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Press Release: 22.10.07

# Commission backed report supports NGOs call to make legal action more affordable

Members of the Coalition for Access to Justice for the Environment (CAJE) today welcome the publication of a report for the European Commission which concludes that the potential costs of challenging environmental decisions of public bodies is a significant obstacle to environmental access to justice in the UK.

Previous studies conducted by members of CAJE have identified the high cost of taking legal action in the UK, which can run into tens of thousands of pounds as a major hurdle in taking public bodies to Court. CAJE argues that such prohibitive costs conflict with the requirements of the UNECE Aarhus Convention and the EC Public Participation Directive (PPD). It is calling upon the Government to review the current position on costs to ensure that the risk of paying a public body's costs do not prevent environmental cases from going ahead.

Speaking on behalf of CAJE, WWF-UK's Solicitor Carol Hatton said: "Combined with the result of ever-more restrictive public funding legal action is now confined to either the very rich or the very poor, with the vast majority of concerned citizens powerless to challenge the decisions of public bodies. The UK prides itself on placing the rule of law at the very heart of democratic society, but that now only seems possible if individuals are willing to risk everything to bring legal actions which are often in the public interest."

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Notes to Editors:

1. CAJE comprises WWF, Greenpeace, Friends of the Earth, the Environmental Law Foundation, the Royal Society for the Protection of Birds and Capacity Global.
2. The report entitled "Measures on access to justice in environmental matters (Article 9(3)) - Country report for United Kingdom" can be accessed at <http://ec.europa.eu/environment/aarhus/index.htm> (see more precisely: [http://ec.europa.eu/environment/aarhus/study\\_access.htm](http://ec.europa.eu/environment/aarhus/study_access.htm)). The report was written by Brussels based consultancy firm Milieu Ltd., under contract to the European Commission.
3. The UK became a signatory to the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the "Aarhus Convention") in 1998 and ratified the Convention on 23rd February 2005. The so-called third pillar of the Aarhus Convention seeks to ensure that contracting parties provide citizens with legal or administrative procedures which are fair, equitable, timely and not prohibitively expensive.
4. The UK was required to bring into force measures to implement EC Directive 2003/35/EC (the "Public Participation Directive" or "PPD") by 25th June 2005 at the latest. Article 3 of the PPD requires that judicial or administrative procedures in respect of IPPC and EIA will be fair, equitable, timely and not prohibitively expensive. In 2006, CAJE submitted a complaint to the European Commission on the basis that the UK's judicial system is prohibitively expensive.

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