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United Nations Economic Commission for Europe
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Berlin, 1.05.2024

Amicus Curiae Brief concerning the Complaint ACCC/C/2023/203

Dear Sir or Madam,

it is my pleasure to submit the following *amicus curiae* brief to the Aarhus Convention Compliance Committee on behalf of the environmental association Green Legal Impact Germany e.V. based in Berlin.

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Green Legal Impact Germany e.V. (GLI) is a non-governmental organization registered in Germany. It was established in 2019 and is active in the field of environmental law. The organization aims to strengthen access to environmental justice for civil society actors and aspires to use the law in order to advance and increase environmental protection. GLI is a non-profit organization open to all natural and legal persons who support the goals of the organization and understands itself as a “catalytic-strategic actor” in the field of environmental law in Germany. Many German environmental NGOs have become members of our association, including the Deutsche Umwelthilfe (DUH).

In 2023, GLI participated in the public participation process for the draft law changing the Climate Protection Act (*Klimaschutzgesetz – KSG*) which is the subject of the present complaint and made use of its right to submit a statement to the Federal Ministry for Economic Affairs and Climate Protection (*Bundesministerium für Wirtschaft und Klimaschutz – BMWK*) on Monday, 19 June 2023.

The statement of GLI can be accessed on the homepage of the ministry (www.bmwk.de) and is submitted as **Annex 1**.

II. Party concerned

The Federal Republic of Germany.

III. Communication concerned: ACCC/2023/203

With this *amicus* brief, GLI seeks to intervene in the communication ACCC/2023/203, which concerns the participation of civil society and interest groups in the legislative process of amending Germany's central climate governance instrument, the Climate Protection Act (*Klimaschutzgesetz, CPA*). The application lodged by the environmental NGO *Deutsche Umwelthilfe* (DUH) alleges that the participation process was conducted in violation of the requirements set forth in Article 8 of the Aarhus Convention by setting a very short deadline for the participation. On 22 September 2023, the Committee found the communication to be admissible in a preliminary determination.

The complaint ACCC/C/2023/203 addresses the systematic failure of the Respondent to comply with its obligations under Article 8 AC and illustrates this shortcoming based on the legislative process for the German Climate Protection Act. Article 8 AC requires effective public participation at a time when options are still open, and within a sufficient timeframe. In the legislative process for the Climate Protection Act, the period for public participation was two working days. Such extremely short deadlines have become frequent in recent years without compelling reasons being presented. This intervention seeks to demonstrate that the procedure for the Climate Protection Act was not an exception but is symptomatic for the systemic in compliance of the German government with Article 8 of the Convention in the preparation of legislation.

Subject Matter: Systematic deficiencies in public participation in the drafting of legislation by the German government

The complaint raises a systematic issue in German legislative practice: Short deadlines for participation make it increasingly challenging for associations, interest groups, and civil society actors to effectively engage in the legislative process and contribute their expertise. This can be observed in all areas of legislation but has recently worsened particularly in drafting processes for environmental legislation.

The exchange of views between the communicant and the respondent on the preliminary admissibility of the communication has shown, that with view to the case law of the Committee, the question of the existence of shortcomings of a systemic and widespread scale will be relevant to the Committee's decision. In its statement dated 19 September 2023, the respondent has denied that there was any systematic deficit in the German legislative practice and claimed that any deviance from the standard period for public participation of four weeks would only take place in exceptional circumstances.

In order to provide the factual context for the Committee's assessment of Germany's compliance with Article 8 of the Aarhus Convention, GLI has evaluated the legislative practice of the current and the previous German government since 2017. The results shed light on a governmental practice and call the respondent's claim regarding the overall appropriateness of the time limits set into question. They document that the deadlines for public participation in the legislative procedure for the CPA is by no means an exception, but rather symptomatic for increasingly short and often impractical deadlines, which tend to reduce the process prescribed in the Joint Rules of Procedure of the Federal Ministries to a mere formality and run contrary to the obligations arising from Article 8 of the Aarhus Convention.

I. Legal framework for public participation in the drafting of legislation in Germany

Public participation in the formulation of draft laws by ministries is addressed in Section 47 Para. 1 and 3 of the Joint Rules of Procedure of the Federal Ministries, which reads as follows (English translation by GLI):

§ 47 Participation of states, municipal associations, professional circles, and associations

(1) The draft of a legislative proposal should be sent to the states, municipal associations, and the states' representations at the federal level as early as possible when their interests are affected. [...]

(3) Timely participation of central and overall associations, as well as professional circles that exist at the federal level, is subject to paragraphs 1 and 2 accordingly. The timing, scope, and selection of such participation, unless special regulations exist, are left to the discretion of the lead federal ministry. [...]

