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From: Hall, Damien
Sent: 20-11-2009 10:24:04
Subject: Orica HCB Applications [SEC=UNCLASSIFIED]
To: Schou, Lone

Dear Lone,

As proposed in our earlier telephone discussion.

We are seeking your views on whether the following process would be acceptable to the Danish EPA?

(i) We would comprehensively brief our Minister on the issues he needs to consider under the Australian legislation with all the evidence for and against. Following this briefing he would be able to come to a decision whether he thinks the export is justified. He would not be able to issue the export permits until he had received written consent to the import from the Danish EPA.

(ii) When the Danish EPA writes to DEWHA indicating that it has accepted the Duly Reasoned Request (DRR), the Minister, if satisfied that the export permits are justified, would write to the Danish EPA within a very short timeframe indicating that he would issue the export permits once he receives the written consent (Article 9) from the Danish EPA to import the waste.

(iii) The Danish EPA would then provide the written consent and the Minister would then issue the export permits.

As discussed, this is a suggestion from the Department. We have not cleared this approach with our Minister yet, but we understand it to be a legally sound approach.

I would welcome your thoughts.

Regards
Damien

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