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To:

Aphrodite Smagadi
Secretary to the Aarhus Convention Compliance Committee
United Nations Economic Commission for Europe
Environment and Human Settlement Division
Room 332, Palais des Nations
CH – 1211 Geneva 10
Switzerland

From:

James Thornton

By:

email to: Aphrodite.Smagadi@unece.org

London, 14 August 2012

Dear Ms Smagadi

Decision IV/9i of the Meeting of the Parties of the Convention

I write further to your letter to Ms Barbara Anning, Department for Environment, Food and Rural Affairs dated 8 August 2012, a copy of which I received.

I am reassured that the Committee shares some of ClientEarth's concerns about the adequacy of the UK Government's proposed reforms to the regime for Protective Costs Orders (PCOs).

In my previous letter dated 8 June 2012 I informed you that ClientEarth, along with a number of other stakeholders including the Coalition for Access to Justice for the Environment (CAJE), had expressed concern over the Government's proposals for reform of the PCO regime. However, your letter refers only to CAJE having expressed such concerns. I attach a copy of our letter in case you did not receive it for some reason.

I would like to clarify for the record that ClientEarth is not part of CAJE (although we share its objectives and work closely with its members on access to environmental justice issues in the UK) and as you know is the original communicant in this matter. I also attach ClientEarth's response to the UK Ministry of Justice consultation, which provides a full analysis of the problems with the UK's draft proposals, in case it may be helpful to the Committee.

I note that the Committee intends to review the requested material at its thirty-eighth meeting in Geneva in September. We have already received an invitation to attend that meeting to participate in discussions in relation to our Communication concerning

German legislation on access to justice in environmental matters (Ref. ACCC/C/2008/31). Professor Ludwig Kramer will be attending the meeting to represent ClientEarth in these discussions.

I hope there will be a similar open-session discussion regarding the UK's response to the Committee's finding of non-compliance, as we would like to send one of our experts on UK access to justice issues to participate in these discussions and assist the Committee with its deliberations.

Yours sincerely



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