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UNITED NATIONS  
ECONOMIC COMMISSION  
FOR EUROPE

Tel: +41 (0)22 917 3294 (direct)  
+41 (0)22 917 1234 (Palais des Nations)  
Fax: +41 (0)22 917 0123 (longer messages)  
E-mail: [public.participation@unece.org](mailto:public.participation@unece.org)  
Ref: ACCC/C/2008/31

Palais des Nations, Room 348  
CH-1211 GENEVA 10

4 October 2012

Susanna Much  
Division ZG III 6  
Freedom of Information Legislation,  
Environmental Liability Legislation, Better Regulation  
Federal Ministry of Environment, Nature Conservation and Nuclear Safety  
Alexanderstrasse 3  
10178 Berlin, Germany

James Thornton,  
ClientEarth  
3 Chapel Place  
EC2A 3DQ London, United Kingdom

Dear Ms. Much, 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 (ACCC/C/2008/31)**

On behalf of the Aarhus Convention Compliance Committee, I would like to thank the participants in the discussion of the above referenced communication at the thirty-eighth meeting of the Compliance Committee (Geneva, 25-28 September 2012).

The report of the meeting, including information concerning the discussion on the communication at issue, will be shortly accessible at the following link <http://www.unece.org/env/pp/cc/Meetings.htm>. The Committee will in its consideration of the communication take into account any legislative measures leading to amendments by the end of 2012.

You may recall that during the discussion of the communication, the Committee requested you to submit some additional information, as detailed in the questions annexed to the present letter. You are invited to reply to the questions as soon as you can, but no later than **29 October 2012**. In providing your responses, please address the questions of the Committee in a brief and explicit manner and provide the text of the relevant supporting documents in English.

Please do not hesitate to contact the secretariat if you require any further information.

Yours sincerely,

Aphrodite Smagadi  
Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of the Federal Republic of Germany to the United Nations Office and other  
international organizations in Geneva  
Ludwig Krämer, ClientEarth  
Claus Mayr, c/o BirdLife International

**Annex**  
**Questions with regard to communication ACCC/C/2008/31**

**To the Party concerned**

Please provide examples of the recently developed jurisprudence drawing from the jurisprudence of the Court of Justice of the European Union and opting for a wider interpretation of traditional standing rules for NGOs in Germany.

On what basis are courts able to review and set aside a decision on procedural grounds?

What is the legal basis for the concept of “fundamental procedural errors”?

Next to procedural errors, can you provide other examples where an alleged error is not of importance for the decision, and what is the legal basis for that conclusion?

**To the communicant**

Please provide any relevant case-law that has developed since the communication was submitted, as well as with other examples (not necessarily case-law) to illustrate your allegations.

On what basis are courts able to review and set aside a decision on procedural grounds?

What is the legal basis for the concept of “fundamental procedural errors”?

Next to procedural errors, can you provide other examples where an applicant has alleged errors, but the court considered that the error was not of importance?