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Fiona Marshall  
Secretary to the Aarhus Convention Compliance Committee  
UN Economic Commission for Europe  
Environment Division  
Room 429-2  
Palais des Nations  
CH-1211 Geneva 10  
Switzerland

20 December 2013

Dear Ms Marshall,

**RE: Decision IV/9i of the Meeting of the Parties to the Aarhus Convention**

1. Thank you for your letter of 4 December 2013 requesting an update on the United Kingdom's progress in implementing the recommendations of the Committee in decision IV/9i.
2. We previously provided progress reports in March 2012, September 2012 and February 2013. The United Kingdom also gave further information on this issue during the discussion at the Committee's 41<sup>st</sup> Meeting in June 2013.
3. There have been developments with the *Edwards* litigation and with the Opinion of the Advocate General in September 2013 in the infraction proceedings related to EU Public Participation Directive (C-530/11<sup>1</sup>).
4. In *Edwards*, the Court of Justice of the European Union found in April<sup>2</sup> that there is an objective and subjective element to the criteria for deciding costs. The UK Supreme Court applied this guidance in its judgment of 11 December

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<sup>1</sup><http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d2dc30dba67a4f359a2149089902f60fad6e32d7.e34KaxiLc3qMb40Rch0SaxuLbNz0?text=&docid=140962&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=6685743>

<sup>2</sup><http://curia.europa.eu/juris/document/document.jsf?text=&docid=136149&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=179559>

2013<sup>3</sup> and found in that case that the figure of £25,000 was neither subjectively nor objectively excessive. We still await the findings of the Court in the infraction proceedings related to EU Public Participation Directive (C-530/11) and, as we have explained previously, we will need to review our position in light of guidance we receive from the Court.

5. We will continue to update the Committee of developments before its draft report is finalised.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Ceri Morgan', with a stylized, elongated flourish extending to the right.

Ceri Morgan

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<sup>3</sup> [http://www.supremecourt.gov.uk/decided-cases/docs/UKSC\\_2010\\_0030\\_Judgment.pdf](http://www.supremecourt.gov.uk/decided-cases/docs/UKSC_2010_0030_Judgment.pdf)