

Compliance Committee to the Convention on  
Access to Information, Public Participation  
in Decision-making and Access to Justice  
in Environmental Matters (Aarhus Convention)

**First progress review of the implementation of decision VII/8g  
on compliance by Germany with its  
obligations under the Convention**

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## **I. Introduction**

1. At its seventh session (Geneva, Switzerland, 18-21 October 2021), the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) adopted decision VII/8g on compliance by Germany with its obligations under the Convention (see ECE/MP.PP/2021/2/Add.1).

## **II. Summary of follow-up**

2. At its seventy-third meeting (Geneva, 13–16 December 2021), the Committee held an open session to provide guidance on preparing the plan of action that each Party subject to a decision or request of the Meeting of the Parties was requested to submit by 1 July 2022. Representatives of the Party concerned and the communicant of communication ACCC/C/2016/137 took part in the open session.

3. On 7 February 2022, on the Committee's instructions, the secretariat sent an information note and a template for its plan of action to the Party concerned to assist it to prepare its plan of action.

4. At its seventy-fourth meeting (Geneva, 15–16 March 2022), the Committee held a further open session on the preparation of Parties' plans of action. The purpose of the session was to answer any specific questions from Parties regarding the format or content of their plan of action. A representative of the Party concerned took part in the open session. Though invited, the communicant did not take part in that session.

5. On 15 June 2022, the Party concerned submitted its plan of action, on time.

6. On 4 July 2022, the secretariat forwarded the Party concerned's plan of action to the communicant of communication ACCC/C/2016/137 and registered observers, inviting their comments by 1 August 2022. No comments were received.

7. At its virtual meeting on 17 November 2022, the Committee reviewed the plan of action of the Party concerned.

8. On 12 December 2022, the secretariat wrote to the Party concerned that, having reviewed its plan of action, the Committee had concluded that Germany's plan of action appeared to be appropriate.

9. On 9 February 2023, the observer Wildfleck submitted an observer statement.

10. On 29 September 2023, the Party concerned submitted its first progress report on decision VII/8g, on time.

11. On 2 October 2023, the secretariat forwarded the Party concerned's first progress report to the communicant of communication ACCC/C/2016/137 and registered observers, inviting their comments by 30 October 2023. No comments were received.

12. At its eight-first meeting (Geneva, 12–15 December 2023), the Committee prepared its first progress review on decision VII/8g and adopted it through its electronic decision-making procedure on 13 February 2024. The Committee thereafter requested the secretariat to forward the first progress review to the Party concerned, the communicant of communication ACCC/C/2016/137 and registered observers.

## **III. Considerations and evaluation by the Committee**

13. In order to fulfil the requirement of paragraph 2 of decision VII/8g, Germany would need to provide the Committee with evidence that it has removed 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.

### **General observations**

14. The Committee welcomes the Party concerned's first progress report which was received on time. The Committee appreciates the overall level of engagement that the Party concerned has demonstrated so far in the Committee's follow-up on decision VII/8g.

### **Paragraph 2 of decision VII/8g**

15. The Party concerned reports that the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection has prepared a draft Act aimed at "modernizing" its Environmental Appeals Act and, among other things, implementing decision VII/8g. It reports that coordination with the central government began in early September 2023 and remains ongoing. It states that it is in the second phase of the steps needed to implement the measures proposed in its plan of action and that it plans to publish the draft Act and to start consultations with the *Länder* and associations soon.<sup>1</sup>

16. The Committee welcomes that the Party concerned has commenced a legislative process to amend the Environmental Appeals Act in order to implement decision VII/8g. However, having not been provided with the text of the draft Act, the Committee is not in a position to assess whether, if adopted in its current form, it would actually meet the requirements of paragraph 2 of decision VII/8g.

17. The Committee accordingly invites the Party concerned to submit the text of the draft Act to the Committee as soon as it considers appropriate in order to give the Committee sufficient time to advise the Party concerned on whether the draft Act, if adopted in its current form, would fulfil paragraph 2 of decision VII/8g.

18. In light of the above, while welcoming the steps taken to date, the Committee considers that the Party concerned has not yet demonstrated that it has met the requirements of paragraph 2 of decision VII/8g.

## **IV. Conclusions**

19. The Committee considers that the Party concerned has not yet met the requirements of paragraph 2 decision VII/8g, though it welcomes the steps taken by the Party concerned in this direction to date.

20. The Committee accordingly invites the Party concerned to submit the text of the draft Act to the Committee as soon as it considers appropriate in order to give the Committee sufficient time to advise the Party concerned on whether the draft Act, if adopted in its current form, would fulfil paragraph 2 of decision VII/8g.

21. The Committee thereafter invites the Party concerned to provide, together with its final progress report, the text of the legislative measures implementing paragraph 2 of decision VII/8g adopted by that date, together with an English translation thereof.

22. The Committee reminds the Party concerned that all measures necessary to implement decision VII/8g must be completed by, and reported upon, no later than 1 October 2024, as that will be the final opportunity for the Party concerned to demonstrate to the Committee that it has fully met the requirements of decision VII/8g.

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<sup>1</sup> Party's first progress report, 29 September 2023, p. 2.