



NATIONS UNIES
COMMISSION ÉCONOMIQUE
POUR L'EUROPE

ОБЪЕДИНЕННЫЕ НАЦИИ
ЭКОНОМИЧЕСКАЯ КОМИССИЯ
ДЛЯ ЕВРОПЫ

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ECONOMIC COMMISSION
FOR EUROPE

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17 April 2008

Mr. Philip Turner
Policy Advisor
Department for Environment, Food and Rural Affairs (DEFRA)
Area 1B Nobel house, 17 Smith Square
SW1P 3JR London
Fax: + 44 207 7082 8559

Dear Mr. Turner,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the United Kingdom with the provisions of the Convention in connection with costs associated with discharge of an interim injunction (Ref. ACCC/C/2008/23)

On 21 February 2008, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received the above communication submitted by Mr. Richard Buxton Environmental & Public Law on behalf of Mr. Morgan and Mrs. Baker of Keynsham, UK and addressed to the Compliance Committee of the Convention regarding compliance by the United Kingdom with certain provisions of the Convention. 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.

Please find enclosed a copy of the communication, which is being forwarded to you at the request of the Committee in accordance with the provisions of paragraph 22 of the annex to decision I/7. The communication has been registered under the symbol ACCC/C/2008/23, which you are invited to cite in future correspondence on the matter.

The Compliance Committee, having considered the admissibility of the communication at its nineteenth meeting (5-7 March 2008), 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.

Having regard to paragraph 23 of the annex to decision I/7, you are kindly invited to submit to the Committee, as soon as possible but at the latest within five months of the date of this letter, any written explanations or statements clarifying the matter referred to in the communication and describing any response that may have been made in the mean time.

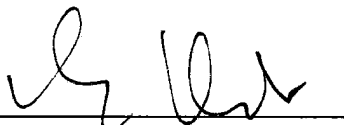
In order to facilitate further consideration of the communication, the Committee has requested the secretariat to invite you to submit further details related to some of the matters raised in the communication by addressing the following questions:

1. To which procedures and remedies in this kind of case do the provisions of article 9, paragraphs 3 and 4, of the Convention apply?
2. Which effective means of injunctive relief are available in cases such as the one referred to in the communication in accordance with the national legislation or case law?
3. What means are available in order to challenge a failure of a public authority to act in order to enforce of environmental decisions?
4. Why did the relevant authorities take no action?
5. Does a repeated violation of an environmental decision constitute a criminal act?

An additional question has been raised in a letter to the communicant, a copy of which is attached for your information. Should you wish to address that question, you are welcome to do so.

We look forward to hearing from you.

Yours sincerely,



Jeremy Wates
Secretary

Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Cc: Mr. Paul Stookes, Richard Buxton Environmental & Public Law

Encs. Communication ACCC/C/2008/23 including five addenda
Preliminary determination on admissibility
Copy of letter to Mr. Paul Stookes, Richard Buxton Environmental & Public Law
Datasheet on the communication