



EUROPEAN COMMISSION

DIRECTORATE-GENERAL
ENVIRONMENT

The Director-General

Brussels, 18 -10- 2010
ENV.A.1/JMS/na/ARES(2010) 71 0046

Ms Cristina Álvarez Baquerizo
Ms María Ángeles López Lax
Red de Abogados para la Defensa
Ambiental (RADA)
Pl. Basilea 4, Entreplanta Izq.
E - 28028 Madrid

Subject: Your letter dated 24 September 2010 (ref. ARES(2010)654758).

Dear Ms Álvarez Baquerizo and López Lax,

Commissioner Potocnik has asked me to reply on his behalf to your letter of 24 September 2010 concerning an alleged omission to answer to your communication of 22 July 2010.

I would like to inform you that on 24 September 2010 (ref. Ares(2010)625523) we replied to your above mentioned letter, a copy of which I attach for your convenience.

I take advantage of this occasion to inform you of the recent adoption of the *27th Annual Report on Monitoring the Application of EU Law*, a document that highlights the Commission's policy on implementation, management and enforcement of Community law

(http://ec.europa.eu/community_law/infringements/infringements_annual_report_27_en.htm) and addresses the issues raised in your letter.

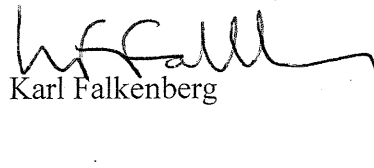
In particular, I draw your attention to section 3.5 (page 9) of the report where the Commission concludes that "*...Where EU legislation refers to national procedures, the Commission will prioritise the implementation and review of the performance of those enforcement provisions, avoiding competing or alternative action*".

Likewise, section 3.6 (page 10) the report underlines that "*...Where there is an open proceeding before a national court, the Commission could consider to close files on which no formal step in infringement proceedings has yet been taken, and suspend active infringement proceedings, in particular, in cases where the national proceeding has the same subject as the infringement proceeding, as it would have a clear basis on which to consider further action once the national court process has been concluded. In these cases, the Commission will remain open to consider any continuing concerns of citizens following the conclusion of the national proceedings.*"

Having noticed that your webpage does not cover updated information and refers to a presumed omission to reply to your communication of 22 July 2010, I invite you to upload this letter and the previous dated 24 September 2010, together with the above mentioned hyperlink, in your website.

I trust you will find this information helpful.

Yours sincerely,


Karl Falkenberg