Section 47 thus requires ministries, to allow for a “timely participation” (para. 3) of the interested public by sending them the drafts “as early as possible” (para. 1). The Joint Rules of Procedure of the Federal Ministries are, however, only internally binding and do not create subjective rights for third parties belonging to the public concerned.¹ The selection of the relevant interest groups and the deadlines for public participation according to Section 47 is left to the discretion of the responsible ministry. No general guidelines or binding instructions seem to exist to ensure a consistent application of the provision within the German government (**Annex 18**). The Government’s Handbook on the preparation of legal and administrative regulation does not contain any further instructions.²

Nevertheless, there are strong arguments supporting the assumption, that in the absence of compelling reasons, the appropriate duration for public participation under Section 47 should generally be at least 4 weeks:

First, the Federal Ministry for the Environment (BMUV) and the Federal Ministry for Digitalization and Transport (BMDV) seem to have internal guidelines for the application of Section 47, which support the general rule of a minimum duration of four weeks. As already submitted in the communication ACCC/C/2023/203, the BMUV stated in a response to a freedom of information request from 2022: “Normally, a processing period of four weeks is granted, which can be reduced to two to three weeks taking into account the scope and complexity of the project. A further reduction in the processing period is possible if there are

¹ Administrative Court of Hannover, Judgement of 13.9.2023, 1 A 2294/22, online at <https://voris.wolterskluwer-online.de/browse/document/3abd69c1-7a24-4adf-8494-05fcc2cecbd8>.

² Handbuchs des Bundesministeriums des Innern zur Vorbereitung von Rechts- und Verwaltungsvorschriften, Teil II Abschnitt 5, online at <https://www.verwaltung-innovativ.de>.

special reasons for a quick processing in individual cases.”³ In the exchange on the preliminary admissibility, the respondent has not repeated this understanding of an appropriate time frame for public participation. Similarly, the BMDV’s internal “checklist” foresees a deadline of four weeks depending on the complexity and scope of the draft law (**Annex 19**).

Second, Section 50 sets a deadline of four weeks for the participation of specific ministries and public entities in the legislative process. If even the better placed and resourced ministries are given a period of four weeks to comment on a draft law, a shorter deadline for civil society actors and interest groups cannot not be regarded as adequate.

Third, the Scientific Services of the German Parliament expressed its opinion, that – as a general rule – a time limit of four weeks should be regarded as appropriate for public participation.⁴ Also civil society interest groups have expressed their view, that a period of four weeks would generally be adequate (**Annex 20**).

Finally, a comparison with the public consultations at the EU level indicates, that four weeks should be regarded the absolute minimum period for participation, as the European Commission has committed itself to hold public consultations for a period of 12 weeks.⁵

II. Data Collection

As a disclaimer, it should be noted that the German government does not collect in a systematic way any data about when and how public consultations according to Section 47 of the Joint Rules of Procedure of the Federal Ministries are conducted.

According to the responses given by the federal ministries to GLI during its research, it is the department responsible for drafting a new act that decides on the modes of public participation and thus is in possession of any data on this process. Data about public participation is not even collected centrally within the ministries. To produce the data presented below, the information had to be requested from every department for each

³ The letter has been submitted by the communicant of ACCC/C/2023/203 in their communication and.

⁴ Wissenschaftlicher Dienst des Bundestages, Sachstand: Verbändebeteiligung bei Gesetzentwürfen, 17.06.2022, [WD 1 - 3000 - 019/22](#).

⁵ Communication from the Commission, Better regulation: Joining forces to make better laws COM/2021/219 final, p. 11.

legislative act individually. Accordingly, any statements of the respondent regarding its own practice in this regard should be carefully assessed, since it is unlikely that they are based on a reliable data basis. Moreover, several ministries have replied that they do not have any internal guidelines or instructions on the determination of an appropriate duration of the participation under Section 47 (see **Annex 18**).

To fill in this gap, GLI has filed freedom of information (FOI) requests to all ministries and asked for access to information on the timeframes provided by the federal ministries for public participation under Section 47 of the Joint Rules of Procedure of the Federal Ministries for all legislative initiatives since September 2017 and, in the case of newly founded ministries, since 2021. The requests asked for the dates of the beginning and end of the participation process and the number of pages of the respective draft legislation. In total, 15 federal ministries and the chancellor's office were requested to provide information on their past practices.

