

## **Economic Commission for Europe**

### **Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters**

#### **Seventh session**

### **Excerpt from the addendum to the report of the seventh session of the Meeting of the Parties (ECE/MP.PP/2021/2/Add.1)\***

### **Decision VII/8g concerning compliance by Germany with its obligations under the Convention**

#### **Adopted by the Meeting of Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its seventh session**

*The Meeting of the Parties,*

*Acting* under paragraph 37 of the annex to its decision I/7 on the review of compliance,<sup>1</sup>

*Taking note* of the findings of the Committee on communication ACCC/C/2016/137 concerning compliance by Germany with respect to the criteria for standing of environmental non-governmental organizations to have access to justice in environmental matters,<sup>2</sup>

*Encouraged* by the willingness of Germany to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the findings of the Committee that, by applying a criterion that effectively bars non-governmental organizations promoting environmental protection that do not have open membership with full voting rights for members from access to a review procedure of decisions under article 6, the Party concerned fails to comply with article 9 (2) in conjunction with article 2 (5) of the Convention;

2. *Recommends* that the Party concerned remove the requirement in section 3 (1), second sentence, No. 5, of the Environmental Appeals Act or any legislation that supersedes it that, to have access to review procedures under article 9 (2) of the Convention, non-governmental organizations promoting environmental protection must have open membership with full voting rights for members;

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\* The full text of addendum to the report of the seventh session of the Meeting of the Parties (ECE/MP.PP/2021/2/Add.1) will, in due course, be available in English, French and Russian from [https://unece.org/environmental-policy/events/Aarhus\\_Convention\\_MoP7](https://unece.org/environmental-policy/events/Aarhus_Convention_MoP7).

<sup>1</sup> ECE/MP.PP/2/Add.8.

<sup>2</sup> ECE/MP.PP/C.1/2021/25.

3. *Requests* the Party concerned to:

(a) Submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the above recommendation;

(b) Provide detailed progress reports to the Committee by 1 October 2023 and 1 October 2024 on the measures taken and the results achieved in the implementation of the plan of action and the above recommendation;

(c) Provide such further information as the Committee may request in order to assist it to review the progress by the Party concerned in implementing the above recommendation;

(d) Participate (either in person or by virtual means) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendation is to be considered;

4. *Undertakes* to review the situation at its eighth session.

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