

Ms. Fiona Marshall

Secretary to the Compliance Committee
of the Aarhus Convention

United Nations Economic Commission for Europe
Environment Division
Palais des Nations
8-14 avenue de la Paix
1211 Geneva 10,
Switzerland

Re: Communicant's comments to the Party concerned comments to the revised draft findings and recommendations with regard to communication ACCC/C/2013/92 concerning compliance by Germany

Dear Ms Marshall,

Thank you for forwarding the Party concerned comments to the revised draft findings and recommendations with regard to communication ACCC/C/2013/92 concerning compliance by Germany. Again the communicant's comments are based on Jan Haverkamp as expert and advisor.

1. Concerning page 2, point 3. Germany states: "*Germany is, in the present case, not an affected party in the sense of Article 1 (iii) of the Espoo Convention*". Considering the fact that the construction of a nuclear power station is an ultra-hazardous activity falling under the Annex of the Espoo Convention and considering the fact that the UK at the 7th MoP of the Espoo Convention has accepted the findings of the Espoo Convention Implementation Committee, there is no doubt that Germany falls under the definition in art. 1(iii) of the Espoo Convention – and it is on the basis of this situation that the communicant understands that her right of interested party was linked to the possibilities of public participation offered under proper implementation of the Espoo Convention.

2. The communicant understands from the lengthy exposé from Germany that Germany argues that the Aarhus Convention is not valid for cases in which the Espoo Convention leaves a choice to the state Parties involved. The communicant wants to point out that the Aarhus Convention protects the rights of the public to access to information, public participation and access to justice. The role of the Aarhus Convention also has to be seen from that perspective, and should be considered to be complementary to other international obligations of the Parties like those under the Espoo Convention. Under that perspective, the communicant referred to the obligations under art. 3(2) of the Aarhus Convention. The communicant for that reason does not agree with the Party and is of the opinion that the Aarhus Convention gives guidance to how obligations under in this case the Espoo Convention have to be fulfilled. She agrees with the position on this issue as set out by the ACCC in its draft findings.

3. Contrary to what Germany claims, the Aarhus Convention does not only regulate public participation in decision-making of the territorial state, but a) of environmental decision making in general and b) without discrimination as to citizenship, nationality or domicile.

Kind regards,



Ms. Brigitte Artmann,
Marktredwitz, Germany
12.06.2017