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Palais des Nations, Room 429-4
CH-1211 GENEVA 10

Ref: Decision V/9n

13 April 2016

Mr. Ahmed Azam
Department of Environment, Food & Rural Affairs (Defra)
Nobel House (Area 2E)
17 Smith Square
London SW1P 3JR
United Kingdom

Dear Mr. Azam,

**Re: Decision V/9n concerning compliance by the United Kingdom
with its obligations under the Aarhus Convention**

I would like to thank you for your participation by audio conference in the open session on decision V/9n of the Meeting of the Parties held on 9 March at the Compliance Committee's 52nd meeting (Geneva, 8-11 March 2016).

As you may recall, at the close of the session, the Chair invited the United Kingdom to respond in writing to the questions put to it by the Committee, as well as to submit any further comments it wished to make as soon as possible after the meeting.

The Committee would be grateful to receive the Government's written response to the attached questions, as well as any further comments, before **Wednesday, 27 April** in order that they may be taken into account in the finalization of the Committee's second progress review on the implementation of decision V/9n. Communicants and observers will thereafter have one week to comment on the United Kingdom's response.

Please do not hesitate to contact the secretariat if you have any questions regarding the above.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'F Marshall'.

Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office and other international organizations in Geneva
Mr. Paul Stookes, representing the communicants of communication ACCC/C/2008/23
Cultra Residents' Association, communicant of communication ACCC/C/2008/27
Mr. James Thornton, ClientEarth, communicant of communication ACCC/C/2008/33
Mr. Simon Brockington, Marine Conservation Society, communicant of communication ACCC/C/2008/33
Mr. Robert Latimer, communicant of communication ACCC/C/2008/33
Mr. Alistair MacIntosh, representing the communicant of communication ACCC/C/2010/53
Mr. Terence Ewing, communicant of communications ACCC/C/2011/63 and ACCC/C/2011/64
Ms. Christine Metcalfe, communicant of communication ACCC/C/2012/68
Ms. Carol Day, Legal Consultant to the Royal Society for the Protection of Birds, observer
Ms. Gita Parihar, Head of the Rights and Justice Centre, Friends of the Earth, observer

Enc: Questions to the Party concerned

Questions to the Party concerned

1. Please provide your general position on the communicants' and observers' criticisms regarding the recent legislative proposals to amend the costs protection regime in the Civil Procedure Rules (CPR) for the environmental claims.

2. What is the reason for amending the definition of an Aarhus Convention claim in CPR 45.41(2) to refer to claims brought by "a member of the public"? Would this term cover claims brought by more than one person? Would it cover claims brought by legal persons? Would it cover claims brought by associations, organizations or groups of legal or natural persons?

3. With respect to the proposal that the applicability of the costs protection regime for the environmental claims would be contingent on a claimant being granted permission to pursue a claim before the court, will there be any cost protection with respect to the procedure of applying for such permission? If yes, what will the level(s) of cost protection be and will there be cost protection for making an application for permission to pursue a claim if that permission is ultimately not granted by the court?

4. What consequences, if any, have the 2015 amendments to sections 84(2), 85, 86 and 87 of the Criminal Justice and Courts Act had for costs protection in environmental cases?

5. Have any plans and programmes similar in nature to national renewable energy action plans (NREAPs) or any amendments to such plans or programmes been adopted since the fifth session of the Meeting of the Parties? If so, were such plans submitted to public participation as required by article 7 of the Convention? Please provide examples.