

**First progress report by the Federal Government on the implementation of
Decision VII/8g concerning compliance by Germany with its obligations
under the UN ECE Aarhus Convention**

I. Introduction

Decision VII/8g was adopted at the 7th session of the Meeting of the Parties to the UN ECE Aarhus Convention, which took place from 18 to 20 October 2021 in Geneva. This decision endorsed the findings of the Compliance Committee with regard to communication ACCC/C/2016/137 and recommends that Germany

"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;"

In addition, Germany was requested, inter alia,

- "to submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the above recommendation;"

and

- "to 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;"

Germany has submitted its plan of action on 15 June 2022. The Compliance Committee "has concluded that the plan of action submitted by Germany appears to be appropriate", as Germany was informed by e-Mail on 12 December 2022.

The Federal Republic of Germany hereby submits the first progress report on the implementation of Decision VII/8g in accordance with the given deadline.

II. Current situation

1. As described in Germany's plan of action, the implementation of Decision VII/8g requires an amendment to the German Environmental Appeals Act (EEA). This amendment has to focus on section 3, para. 1, second sentence, No. 5 of the EEA.
2. Since the submission of the plan of action, the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection (BMUV) has developed a draft Act aiming at modernizing the EEA and inter alia implementing Draft decision VII/8g. The coordination within the German government was started in early September 2023 and is still ongoing.
3. It is envisaged to publish the draft Act and to start the consultations with the Länder and with associations soon.

For information purposes, BMUV will inform the Committee by e-mail, when the consultation phase will have been started and will submit an English translation of an excerpt of the consultation draft concerning the proposed implementation of Decision VII/8g.

4. In conclusion, Germany is on track to implement Decision VII/8g. As foreseen in the action plan Germany is currently in Phase 2 of the necessary steps to implement the proposed measures.
5. As requested, the Federal Republic of Germany will submit a second progress report by 1 October 2024.

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