métropole Urban Community (CUMPM) on 20 December 2003 binding in all respects for the subsequent decision-making concerning the waste management plant, or could it somehow be altered by later decisions, in which public participation took place? For instance, after 20 December 2003, was the location of the plant in any respect reconsidered in the procedure leading to the decisions made on 13 May 2005 or 12 January 2006?
2. Waste management plants such as the one in Fos-sur-Mer are covered by European Community legislation requiring environmental impact assessments, including public participation. How did applicable EC legislation affect the preparation for the decisions concerning the plant, if it did?
3. What, in your view, is the expected time line for the cases pending in the national courts, in particular the one concerning the decision of 20 December 2003?
4. Did the Communicant make any report to the European Commission in order to initiate an infringement procedure before the European Court of Justice?
5. Please clarify the alleged violation of article 9, paragraph 5.

Additional questions have also been raised in a letter to the Party concerned, a copy of which is attached for your information. Should you wish to address them, you are welcome to do so.

We look forward to hearing from you.

Yours sincerely,



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Jeremy Wates

Secretary

Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Cc: Ms. Emmanuelle Swynghedauw, Ministry of Ecology and Sustainable Development, France

Encs. Preliminary determination on admissibility  
Informal English translation of the text of the communication and its Annex A  
Copy of letter to Ms. Emmanuelle Swynghedauw, Ministry of Ecology and Sustainable Development  
Datasheet on the communication