The requests were submitted via the transparency platform "FragDenStaat". The communication and results of the requests are thus publicly accessible on the project's platform. Even though the ACCC does not consider information provided through links, the link to each request is included in the list below for reasons of transparency. In addition, the foI-request and the ministries answers are submitted as Annexes.

To date, the following ministries have provided the requested data:

- **Federal Ministry of Food and Agriculture**
Bundesministerium für Ernährung und Landwirtschaft – BMEL (Annex 2a and 2b),
Link to FOI-Request: <https://fragdenstaat.de/anfrage/stellungnahmefristen-zu-gesetzesentwuerfen-ihre-hauses-9/>
- **Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection**
Bundesministerium für Umwelt, Naturschutz, nukleare Sicherheit und Verbraucherschutz – BMUV (Annex 3a und 3b)
Link to FOI-Request: <https://fragdenstaat.de/anfrage/stellungnahmefristen-zu-gesetzesentwuerfen-des-bmuV/>
- **Federal Ministry of Education and Research**
Bundesministerium für Bildung und Forschung – BMBF (Annex 4a und 4b)
Link to FOI-Request: <https://fragdenstaat.de/anfrage/stellungnahmefristen-zu-gesetzesentwuerfen-ihre-hauses-7/#nachricht-840322>
- **Federal Ministry for Housing, Urban Development and Building**
Bundesministerium für Wohnen, Stadtentwicklung und Bauwesen – BMWSB (Annex 5a und 5b)

- Link to FOI-Request: <https://fragdenstaat.de/anfrage/stellungnahmefristen-zu-gesetzesentwuerfen-ihre-hauses-14/>
- **Federal Ministry for Economic Affairs and Climate Action**
Bundesministerium für Wirtschaft und Klimaschutz – BMWK (Annex 6a und 6b)
Link to FOI-Request: <https://fragdenstaat.de/anfrage/stellungnahmefristen-zu-gesetzesentwuerfen-ihre-hauses-13/>
 - **Federal Ministry for Economic Cooperation and Development**
Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung – BMZ: no data available, because the ministry has not drafted any legislation in the relevant period of time
Link to FOI-Request: <https://fragdenstaat.de/anfrage/stellungnahmefristen-zu-gesetzesentwuerfen-ihre-hauses-12/>
 - **Federal Ministry for Digitalization and Transport**
Bundesministerium für Digitalisierung und Verkehr – BMDV (Annex 7a und 7b)
Link to FOI-Request: <https://fragdenstaat.de/anfrage/stellungnahmefristen-zu-gesetzesentwuerfen-ihre-hauses-8/#nachricht-840316>
 - **Federal Ministry of Defence**
Bundesministerium für Verteidigung – BMVg (Annex 8a und 8b)
Link to FOI-Request: <https://fragdenstaat.de/anfrage/stellungnahmefristen-zu-gesetzesentwuerfen-ihre-hauses-4/>
 - **Chancellor's Office**
Bundeskanzleramt – BK (Annex 9a und 9b)
Link to FOI-Request: <https://fragdenstaat.de/anfrage/stellungnahmefristen-zu-gesetzesentwuerfen-ihre-hauses-13/>
 - **Federal Ministry for Family Affairs, Senior Citizens, Women and Youth**
Bundesministerium für Familie, Senioren, Frauen und Jugend - BMFSFJ (Annex 10a und 10b)
Link to FOI-Request: <https://fragdenstaat.de/anfrage/stellungnahmefristen-zu-gesetzesentwuerfen-ihre-hauses-10/>
 - **Federal Ministry of the Interior**
Bundesministerium für Inneres - BMI (Annex 11a und 11b)
Link to FOI-Request: <https://fragdenstaat.de/anfrage/stellungnahmefristen-zu-gesetzesentwuerfen-ihre-hauses-5/>
 - **Federal Foreign Office**
Auswärtiges Amt - AA (Annex 12a und 12b)
Link to FOI-Request: <https://fragdenstaat.de/anfrage/stellungnahmefristen-zu-gesetzesentwuerfen-ihre-hauses/>
 - **Federal Ministry of Labour and Social Affairs**
Bundesministerium für Arbeit und Soziales - BMAS (Annex 13a und 13b)
Link to FOI-Request: <https://fragdenstaat.de/anfrage/stellungnahmefristen-zu-gesetzesentwuerfen-ihre-hauses-6/>
 - **Federal Ministry of Justice**
Bundesministerium für Justiz – BMJ (Annex 14a und 14b)
Link to FOI-Request: <https://fragdenstaat.de/anfrage/stellungnahmefristen-zu-gesetzesentwuerfen-ihre-hauses-3/>
 - **Federal Ministry of Health**
Bundesministerium für Gesundheit - BMG (Annex 15a und 15b)
Link to FOI-Request: <https://fragdenstaat.de/anfrage/stellungnahmefristen-zu-gesetzesentwuerfen-ihre-hauses-11/>

The compilation of the data received from these ministries, which is also the basis of the evaluation below, can be found in form of an excel list in **Annex 17**.

