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Re Communication Ref ACCC/C/2008/23

Thank you for your letter of 17th April 2008 enclosing the communication referenced above. We note the stipulated deadline for submission of the UK's written response of five months from the date of your letter i.e. 17th September. The purpose of this letter is to ask the Compliance Committee to extend that deadline.

As noted in the communication to the Secretariat, the Claimants in the case of *Morgan Baker v Hinton Organics (Wessex) Ltd* are appealing the costs order made by his Honour Judge Seymour QC at first instance, on the grounds that it breaches Article 9(4) of the Aarhus Convention in that it is prohibitively expensive. Although permission to appeal was refused at first instance, the Court of Appeal granted permission, and a date for that hearing has been fixed for the 23rd or 24th October. The Court of Appeal will therefore be considering the very issue which the Compliance Committee has been asked to consider.

Given that all national remedies have not yet been exhausted, and given that we would not want to be seen to be attempting to influence the Court's decision in relation to this matter by making formal representations to the Committee, we do not consider it is appropriate to respond before the September deadline, and therefore request that the deadline be extended until after the Court of Appeal have given judgment. Even if judgement is reserved, this is unlikely to be later than December.

I look forward to hearing from you.

PHILIP TURNER

CC: Richard Buxton, Richard Buxton Environmental & Public Law, 19B Victoria Street, Cambridge CB1 1JP