



**NATIONS UNIES**  
COMMISSION ÉCONOMIQUE  
POUR L'EUROPE

**ОБЪЕДИНЕННЫЕ НАЦИИ**  
ЭКОНОМИЧЕСКАЯ КОМИССИЯ  
ДЛЯ ЕВРОПЫ

**UNITED NATIONS**  
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16 January 2009

Dr. Åsa Sjöström  
EUIC, Defra  
Area 1 Nobel House, 17 Smith Square  
London SW1P 3JR  
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Dear Dr. Sjöström,

**Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the United Kingdom with provisions of the Convention in connection with the scope of judicial review, costs, timing and other issues related to access to justice (Ref. ACCC/C/2008/33)**

As noted in our letter dated 24 December 2008 concerning the above communication, the Committee at its twenty-second meeting preliminarily discussed whether and what issues might require further clarification from the parties concerned in order to facilitate further consideration of the communication.

Having concluded this discussion by electronic means, the Committee has requested the secretariat to invite you to provide in your response to be submitted pursuant to paragraph 23 of the annex to decision I/7 further details related to some of the matters raised in the communication by addressing the following questions:

1. Have any of the assertions made in the communication been tested in court with reference to the relevant provisions of the Aarhus Convention?
2. Were any of the substantive assertions made in the communication regarding the Port of Tyne situation brought to the attention of the relevant administrative authorities? If so, what was the result? If not, why not?
3. What steps have been taken in the United Kingdom to implement article 9 of the Aarhus Convention? More specifically,
  - a. Under which circumstances can both the substantive and procedural legality of a decision, act or omission be challenged (article 9, paragraph 2)?
  - b. Under which circumstances can acts or omissions by private persons be challenged through administrative or judicial procedures (article 9, paragraph 3)?

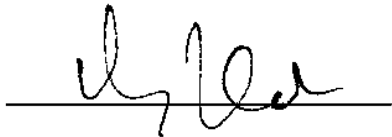
- c. How is the implementation of article 9, paragraph 3, ensured in the United Kingdom? More particularly, how is it ensured that in practice relevant procedures
  - i) are not 'prohibitively expensive' and
  - ii) are 'fair' and 'equitable' in view of the time limits applied by the courts?
- d. Has 'the establishment of appropriate assistance mechanisms to remove or reduce financial and other barriers to access to justice' (article 9, paragraph 5) been considered in the United Kingdom? If so, what were the results of these considerations? If not, why not?

In connection with questions 9 (c) and 3 (d), we would like to draw your attention to our letter dated 26 September 2008 concerning communication ACCC/C/2008/27 which raised a number of related issues under questions 1-4. A copy of the letter is attached for your convenience.

An additional question has been raised in a letter to the communicant, a copy of which is attached for your information. Should you wish to address it, you are welcome to do so.

We look forward to hearing from you.

Yours sincerely,



Jeremy Wates  
Secretary

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

Cc: Mr. James Thornton, ClientEarth  
Mr. Simon Brockington, Marine Conservation Society  
Mr. Robert Latimer

Encs. Copy of letter to Mr. James Thornton, ClientEarth, Mr. Simon Brockington, Marine Conservation Society and Mr. Robert Latimer  
Copy of letter from the secretariat dated 26 September 2008 concerning communication ACCC/C/2008/27