



NATIONS UNIES
COMMISSION ÉCONOMIQUE
POUR L'EUROPE

ОБЪЕДИНЕННЫЕ НАЦИИ
ЭКОНОМИЧЕСКАЯ КОМИССИЯ
ДЛЯ ЕВРОПЫ

UNITED NATIONS
ECONOMIC COMMISSION
FOR EUROPE

Environment, Housing and Land Management Division
Bureau 332
Palais des Nations
CH-1211 Geneva 10
Switzerland

Phone: +41-22-917 2384
Fax: +41-22-917 0634
E-mail: jeremy.wates@unece.org
Website: www.unece.org/env/pp

16 January 2009

Mr. James Thornton, CEO
ClientEarth
3 Chapel Place
London EC2A 3DQ
United Kingdom
Fax: + 44 20 7729 45 68

Dear Mr. Thornton,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Germany with provisions of the Convention in connection with German legislation on access to justice in environmental matters (Ref. ACCC/C/2008/31)

As noted in our letter dated 24 December 2008 concerning the above communication, the Committee, at its twenty-second meeting, preliminarily discussed whether and what issues might require further clarification from the parties concerned in order to facilitate further consideration of the communication.

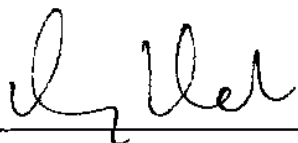
Having concluded this discussion by electronic means, the Committee noted that although the communication alleges several failures in implementation of article 9, it does not refer to any examples of the new legislation being applied in practice. It therefore has requested the secretariat to invite you to submit further details related to some of the matters raised in the communication by addressing the following questions:

1. Have there been any cases where the new legislation has been invoked and applied that support the interpretation alleged by the communication?
2. If there have been no such cases as yet, why have you chosen to submit the communication to the Compliance Committee before the relevant changes in the law have been tested by the German judiciary?
3. Is there any jurisprudence in German courts where the Aarhus Convention has been considered? If so, in which way and what was the outcome?

A number of additional questions have been raised in a letter to the Party concerned, a copy of which is attached for your information. Should you wish to address any of those questions, you are welcome to do so.

We look forward to hearing from you.

Yours sincerely,



Jeremy Wates
Secretary

Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Cc: Mr. Philipp Behrens, Federal Ministry of Environment, Nature Conservation and Nuclear Safety

Encs. Copy of letter of 16 January 2009 to Mr. Philipp Behrens, Federal Ministry of Environment, Nature Conservation and Nuclear Safety