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Mr Keith Taylor, MEP  
European Parliament  
Rue Wiertz 60  
1047 Brussels

Email: keithtaylor@greenmeps.org.uk

Dear Mr Taylor,

Thank you for your letter of 24 October 2018 addressed to Commissioner Bulc. As your correspondence raises issues that fall within my portfolio, I have taken responsibility to reply.

In your letter, you draw attention to the lack of public consultation relating to the UK Government's decision to build an Expressway between Oxford and Cambridge. You explain that in September 2018, the Government announced a preferred route but that before this there has been no consultation of the public, which you feel, breaches the Aarhus Convention.

My services have not received any previous complaints about these proposals and so it is difficult to provide you with an answer on the question of breach. Article 7 of the UNECE Convention on access to information, public participation in decision-making and access to justice in environmental matters – the Aarhus Convention, adopted on 25 June 1998, sets out requirements for parties to make provision for the public to participate during the preparation of plans and programmes relating to the environment. Whilst the European Union is a party to this Convention, the European Commission is not the guardian of the Aarhus Convention, which has its own compliance mechanism which you can refer to.

However, the EU has implemented provisions of the Aarhus Convention in EU law. The European Commission can verify only the compliance with the potentially applicable EU law.

In this case, the main instrument which comes into question is Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (the Strategic Environmental Assessment or SEA Directive). This covers plans and programmes prepared for transport, which set the framework for future development consent of projects listed in the Environmental Impact Assessment or EIA Directive (now Directive 2011/92/EU as amended by Directive 2014/52/EU).



The SEA Directive provides (Art. 4(2)) for the obligation of public authorities undertaking such plans or programmes to give the public “an early and effective opportunity within appropriate time frames to express their opinion on the draft plan or programme and the accompanying environmental report before the adoption of the plan or programme”.

In this respect, I have taken note of the written statement by the Parliamentary Undersecretary of State for the Department of Transport, of 12 September 2018, to the British Parliament<sup>1</sup>.

I trust this is of assistance.

Yours sincerely,



Karmenu Vella

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<sup>1</sup> <https://www.gov.uk/government/speeches/oxford-to-cambridge-expressway-road-scheme-update>.