At the time of submission of this *amicus curiae* brief, the **Federal Ministry of Finance (BMF)** is the only ministry that, despite several announcements to do so, has not provided the information requested (see **Annex 16**). However, we believe that the information provided by the other ministries allows for suppositions on a general governmental practice.

III. Evaluation of the Data Received

The ministries have provided information on the timeframes for public participation in 504 legislative initiatives in total (**Annex 17**). The number of legislative proposals, for which a public participation process was conducted, varies considerably between the ministries: While the Federal Ministry for Economic Cooperation and Development did not draft any legislative proposals since September 2017 and the chancellor's office only two, the Federal Ministry for Economic Affairs and Climate Action and the Ministry for Digitalization and Transport provided data on over 60 laws each. The Ministry of Justice has drafted the most legislative proposals with a total of 116 laws in this period.

1. General practice

The overall average number of working days⁶ given to associations for providing feedback on the legislative initiatives was 15.42 days and thus approximately three weeks. The average period varies between ministries: The Ministry of Justice has set by far the most generous deadlines with an average number of 23,33 working days. The lowest numbers of an average of 4 working days were provided by the chancellor's office, followed by an average of 4.86 working days by the Ministry for Housing, Urban Development and Building. The other twelve ministries set average deadlines in the range between 11 and 15 working days:

⁶ Working days were calculated without considering national holidays. The starting day as well as the day of the deadline were calculated as **full working days** respectively. Therefore, the actual working days are **likely to be less in most cases**, as the legislative drafts are mostly sent out not in the morning, but throughout the day, and the deadlines are mostly set for noon rather than the end of the working day. This can be seen e.g. at the example KSG: the draft was sent to associations at 5:28 PM. on June 15th and the deadline was set on June 19th at 10:00 AM.

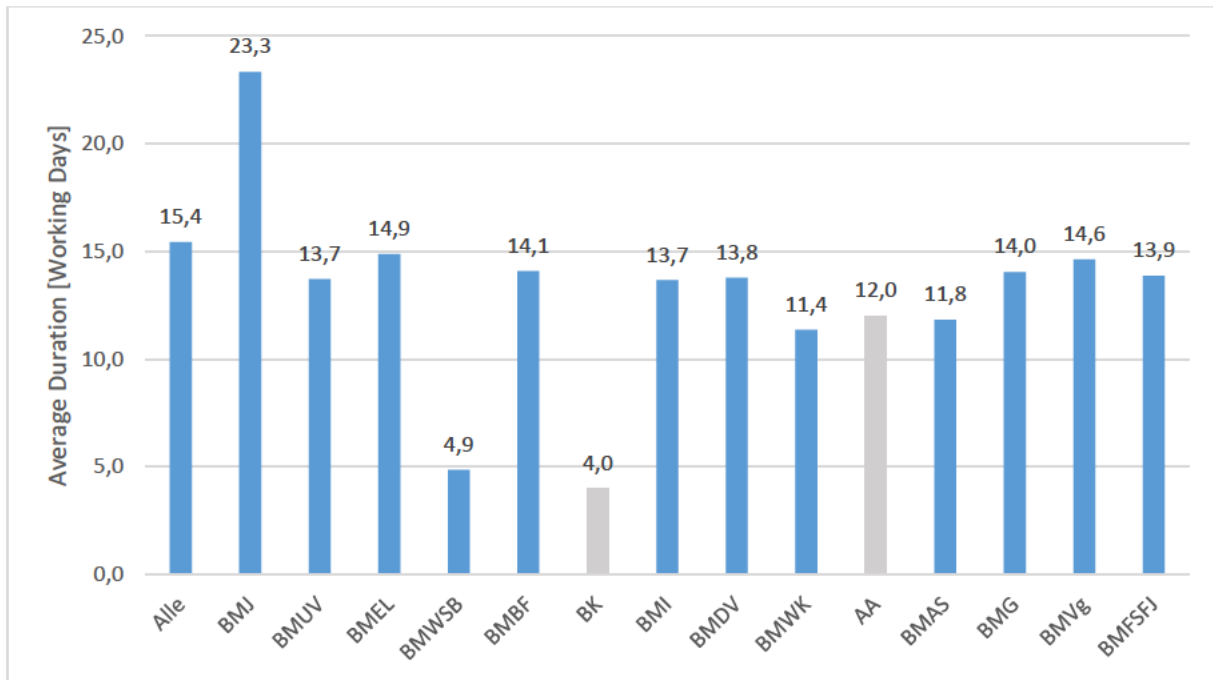


Figure 1: Average duration of public participation by ministry

For 349 out of 504 (69 %) of the legislative initiatives, the period to comment on the draft laws was less than 4 weeks or 20 working days. These numbers clearly show that contrary to the claims made by the respondent in paras. 1 and 2 of their statement on the preliminary admissibility, significantly shorter deadlines for statements by association are a structural and overarching issue.

