



NATIONS UNIES

COMMISSION ÉCONOMIQUE
POUR L'EUROPE

ОБЪЕДИНЕННЫЕ НАЦИИ

ЕВРОПЕЙСКАЯ ЭКОНОМИЧЕСКАЯ
КОМИССИЯ

UNITED NATIONS

ECONOMIC COMMISSION
FOR EUROPE

Environment Division
Bureau 332
Palais des Nations
CH-1211 Geneva 10
Switzerland

Phone: +41-22-917 3294
Fax: +41-22-917 0634
E-mail: public.participation@unece.org
Website: www.unece.org/env/pp

5 April 2012

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

Mr. James Thornton, CEO
ClientEarth
The Hothouse, 274 Richmond Road
London, E8 3QW, United Kingdom

Dear Mr. Hart,
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 (Ref. ACCC/C/2008/31)

At its thirty-sixth meeting (27-30 March 2012), the Committee took note of the decision of the regional court *Oberverwaltungsgericht für das Land Nordrhein-Westfalen* of 1 December 2011. The Committee also took note of the information provided by the Party concerned that while the Regional Government had opted not to appeal the decision of the *Oberverwaltungsgericht*, Trianel, the energy supply company involved in the case, had challenged the decision of the Regional Government not to appeal; in that sense the case was considered still pending at the domestic level.

The Committee provisionally scheduled to discuss the communication at its thirty-seventh meeting (26-29 June 2012) and asked the secretariat to seek your views with respect to the impact of Trianel's challenge of the Regional Government's decision to the communication pending before the Committee. Please provide your response as soon as possible but not later than **30 April 2012**. The Committee using its electronic decision-making procedure, will then take into account your arguments and will confirm whether the discussion of the communication will be included in the agenda of its thirty-seventh meeting.

The advance unedited copy of the report of the thirty-sixth meeting, including information concerning the communication at issue, will be shortly available at: <http://www.unece.org/env/pp/ccMeetings.htm>.

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

Susanna Much, Freedom of Information Legislation, Environmental Liability Legislation, Better Regulation - Federal Ministry for the Environment, Nature Protection and Nuclear Safety

Klaus Mayr, Director of European Affairs, c/o BirdLife International

Ludwig Kraemer, ClientEarth

Anaïs Berthier, Environmental justice lawyer, ClientEarth