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8 August 2012

Ms. Barbara Anning,
International and European Coordination Division,
Department for Environment, Food and Rural Affairs (DEFRA)
Area 1 Nobel House, 17 Smith Square
London SW1P 3JR, United Kingdom

Dear Ms. Anning,

Re: Decision IV/9i of the Meeting of the Parties to the Aarhus Convention

I refer to decision IV/9i on compliance by the United Kingdom with its obligations under the Aarhus Convention, adopted by the Meeting of the Parties to the Convention at its fourth session (Chisinau, 29 June-1 July 2011).

At its thirty-seventh meeting (Geneva, 26-29 June 2012), the Committee welcomed the information submitted by you (25 June 2012) and by the Coalition for Access to Justice for the Environment (3 and 19 June 2012). The information you submitted addressed planned changes in the regime for Protective Cost Orders (PCOs). Those plans had been the subject of public consultation and were the subject of further consideration, given the outcome of those consultations. The information submitted also referred to ongoing considerations regarding time frames. CAJE expressed its concern regarding the proposed changes to the PCO regime.

The Committee was concerned how changes in the amounts that were to be part of the revised PCO-regime were determined (e.g. how the proposed amounts related to the requirement that the procedures must not be prohibitively expensive; how the amounts were calculated) and whether those PCOs would apply to all stages of procedures for judicial review (first instance and appeals). The Committee also noted that in the information submitted, you did not appear to take into account some of the concerns expressed by the Committee in the findings in communication ACCC/C/2008/33, such as those concerning substantive review.

You are now invited to submit further information on timeframes as well as background information regarding the proposed changes, as soon as you can but no later than 17 September 2012. The Committee will review the material submitted at its thirty-eighth meeting (Geneva, 25-28 September 2012).

If you require clarification of any of the above, please do not hesitate to contact me.

Yours sincerely,



Aphrodite Smagadi

Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office
and other international organizations in Geneva

Mr. Paul Stookes, Richard Buxton Environmental & Public Law

Mr. H.L. McCracken, Cultra Residents' Association

Mr. James Thornton, CEO ClientEarth

Mr. Simon Brockington, Marine Conservation Society

Mr. Robert Latimer

Ms. Carol Day, WWF-UK, on behalf of CAJE