In more than two thirds of the cases, ministries have fallen short of a 4-week period. Instead of being the rule, appropriate timeframes seem to be the exception.

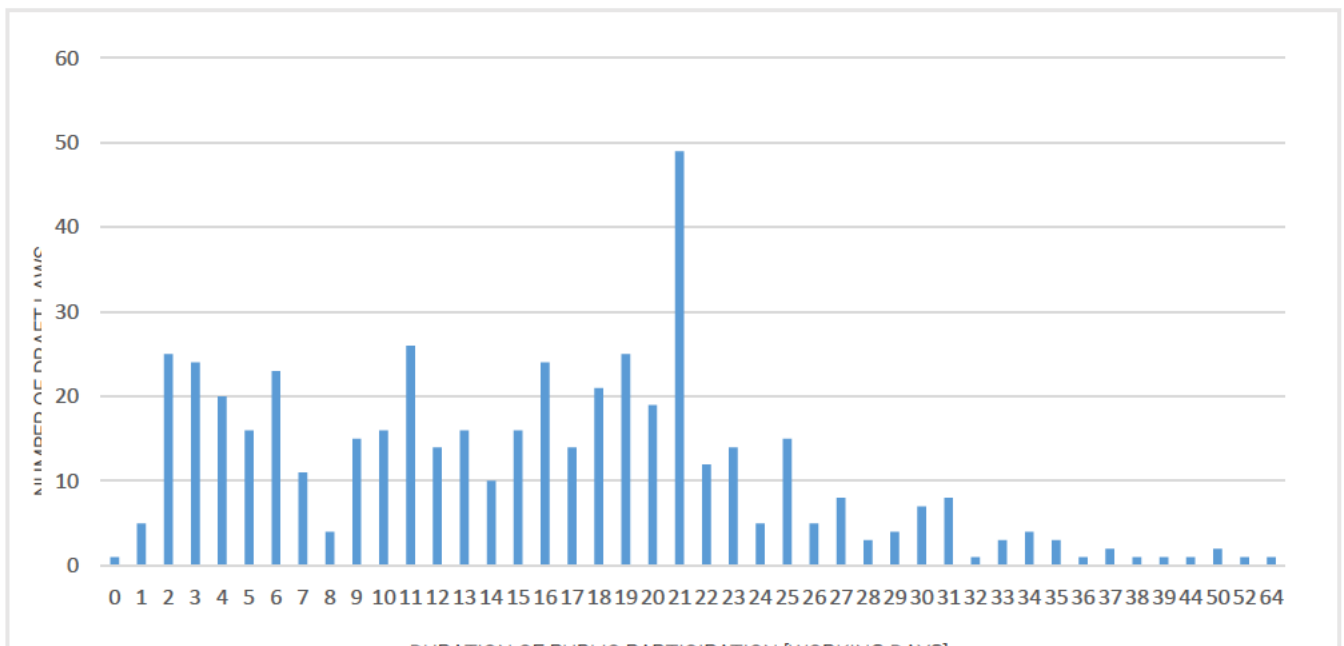


Figure 2: Duration of public participation across ministries

For 164 out of 504 draft laws, the deadline was shorter than 10 working days. This means that in more than 32 % of cases, a duration was set that is, according to the Federal Ministry of the Environment’s internal guideline, only acceptable in exceptional cases. Without examining all 164 cases individually, it appears unreasonable to assume that a considerable number of them was adopted under circumstances that could justify such short deadlines.

Nevertheless, even deadlines shorter than a week are not exceptional: In 93 out of 504 and thus still a fifth of the cases, the deadline was 5 working days or less. In 31 cases and thus 6 % of cases, the deadline was 2 working days or less.

