

## Plan of action for decision VII/8g (Germany)

Through paragraph 3 (a) of decision VII/8g concerning the compliance of Germany, the Meeting of the Parties to the Aarhus Convention has requested the Party concerned to submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the recommendations contained in that decision.

The text of decision VII/8g is available at: <https://unece.org/env/pp/cc/decision-vii8g-concerning-germany>

In preparing its plan of action, the Party concerned was invited by the Compliance Committee to take into account the Committee's information note for Parties on preparing their plan of action. The Committee's information note, which contains step-by-step guidance for Parties on how to complete their plan of action, is available at: <https://unece.org/env/pp/cc/implementation-decisions-meeting-parties-compliance-individual-parties>

### **A. Description of the process by which the plan of action has been prepared**

- Preparation of the draft plan by the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection.
- Coordination of the draft plan with the other federal ministries.
- Participation of the complainant with the option to comment on the draft plan.
- Publication of the draft plan on the website the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection with option for the public to comment.

### **B. General character of the measures that will be needed to implement the recommendation in the MOP decision**

Legislative process / amendment to the Environmental Appeals Act (*Umwelt-Rechtsbehelfsgesetz*)

<b>C. Detailed plan of action</b>	
<b>Recommendation: Para. 2 of decision VII/8g</b>	In paragraph 2 of decision VII/8g, the Meeting of the Parties 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, nongovernmental organizations promoting environmental protection must have open membership with full voting rights for members;
Proposed measures to fulfil recommendation	<b>Amendment of section 3, para. 1, second sentence, No. 5 of the Environmental Appeals Act.</b>
Outline of the steps necessary to implement the proposed measures	<p><b>The amendment of the Environmental Appeals Act requires a formal legislative process:</b></p> <ul style="list-style-type: none"> <li>• <b>First, a draft will be prepared by the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection (BMUV).</b></li> <li>• <b>The draft will then be coordinated with the other federal ministries.</b></li> <li>• <b>This is followed by a consultation phase of ~ 4 weeks (participation of the Länder as well as of associations/NGOs concerned by the amendment); it could include a formal hearing. In parallel the draft is published on the website of BMUV.</b></li> <li>• <b>After the Federal Government has adopted the draft bill, the German Federal Council of the German States (Bundesrat) can issue a statement (6 weeks).</b></li> <li>• <b>The Federal Government has the right to adopt comments on such a statement.</b></li> <li>• <b>Afterwards the parliamentary procedure begins: Parliament will submit the dossier to its committees and hold three readings in the plenary. Finally Parliament must pass the bill.</b></li> <li>• <b>Again the bill will be submitted to the German Federal Council. The consent of the German Federal Council is not required, but it must be involved and could ask in theory for a conciliation procedure.</b></li> <li>• <b>If the bill has passed the German Federal Council the ratification and publication procedure starts (~ 4 weeks).</b></li> <li>• <b>After publication in the Federal Law Journal the bill will enter into force as indicated in its last Article.</b></li> </ul>
Actors involved	<ul style="list-style-type: none"> <li>• <b>German Federal Ministries/Government</b></li> <li>• <b>Länder (federal states)</b></li> </ul>

	<ul style="list-style-type: none"><li>• <b>Associations/NGOs</b></li><li>• <b>Deutscher Bundestag (Parliament)</b></li><li>• <b>Bundesrat (German Federal Council)</b></li></ul>
Final date by when implementation of recommendation will be completed	<b>October 2024</b>