**COALITION FOR ACCESS TO JUSTICE FOR THE**

**ENVIRONMENT**

Ms Aphrodite Smagadi,

Secretary to the Aarhus Convention Compliance Committee,

United Nations Economic Commission for Europe,

Palais de Nations, Room 348,

CH-1211 Geneva 10

Switzerland.

21st May 2013

Dear Ms Smagadi,

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

Thank you for your letter dated 30th April 2013 regarding the above. We welcome the Compliance Committee’s decision to review the UK’s implementation of Decision IV/9i in detail at its forty-first meeting on 25th-28th June 2013.

CAJE would welcome early confirmation of the date of the UK discussion so that we can participate as fully as possible. CAJE members are attending the Meeting of the Parties to the Convention and the Access to Justice Task Force meetings in June 2013 so we regret that it may not be possible to send a representative in person. If not, we would be pleased to participate by videoconference.

As you will be aware, CAJE submitted a detailed update on the UK situation in February 2013. However, we thought it might be helpful to provide the Committee with the following information in advance of the June meeting:

1. Table summarising the position on costs proposals in England & Wales, Scotland and Northern Ireland (Annex A);
2. A summary of the key points arising from the judgment of the CJEU in the ***Edwards*** case (Case C-260/11 – reference *R (on the application of Edwards and another v Environment Agency*) (Annex B);
3. The implications of the CJEU’s judgment in ***Edwards*** for the various jurisdictions of the UK (Annex C); and
4. An update on recent changes in respect of Judicial Review in England and Wales.

**Recent changes to Judicial Review in England and Wales**

The Committee may recall that in December 2012, the Ministry of Justice in England and Wales consulted the public on a package of measures designed to “*stem the growth in applications for judicial reviews”.*

In April 2013, the Ministry of Justice announced its response to the review. The following measures will come into effect in Summer 2013:

* The introduction of a £215 court fee for anyone seeking a hearing in person after their initial written judicial review application has been turned down;
* Banning people from seeking a hearing in person if their initial written application has been ruled as totally without merit; and
* Halving the time limit for applying for a judicial review of a planning decision from three months to six weeks.

CAJE submitted a detailed response to the consultation paper to the Ministry of Justice (which we submitted to the Compliance Committee in February 2013). Our concerns about these proposals still stand.

**Concluding remarks**

While it is too early to tell whether changes to the Civil Procedure Rules in respect of costs in environmental cases will significantly improve access to environmental justice on the ground, we welcome the UK’s commitment to move towards compliance with the Convention. Furthermore, we welcome the CJEU’s judgment in ***Edwards***, which gives the Governments of the UK (and all Member States) the necessary clarity to ensure that they fully meet the requirements of the Convention with respect to costs in environmental cases.

However, CAJE is disappointed that the Ministry of Justice is pressing ahead with measures in England and Wales (such as the reduction in the time limit for lodging judicial review applications in respect of planning appeals) that will exacerbate the difficulties for individuals and civil society groups to rely on Judicial Review as a mechanism for environmental protection.

Please do not hesitate to contact me if there is anything else CAJE can do to assist the Committee in the period leading up to the June meeting.

With best wishes.

Yours sincerely,



Carol Day

Solicitor

WWF-UK (on behalf of CAJE)