



NATIONS UNIES
COMMISSION ÉCONOMIQUE
POUR L'EUROPE

ОБЪЕДИНЕННЫЕ НАЦИИ
ЭКОНОМИЧЕСКАЯ КОМИССИЯ
ДЛЯ ЕВРОПЫ

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27 July 2009

Paul Stookes
Richard Buxton Environmental & Public Law
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Cambridge CB1 1JP
United Kingdom
Fax: +44 1223 301308

Dear Mr. Stookes,

**Re: Communication to the Aarhus Convention Compliance Committee concerning
compliance by the United Kingdom with provisions of the Convention in
connection with an opencast coal mine at Merthyr Tydfil, Wales
(Ref. ACCC/C/2009/40)**

On 11 June 2009, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received the above communication submitted by you on behalf of Ms. Elizabeth Condron of Merthyr Tydfil, South Wales, and addressed to the Convention's Compliance Committee regarding compliance by the United Kingdom with certain provisions of the Convention. The communication was submitted in accordance with the provisions of chapter VI of the annex to decision I/7 of the Meeting of the Parties to the Convention.

The communication has been registered under the symbol ACCC/C/2009/40, which you are invited to cite in future correspondence on the matter.

At its twenty-fourth meeting (30 June - 3 July 2009), the Committee determined on a preliminary basis that the communication was admissible in accordance with paragraph 20 of the annex to decision I/7. A copy of the preliminary determination on admissibility is attached. Please note, however, that the Committee has not reached any conclusions with respect to the compliance issues referred to in the communication.

The communication is being forwarded to the Party concerned in accordance with paragraph 22 of the annex to decision I/7, together with the preliminary determination on admissibility. The Party concerned is being invited to provide a response to the communication as soon as possible and at the latest within five months, in accordance with paragraph 23 of the annex to decision I/7 (see attached letter).

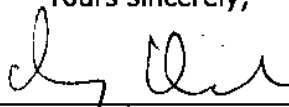
In order to facilitate further consideration of the communication, the Committee has requested the secretariat to invite you to address in particular the following questions:

1. Please elaborate on your allegations concerning a breach of article 3, paragraph 8, and article 9, paragraph 4.
2. Please specify how statements made in court are to be regarded as a breach of article 3, paragraph 8.
3. You refer to statements made in the local press as a breach of article 3, paragraph 8. How are these statements to be seen as a breach of article 3, paragraph 8, by the Party concerned?
4. How is the approach of the High Court in not accepting the concerns of the communicant about the transfer of proceedings from London to Cardiff linked to a breach of article 3, paragraph 8?
5. Please specify why in your view the actions of the mining company (in relation to its statements to the press) result in a breach of article 3, paragraph 8, by the Party concerned.
6. Did you ever report your allegations of being penalized, persecuted or harassed to a government body or court competent to hear such allegations?
7. Did the communicant institute legal proceedings relating to the "Ffos-y-fran" opencast coal mine earlier and was it dealt with by competent administrative authorities and courts on the merits?
8. Are there any criteria established by law or practice applicable in respect of consideration of an application for legal aid and are there any review procedures in place?

The Committee has also requested the secretariat to ask you to provide evidence of your authorization to represent Ms. Elizabeth Condron before the Aarhus Convention Compliance Committee in connection with communication ACCC/C/2009/40. This request is made in line with a general decision by the Committee at its twenty-fourth meeting, to be reflected in its *modus operandi*, that in all cases where a communicant is represented by another person, written evidence that the representative is duly mandated to represent the communicant in connection with the communication in question must be provided.

Please do not hesitate to contact the secretariat if you have any questions.

Yours sincerely,



Jeremy Wates
Secretary

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

Cc: Dr. Åsa Sjöström, National Focal Point for the Aarhus Convention, EUIC, DEFRA

Encs. Preliminary determination on admissibility
Datasheet on the communication
Letter to the Party concerned dated 27 July 2009