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UNITED NATIONS

ECONOMIC COMMISSION
FOR EUROPE

Environment, Housing and Land Management Division
Bureau 332
Palais des Nations
CH-1211 Geneva 10
Switzerland

Phone: +41-22-917 2384
Fax: +41-22-917 0634
E-mail: jeremy.wates@unece.org
Website: www.unece.org/env/pp

9 March 2010

Ms. Jane Barton
National Focal Point for the Aarhus Convention
EU and International Coordination
Department for Environment, Food and Rural Affairs (DEFRA)
Area 1, Nobel House, 17 Smith Square
London SW1P 3JR
United Kingdom
Fax: +44 207 238 3057

Dr. Paul Stookes
Richard Buxton Environmental & Public Law
19B Victoria Street
Cambridge CB1 1JP
United Kingdom
Fax: +44 1223 301308

Dear Ms Barton and Dr. Stookes,

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 behalf of the Aarhus Convention Compliance Committee, I thank you for your responses to our letter of 8 January 2010.

Subsequent to the above correspondence, the Chair of the Committee, in agreement with the curator, has asked me to seek your comments on the following further brief points of clarification:

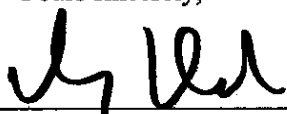
1. Please clarify whether it was the communicants, the operator or the Court that first proposed the naming of the Environment Agency and Bath & North East Somerset Council as the monitors of the interim injunction? If not the operator, what was the response of the operator to that proposal (please point to any available documentary evidence of the operator's response).
2. Prior to the naming of the Agency and Council as monitors of the injunction, was the possibility of any other monitor proposed and if so, (a) was that proposal made by the communicants, the operator or the Court and (b) why were the Agency and Council chosen instead?

3. With respect to the United Kingdom's obligations under article 3, paragraph 2, of the Convention, please outline what steps, if any, has the United Kingdom made to endeavour to assist the communicants to seek access to justice in this case, including since the Government received notice of the communication on or around 17 April 2008?

With a view to the upcoming twenty-seventh meeting of the Compliance Committee (Geneva, 16-19 March 2010), the Committee would be grateful to receive your response by **Monday 15 March 2010**. This would enable the Committee to consider your input in the upcoming deliberations on the findings. However, the Committee is fully aware that this is a very short time frame and would agree to a longer timeframe for response if so requested by either of the parties concerned by the aforementioned deadline, in which case the parties' responses should be provided no later than **12 April 2010**.

On behalf of the Committee, I thank you for your assistance in this matter.

Yours sincerely,



Jeremy Wates

Secretary

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