

For our Environment

8th meeting of the Task Force on Access to Justice under the Aarhus
Convention

“The NGO lawsuit in the legal debate“ - A Study on Access to Justice

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1. The Recognition Authority at the Federal Environment Agency

- Federal Environment Agency competent for recognition of eNGOs on the federal level
- Legal basis: Environmental Appeals Act (Umwelt-Rechtsbehelfsgesetz, UmwRG)
- German law provides for special litigation rights for eNGOs in the field of env.protection and nature conservation
- eNGOs require a prior recognition
- 93 recognitions issued up-to-date
- Another task of the Federal Environment Agency: Widen the knowledge base of Access to Justice issues in particular for eNGOs

UmwRG
Anerkennungsstelle
Umwelt-Rechtsbehelfsgesetz

A list of recognized NGOs is published on the website of the Federal Environment Agency:

<http://www.umweltbundesamt.de/>

2. The Study

2.1 DESIGN AND GENERAL LEGAL ISSUES

- Focus on NGO lawsuits but lawsuits of individuals also relevant
- Exact content of art. 9 par. 2 and par. 3 AC
 - In particular coverage also of foreign scientific literature concerning the AC and its implementation in other EU member states
- Limitations of the scope of judicial review
- Comparative study
 - covers France, Italy, Sweden, Great Britain and Poland – represent variety of models of environmental litigation different from the German protective norm theory
 - participation of legal experts from the selected states



2. The Study

2.2 OBJECTIVES OF THE OVERALL PROJECT AND...

- Learn from foreign experience
- Scientific support for the implementation of Art. 9.2 - 9.4 AC
- Communication of the Aarhus Convention, its objectives, its relevance and the need for implementation in Germany



Der Rechtsschutz im Umweltrecht in der Praxis

Tagung am 9. und 10. Juli 2015
in der Aula des GLS Campus, Berlin

Tagung im Rahmen des Projekts:
„Die Umweltverbandsklage in der rechtspolitischen
Debatte“

...GENERAL INFORMATION

- Started in November 2014
- To be finalized at the end of 2016
- No outcomes yet
- Conference will be held on 9th and 10th July 2015 in Berlin



2. The Study

2.3 KEY ISSUES OF THE COMPARATIVE STUDY

- Relevant alterations/amendments concerning the standing requirements of 9.3 AC since the finalization of the Darpö-Study in 2013
- How does the formal structure of an eNGO determine its access to justice?
- Requirements and limitations of the scope of judicial review in comparison to German law, e.g. restrictions on the scope of review comparable to the “material” preclusion in German law
- Special regard to the relation between standing requirements and scope of review



Thank you for your Attention

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www.umweltbundesamt.de/en/topics/sustainability-strategies-international/environmental-law