

9 October 2019

Mr. Edward Donaldson-Balan
Department of Environment, Food & Rural Affairs
London, United Kingdom

Dear Mr. Donaldson-Balan,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the United Kingdom of Great Britain and Northern Ireland with the provisions of the Convention on access to justice concerning the review of substantive legality (ACCC/C/2017/156)

I write at the request of the Aarhus Convention Compliance Committee with respect to the hearing to discuss the substance of communication ACCC/C/2017/156, to be held Tuesday, 5 November 2019, at the Palais des Nations in Geneva. To assist your preparation for the upcoming hearing, the Compliance Committee invites the Party concerned to address certain points in its opening statement and to come prepared to answer questions thereon.

As you may recall, the communicants allege that the standard of review applied in the Party concerned breaches articles 3(1) and 9(2)-(4) of the Convention in each of the three jurisdictions of the Party concerned, namely England and Wales, Scotland, and Northern Ireland.

However, the response of the Party concerned of 20 August 2018 appears to only address the alleged breach of article 9(2) of the Convention.

Furthermore, the response of the Party concerned does not appear to specifically address the relevant law applicable in each of the three jurisdictions of the Party concerned.

Accordingly, in addition to any further submissions the Party concerned may wish to make concerning the extent to which it complies with article 9(2) of the Convention, the Committee asks that, in its opening statement for the hearing, the Party concerned also responds to the communicants' allegations regarding articles 3(1) and 9(3) and (4), and is likewise prepared to answer questions thereon.

It would further assist the Committee in its deliberations if, in the Party concerned's opening statement and in its preparation for the hearing, the Party concerned would take into account the fact that the communication alleges that the standard of review applied in the Party concerned breaches articles 3(1) and 9(2)-(4) of the Convention in each of the three jurisdictions of the Party concerned.

Finally, to further assist the Committee, both parties will be invited to submit a written version of their opening statements to the secretariat in advance of the hearing on 5 November 2019.

Please do not hesitate to contact the secretariat if you require any further information.

Yours sincerely,



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
Royal Society for the Protection of Birds, Friends of the Earth (England, Wales and Northern Ireland), Friends of the Earth Scotland and Leigh Day Solicitors – communicants of communication ACCC/C/2017/156