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Subject: Decision V/9: Comments on the second progress report from Germany

Dear Sirs,

Thank you very much for inviting us to comment on the German progress report as regards Decision V/9. We noted that Germany more or less sent a waiting reply, invoking the outstanding judgment of the European Court of Justice in case C-137/14. That judgment was in the meantime delivered - 15 October 2015 - but was not taken into consideration by Germany.

ClientEarth therefore will wait until the new German draft legislation is submitted to the Committee, before making substantive comments.

However, we draw your attention to the long time delay in this matter: the original communication dated from December 2008. In December 2013, the Compliance Committee concluded on the Communication. These conclusions were approved by the Fifth Meeting of the Parties in June-July 2014. In these circumstances, it is highly desirable that Germany at last undertakes steps in order to bring its legislation in compliance with the requirements of the Aarhus Convention. The Compliance Committee might wish to set a deadline, by which Germany shall submit its amended legislation, be it in draft form.

Yours sincerely



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