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14 May 2009

Dear Sirs

Communication to Compliance Committee ACCC/C/2008/23

Thank you for forwarding the letter from Defra of 12 May 2009.

We resist the proposal to postpone consideration of the above. While we recognise that there may be some merit in hearing matters together, it should not be to the detriment of particular cases. There could, for instance, be further complaints to UNECE Compliance Committee about UK ratification of the Aarhus Convention 1998 over the next few months, and the UK Government could well argue that matters should be postponed yet again.

For our particular communication (2008/0023), there are discrete questions outstanding that are unlikely to be relevant to communications (0027 & 0033) including whether private proceedings fall within the scope of the Convention under Article 9(3) and why the UK agencies failed to intervene and resolve pollution problems but did intervene to the extent that an injunction order was discharged, something relevant to unfairness/inequity.

In the circumstances, we ask that the matter is not postponed. If, however the Committee is minded to postpone consideration of 2008/0023, we ask that this be for a maximum two month period and that the matter be heard at the next meeting.

Yours faithfully

Richard Buxton

cc Dr Asa Sjostrom, Head of EUIC Core Team, Defra