

From: "Beeko, Jane (DEFRA)" <Jane.Beeko@defra.gsi.gov.uk>
To: aarhus compliance <aarhus.compliance@unece.org>, Fiona Marshall
<Fiona.Marshall@unece.org>
Cc: "Ruddie, Brian (Defra)" <Brian.Ruddie@defra.gsi.gov.uk>, "Mohammed, Nicole (DEFRA)"
<Nicole.Mohammed@defra.gsi.gov.uk>
Date: 13/03/2018 15:31
Subject: Aarhus Compliance Committee

Dear Fiona

Thank you for providing the UK with an opportunity to participate at yesterday's discussion on the preliminary admissibility of communication 157 concerning the United Kingdom. We can confirm that the Civil Procedure Rules for England & Wales do cover section 288 challenges, in respect of Article 9(1) and (2) of the Aarhus Convention, on the basis that they are considered to be 'reviews under statute' rather than appeals.

However, we do not consider the issue to be specifically covered by decision VI/8k, beyond the general consideration the Committee is giving to the revised Civil Procedure Rules. This United Kingdom maintains its position that the communication is inadmissible for the reasons outlined in both its written and oral statements to the Committee.

Best wishes

Jane Beeko
Lawyer, International, EU Exit and Trade
Defra Legal Advisers, Government Legal Department

9 Millbank c/o Nobel House, 17 Smith Square, London
Telephone: +44(0)208 026 0082

Department for Environment, Food and Rural Affairs (Defra) This email and any attachments is intended for the named recipient only. If you have received it in error you have no authority to use, disclose, store or copy any of its contents and you should destroy it and inform the sender. Whilst this email and associated attachments will have been checked for known viruses whilst within Defra systems we can accept no responsibility once it has left our systems. Communications on Defra's computer systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.