Examples illustrating how little importance the government seems to place on the input provided through public participation can be found in the amendment of the Federal Intelligence Service Act (BND-Gesetz) in the summer of 2023: The chancellor’s office gave associations 24 hours to comment on a draft law comprising 88 pages, which was not only heavily criticized by civil society, but also by the German association of Judges.⁷ In Fall 2023, the Federal Ministry of the Interior dispatched the highly controversial Repatriation

⁷ ZDF, Richterbund kritisiert "Hauruckverfahren", 26.08.2023, available online at <https://www.zdf.de/nachrichten/politik/deutschland/ampel-regierung-richterbund-hauruckverfahren-gesetze-100.html>.

Improvement Act, a complex piece of legislation with long reference chains which was difficult to understand and created confusion about its actual legal effects, with a deadline of two working days.

2. Environmental legislation

The numbers paint an even more sinister picture with regard to those laws that fall within the scope of application of Article 8 of the Aarhus Convention because they “may have a significant effect on the environment.”

We have identified those legislative initiatives that constitute environmental legislation based on the drafting ministry’s responsibility and the regulatory purpose. We did not analyze all legislative initiatives in depth, but rather identified those initiatives obviously related to environmental matters by their main regulatory purpose. It is likely that other legislative initiatives might also have a link to environmental concerns, which is why the general data on all legislative initiatives is provided as well. Given the intersectional nature of environmental issues, it is important that environmental associations are duly involved in all legislative procedures that might have environmental implications. In many cases, it has been environmental associations that highlighted potential environmental impacts of legislative initiatives previously not considered by the ministries.

87 of the 504 initiatives were identified by their regulatory purpose as having potential impacts on the environment. The average number of working days allocated by the ministries for associations to submit feedback on environment-related legislative initiatives was 11.79 and thus two weeks and two working days. This clearly shows that the practice of the ministries is far from the alleged standard of four weeks claimed by the German government in its observations.

Remarkably, in 44 out of 87 environment-related initiatives – and thus 50 % of cases that fall within the scope of Article 8 of the Aarhus Convention – the deadlines set by the ministries were 10 working days or less. In 27 and thus almost one third of the cases, the deadline was less than one week or 5 working days.

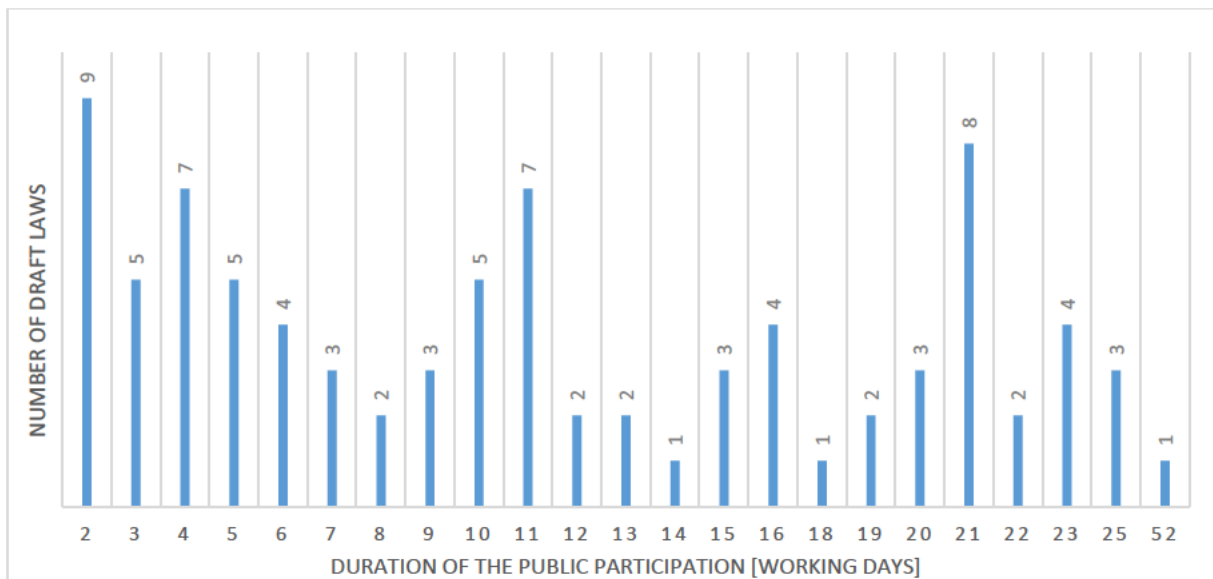


Figure 3: Duration of public participation in environmental legislation

These numbers call into question, whether “exceptional circumstances” could actually have prevailed for more than half of the environmental legislation drafted by the respondent since 2017 justifying a deadline of less than two weeks. The numbers rather indicate that, instead of an exception, very short deadlines for public participation of less than two weeks seem to be the rule in Germany, making the problem a systematic shortcoming and suggesting non-compliance with Article 8 of the Aarhus Convention.

