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18 May 2011

Mr. Peter HART
Federal Ministry of Environment, Nature Conservation and Nuclear Safety
Division ZG III 6
Freedom of Information Legislation, Environmental Liability Legislation, Better Regulation
Alexandstraße 3
D-10178 BERLIN
Germany

Dear Mr. Hart

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)

With respect to the above referenced communication, you may recall that on 23 March 2009, in light of the parallel proceedings concerning a similar case before the European Court of Justice (Case C-115/09), you had requested the Aarhus Convention Compliance Committee to postpone examining the case. At its twenty-third meeting (31 March – 3 April 2009), the Committee considered the matter and, with the agreement of the communicant, it decided that the deadline for your response (as required by paragraph 23 of the annex to decision I/7 of the Meeting of the Parties) would be postponed and would fall two months after the release of the judgment of the Court on the preliminary reference for Case C-115/09.

On 13 May 2011, the Court issued its judgment on C-115/09. Therefore, according to the Committee's decision in 2009, the deadline for your response would now be on 13 July 2011. In your response, you are invited to comment on the recent ECJ judgment and its impact on German law.

However, given that consideration of communication ACCC/C/2008/31 has been considerably delayed during the past two years, the Committee has asked the secretariat to encourage you to submit your response by **20 June 2011**, in which case the communication would be discussed with you and the communicant at the Committee's twenty-third meeting (Chisinau, 27-28 June 2011). In order to make necessary arrangements for the discussion, you are invited to answer whether you agree with this proposal, as soon as you can, **but no later than 24 May 2011**.

The communicant, who is copied in this letter, is welcome to express its views of the proposal for discussion of the communication at the Committee's next meeting and to comment on the recent ECJ judgment.

Yours sincerely,

Aphrodite Smagadi
Secretary to the Aarhus Convention Compliance Committee

cc: Permanent Mission of Germany to the United Nations Office and other international organizations in Geneva

James Thornton, CEO ClientEarth, London