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Ref: ACCC/C/2008/31

22 January 2013

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,

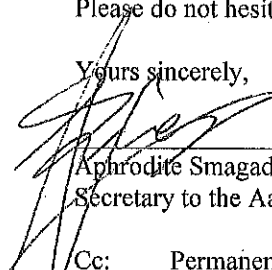
Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Germany with provisions of the Convention in connection with German legislation on access to justice in environmental matters (ACCC/C/2008/31)

At its thirty-ninth meeting (Geneva, 11-14 December 2012), the Committee took note of the information submitted by the communicant and the Party concerned on 29 October and 5 November 2012, respectively. It then agreed to continue its deliberations on the matter at its next meetings with a view to completing its draft findings and, as appropriate, recommendations, which would then be sent for comment to the Party concerned and the communicant.

Further to the information received from the communicant and the Party concerned on 29 October and 5 November 2012, the Committee invites you to address the questions annexed to the present letter. Please provide your response as soon as you can but not later than **22 February 2013**. 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

You recently informed the Committee that the legislative procedure has been finalized on 14 December 2012 for the amendment of the Umwelt-Rechtsbehelfsgesetz (Environmental Appeals Act) according to the Trianel judgement of the Court of Justice of the European Union. Please provide an English translation of the final version, as adopted, or at least indicate the changes introduced to the draft shared with the Committee in August 2012.

To the communicant

By letter of 5 November 2012, the Party concerned provided specific examples of the recently developed jurisprudence opting for a wider interpretation of traditional standing rules for NGOs in Germany. Please comment on the case-law provided by the Party concerned in relation to your allegations of non-compliance with article 9, paragraphs 2 and 3, of the Convention.

Considering the recent amendment of the Umwelt-Rechtsbehelfsgesetz, please clarify whether your allegations of non-compliance with article 3, paragraph 1, and article 9 of the Convention, including the allegations you raised in your letter of 29 October 2012, are still relevant.