3. Specific examples for short deadlines

The procedure on the amendment of the CPA is emblematic for this general trend in Germany’s legislative practice to curtail public participation by setting short deadlines. As highlighted by the DUH in their communication, associations and interest groups were given a period of one working day and two hours to comment on a draft of 28 pages, introducing changes to 17 provisions of the CPA and modifying crucial elements of the German climate governance structure.

There were no exceptional circumstances that could justify such a short deadline. Any argument on an alleged urgency should be dismissed, given that the law did not pass the German parliament until 10 months later.

As shown by the evaluation of the information provided by the German ministries, this was, not a singular or exceptional event. In addition to the CPA, GLI wishes to direct the committee's attention to the following examples of legislative initiatives with strong environmental links and particularly short deadlines for participation:

a) Implementation of the Common Agricultural Policy: 2.5 days for 106 pages

The three draft laws on the implementation of regulations introduced within the framework of the EU Common Agricultural Policy (*Gesetz zur Durchführung des im Rahmen der Gemeinsamen Agrarpolitik einzuführenden Integrierten Verwaltungs- und Kontrollsystems, Gesetz zur Durchführung der im Rahmen der Gemeinsamen Agrarpolitik geltenden Konditionalität, Gesetz zur Durchführung der im Rahmen der Gemeinsamen Agrarpolitik finanzierten Direktzahlungen*) were sent by the Federal Ministry of Food and Agriculture to the associations on 5 of March 2021 after the end of the regular workday. In addition to the weekend days (6 and 7 of March), 8 of March is a holiday in Germany's capital. The deadline 12 AM on 11 March 2021 thus left associations with merely 2.5 working days to submit their statements on the three draft laws that encompassed a total of 106 pages. This is especially problematic as the draft laws were introduced prior to the conclusion of the Trilog negotiations at EU level. Due to the ongoing negotiations, important elements of the draft legislation had not yet been clarified.

b) Renewable Energies in Urban Planning: 31 hours for 10 pages

The draft law for the Immediate Improvement of the Framework Conditions for Renewable Energies in Urban Planning (*Entwurf eines Gesetzes zur sofortigen Verbesserung der Rahmenbedingungen für die erneuerbaren Energien im Städtebaurecht*) was sent by the Federal Ministry for the Housing, Urban Development and Building to associations at 10:00 AM on 28 of September 2022 setting the deadline for feedback to 29 September 17:00, thus leaving less than two full working days for the provision of feedback for the 10-page draft legislation.

c) Nature Conservation Act: 2 days for major changes in protected species conservation

The 36 pages draft of a Fourth Law Amending the Federal Nature Conservation Act (*Entwurf eines Vierten Gesetzes zur Änderung des Bundesnaturschutzgesetzes*) was sent by the Federal

Ministry of the Environment to the associations on 10 June 2022, setting the deadline for submissions to 13 June 2022. Due to the weekend between the two dates this left a maximum of 2 working days. As the exact time of the beginning and end of the deadline is not known, it is likely that actual period was even shorter. The draft included important changes to the nature conservation law, reducing the level of protection for protected species in order to advance the construction of renewable energy plants.

d) Decarbonization of Thermal Systems: 4 days for 90 pages

The draft law for Thermal Planning and for the Decarbonization of Thermal Systems (*Entwurf eines Gesetzes für die Wärmeplanung und zur Dekarbonisierung der Wärmenetze*) was sent to the associations on 21 July 2023 with a deadline for feedback by associations set for 26 July 2023, accounting for a maximum of 4 working days to review a 90-page draft law, introducing major changes to the German system of heat and energy supply. Despite this short deadline, 57 associations, including around 14 associations primarily active in the fields of environmental protection and sustainability, provided statements on the draft, illustrating its high relevance to environmental concerns.⁸ Many associations directly criticized the short deadline and blamed it for their inability to review the draft legislation in depth.

e) Coal Regions Structural Strengthening Act: 2 days, 54 pages

The draft law for the Coal Regions Structural Strengthening Act (*Strukturstärkungsgesetz Kohleregionen*) with a length of 54 pages was sent to the associations with a 2-day deadline from 21 to 22 August 2019. The law addresses measures to manage the major structural and economic changes in the regions depending on carbon extraction after the phasing out of coal power plants, with investments of 500 million € per year.

f) Coal Phase-Out Law: 2 days, 195 pages

The same deadline of 2 working days was set for associations to comment on the 195-page draft of the long-awaited Coal Phase-Out Law (*Kohleausstiegsgesetz*), which addressed crucial

