



**NATIONS UNIES**  
COMMISSION ÉCONOMIQUE  
POUR L'EUROPE

**ОБЪЕДИНЕННЫЕ НАЦИИ**  
ЭКОНОМИЧЕСКАЯ КОМИССИЯ  
ДЛЯ ЕВРОПЫ

**UNITED NATIONS**  
ECONOMIC COMMISSION  
FOR EUROPE

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28 April 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)**

At its twenty-third meeting (31 March - 3 April 2009), the Aarhus Convention Compliance Committee took note of a letter dated 26 March 2009 from the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety in connection with the above communication. The letter suggested that the Committee suspend examining the communication because a similar case had recently been referred by the domestic court to the European Court of Justice (ECJ) where it was currently under consideration. The letter, together with the ruling referring the matter to the ECJ, was forwarded to you by e-mail on 31 March 2009.

The Committee shares the view of the Party concerned that, taking account inter alia of paragraph 21 of the annex to decision I/7 of the Meeting of the Parties, it would make sense to suspend the five-month deadline for the Party concerned to respond to the communication. Specifically, it proposes that the deadline be deferred so as to fall two months after the release of the opinion of the ECJ.

The Committee would welcome your observations on this approach.

We look forward to hearing from you at your earliest convenience.

Yours sincerely,



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**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**