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**UNITED NATIONS**  
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28 April 2009

Mr. Philipp Behrens  
Federal Ministry of Environment, Nature Conservation and Nuclear Safety  
Division ZG III 4 (H)  
Alexanderstrasse 3  
D-10178 Berlin  
Germany  
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Dear Mr. Behrens,

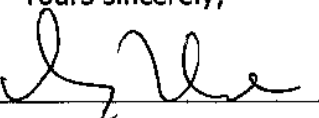
**Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Germany with provisions of the Convention in connection with German legislation on access to justice in environmental matters (Ref. ACCC/C/2008/31)**

At its twenty-third meeting (31 March - 3 April 2009), the Compliance Committee took note of your letter of 26 March 2009 concerning the above communication in which you 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 Committee shares your view 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 agreed to seek the observations of the communicant on this approach and to inform the Party concerned accordingly.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Wates', is written over a horizontal line.

Jeremy Wates

Secretary

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

Cc: Permanent Mission of Germany to the United Nations Office in Geneva  
Mr. James Thornton, ClientEarth