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ECONOMIC COMMISSION
FOR EUROPE

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24 December 2008

Mr. Philipp Behrens
Federal Ministry of Environment, Nature Conservation and Nuclear Safety
Division ZG III 4 (H)
Alexandestrasse 3
D-10178 Berlin
Germany
Fax: +49 1888 305 3331

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)

On 1 December 2008, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received the above communication submitted by non-governmental organization (NGO) ClientEarth, London, United Kingdom, supported by NABU, Berlin, Germany, and addressed to the Compliance Committee of the Convention regarding compliance by Germany with certain provisions of the Convention. The communication was submitted in accordance with the provisions of chapter VI of the annex to decision I/7 of the Meeting of the Parties.

Please find enclosed a copy of the communication, which is being forwarded to you at the request of the Committee in accordance with the provisions of paragraph 22 of the annex to decision I/7. The communication has been registered under the symbol ACCC/C/2008/31, which you are invited to cite in future correspondence on the matter.

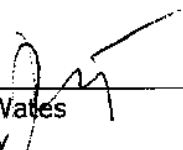
The Compliance Committee, having considered the preliminary admissibility of the communication at its twenty-second meeting (17-19 December 2008), has on a preliminary basis determined it to be admissible in accordance with paragraph 20 of the annex to decision I/7. A copy of the preliminary determination on admissibility is attached. Please note, however, that the Committee has not reached any conclusions with respect to the compliance issues referred to in the communication.

Having regard to paragraph 23 of the annex to decision I/7, you are kindly invited to submit to the Committee, as soon as possible but at the latest within five months of the date of this letter, any written explanations or statements clarifying the matter referred to in the communication and describing any response that may have been made in the mean time.

In order to facilitate further consideration of the communication, the Committee, at its twenty-second meeting, preliminarily discussed whether and what issues might require further clarification from the Party concerned and/or the communicant. It agreed to continue this discussion through electronic means with a view to agreeing on any additional questions to the parties concerned at the latest by 19 January 2008. Should the Committee identify any such questions, they will be forwarded to the Party concerned and the communicant in the fourth week of January 2009.

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

Encs. Communication ACCC/C/2008/31 including one addendum
Preliminary determination on admissibility
Copy of letter to Mr. James Thornton, ClientEarth
Datasheet on the communication