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ECONOMIC COMMISSION
FOR EUROPE

Tel: +41 (0)22 917 3294 (direct)
+41 (0)22 917 1234 (Palais des Nations)
Fax: +41 (0)22 917 0123
E-mail: aarhus.compliance@unece.org

Palais des Nations, Room 348
CH-1211 GENEVA 10

Ref: ACCC/C/2012/85

22 July 2013

Gareth Morgan, Hugh James Solicitors
on behalf of Environmental Law Foundation
Hodge House
114- 116 St. Mary Street
Cardiff, Cf10 1DY

Dear Mr. Morgan,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the United Kingdom with the access to justice provisions of the Convention in relation to the 2012 LASPOA (ACCC/C/2013/85)

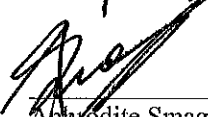
On 18 September 2012, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received from you the above communication addressed to the Compliance Committee of the Convention. The communication concerns compliance by the United Kingdom with the access to justice provisions of the Convention in connection with a new act, in force since 2013, which will result in prohibitive expensive costs in private nuisance proceedings, when those fall under the scope of the Convention, because it will no longer be possible for successful claimants to recover the premium for after-the-event insurance. 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.

The communication has been registered under the symbol ACCC/C/2013/85, which you are invited to cite in future correspondence on the matter. The main documentation relating to the communication will be shortly available on the Committee's web site at: <http://www.unece.org/env/pp/pubcom.htm>.

The Compliance Committee, having considered the admissibility of the communication at its forty-first meeting (25-28 June 2013), has on a preliminary basis determined it to be 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 Committee also considered that it would possibly consider this communication jointly with communication ACCC/C/2013/86 (United Kingdom).

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

Yours sincerely,


Aphrodite Smagadi
Secretary to the Aarhus Convention Compliance Committee

Cc: Ceri Morgan, Head of EU Environment Policy Department for Environment, Food and Rural Affairs -
EU and Coordination, United Kingdom
Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations
Office and other international organizations in Geneva

Encs. Preliminary determination on admissibility
Datasheet on the communication