⁸ Publication of the draft and the statements provided:
<https://www.bmwsb.bund.de/SharedDocs/gesetzgebungsverfahren/Webs/BMWSB/DE/kommunale-waermeplanung.html>.

questions of Germany's climate policy and compliance with international and national mitigation obligations. The participation phase was initiated on 22 January 2020 with the deadline set for the next day.

g) Amendment of the Wind Energy at Sea Law: 3 days für 58 pages

In May 2020, the public concerned was given 3 working days to comment on the draft law to amend the Wind Energy at Sea Law (*Windenergie auf See Gesetz*) with a length of 58 pages. The draft law aimed at facilitating a faster construction of wind power plants at sea, with potentially far reaching implications for maritime ecosystems.

h) LNG Acceleration Act: 2 days, 18 pages

The highly controversial LNG Acceleration Act (*LNG Beschleunigungsgesetz*) was amended in May 2023 to include new LNG infrastructure in the planning law. Environmental associations and the affected municipalities strongly criticised the plans, as they feared lock-in effects of fossil infrastructure and harm to the sensitive ecosystems of the Baltic Sea. In addition, the inclusion of certain projects in the law substantially limited the participation rights and access to judicial remedy of the decision. The duration to submit statements on the 18 pages draft law was set at 2 days from 15 to 16 May 2023, rendering effective participation practically impossible.

i) Amendment to the Clean Vehicles Procurement Act: 2 days, 16 pages

For the draft law amending the Clean Vehicles Procurement Act, the Ministry of Digitalization and Transport gave the public less than 2 working days to comment: The 16-pages bill was sent to interested parties on Friday, 26 May 2023 at 3 PM with a deadline for Tuesday, 30 May 2024 at 11 AM.

4. Conclusion

The findings presented in this *amicus curiae* brief illustrate that, contrary to the government's claim in para. 7 of their statement on preliminary admissibility, the amendment of the Climate Protection Act was far from a one-time exception but reflects a general policy that is not compatible with the obligations under Article 8 of the Convention to ensure effective participation. Even extremely short deadlines commonly occur on a regular basis, independent

of the scope or urgency of the proposed legislation. This concerns legislative initiatives in all areas and from all ministries, but holds true especially with regard to environmental legislation.

We submit that the data collected and presented by GLI reveal a systemic compliance deficit with the obligation under Article 8 of the Aarhus Convention.

Regarding the legal analysis on the violation of Article 8 of the Aarhus convention, we refer to the original complaint ACCC/C/2023/203.

VIII. Confidentiality

We confirm that none of the presented information is to be kept confidential.

IX. Supporting documentation (copies, not originals)

Annex 1	Statement of GLI on the draft law amending the Climate Protection Act, submitted on 19.06.2023
Annex 2a, b	FOI request to the Federal Ministry of Food and Agriculture (BMEL) and response received.
Annex 3a, b	FOI request to the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection (BMUV) and response received.
Annex 4a, b	FOI request to the Federal Ministry of Education and Research (BMBF) and response received.
Annex 5a, b	FOI request to the Federal Ministry for Housing, Urban Development and Building (BMWSB) and response received.
Annex 6a, b	FOI request to the Federal Ministry for Economic Affairs and Climate Action (BMWK) and response received.
Annex 7a, b	FOI request to the Federal Ministry for Digitalization and Transport (BMDV) and response received.
Annex 8a, b	FOI request to the Federal Ministry of Defence (BMVg) and response received.
Annex 9a, b	FOI request to the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) and response received.
Annex 10a, b	FOI request to the Chancellor's Office (BK) and response received.
Annex 11a, b	FOI request to the Federal Ministry of the Interior (BMI) and response received.
Annex 12a, b	FOI request to the Federal Foreign Office (AA) and response received.
Annex 13a, b	FOI request to the Federal Ministry of Labour and Social Affairs (BMAS) and response received.
Annex 14a, b	FOI request to the Federal Ministry of Justice (BMJ) and response received.
Annex 15a, b	FOI request to the Federal Ministry of Health (BMG) and response received.
Annex 16	FOI request to the Federal Ministry of Finance
Annex 17	Compilation of the answers provided by the ministries (Excel sheet)
Annex 18	Responses by the Ministry of Interior and Chancellor's office on internal guidelines
Annex 19	Response by the Ministry of Digitalization and Transport to a freedom of information request on the practice regarding Section 47.
Annex 20	Open Letter of the Society for Informatic and other NGOs on short deadlines for public participation

Berlin, Germany



Signature