

HCB

Side 1 af 3

Madsen, Søren R. N.

Fra: Jakobsen, Dorte Skjøtt
Sendt: 30. november 2009 14:24
Til: Jakobsen, Dorte Skjøtt
Emne: Nr. 5 VS: HCB [SEC=UNCLASSIFIED]
Prioritet: Høj

From: Hall, Damien [mailto:Damien.Hall@environment.gov.au]
Sent: Wednesday, September 02, 2009 9:32 AM
To: Schou, Lone
Cc: Reville, Barry; Hermansen, Dorte; Rothenfluh, Daniel
Subject: RE: HCB [SEC=UNCLASSIFIED]
Importance: High

Dear Lone,

Yes, it seems despite our best efforts, email is the only sure way to reach each other.

I have prepared the following as a response to the issued raised in your email and I hope I have satisfactorily addressed your queries?

Should you require any further information please do not hesitate to contact me.

Damien

Danish EPA:

When we inform our minister about the Danish EPA's decision we would like to include a paragraph in the note about the legal and political process which has been going on in Australia with regard to this notification.

What we are thinking of is something about the process in connection with the SIA report and the approval of sending the duly motivated request to the Danish EPA. And the legal process in accordance with your regulation – who accept what at which time?

Can we be sure that your minister will say yes to the notification if you get a yes from Denmark? And has he made a public statement to that effect, which we can refer to when informing our minister of our planned decision?

DEWHA Response:

Orica's applications for export are being assessed by the Department in accordance with the requirements of the *Australian Hazardous Waste (Regulation of Exports and Imports) Act 1989* (the Act).

Once the decision on whether or not to accept the waste is received from the Danish EPA, our Minister - as the decision maker under the Act in this case - will assess all relevant material on the application for export and make his decision on whether to

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approve the export. In practice, we would expect this to take two to three weeks.

As the Minister's decision will not be made until he has considered all relevant matters, including the response from the Danish EPA, it is not possible or appropriate for the Department to speculate on whether he will approve an export permit if the Danish EPA decision is positive. This would be seen to be prejudging the Minister's decision under the Act.

However, we can say that, at the time of sending the Duly Reasoned Request (DRR), our Minister read the SIA report and the DRR and agreed that the Department should send the SIA report and the DRR to you.

We also can confirm that no new information has appeared which changes the Department's view from that expressed in the DRR. As a result, we expect to be briefing the Minister that Australia does not have the capacity to deal with the waste and that the export of the waste provides the only feasible means for its environmentally sound management and disposal.

Our Minister has not made a public statement on this application for export as that would be inappropriate under our legislation before he makes his decision.

Before he became Minister and before the current application for export was made, he said that he *"fully agrees that a solution to the long standing problem of achieving safe disposal of the HCB waste must be found as soon as possible"*.

We would be happy to talk further with you about this. I will try to call later today.

Best regards

Damien

From: Schou, Lone [mailto:LOS@MST.DK]
Sent: Tuesday, 1 September 2009 7:55 PM
To: Hall, Damien
Subject: HCB

Dear Damien,

Even with good intentions it now and then is not possible to reach one and each other by phone, so we try by mail.

When we inform our minister about the Danish EPA's decision we would like to include a paragraph in the note about the legal and political process which has been going on in Australia with regard to this notification.

What we are thinking of is something about the process in connection with the SIA report and the approval of sending the duly motivated request to the Danish EPA. And the legal process in accordance with your regulation – who accept what at which time?

Can we be sure that your minister will say yes to the notification if you get a yes from Denmark? And has he made a public statement to that effect, which we

can refer to when informing our minister of our planned desicision?

Best regards
Dorte and Lone

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