

Fifth progress report by the Federal Government on the implementation of Decision V/9h concerning compliance by Germany with its obligations under the UN ECE Aarhus Convention

I. Introduction

Decision V/9h was adopted at the fifth session of the Meeting of the Parties to the UN ECE Aarhus Convention, which took place from 30 June to 2 July 2014 in Maastricht. This decision endorsed the findings of the Compliance Committee with regard to communication ACCC/C/2008/31 and recommended that Germany

"take the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that:

- (a) NGOs promoting environmental protection can challenge both the substantive and procedural legality of any decision, act or omission subject to article 6 of the Convention, without having to assert that the challenged decision contravenes a legal provision "serving the environment";
- (b) Criteria for the standing of NGOs promoting environmental protection, including standing with respect to sectoral environmental laws, to challenge acts or omissions by private persons or public authorities which contravene national law relating to the environment under article 9, paragraph 3 of the Convention are revised, in addition to any existing criteria for NGO standing in the Environmental Appeals Act (Umwelt-Rechtsbehelfsgesetz), the Federal Nature Conservation Act (Bundesnaturschutzgesetz) and the Environmental Damage Act (Umwelt-schadensgesetz)."

In addition, Germany was invited to periodically submit reports on the progress of the implementation of these recommendations to the Compliance Committee (the first by 31 December 2014, with subsequent reports on 31 October 2015, and 31 October 2016), so that the Meeting of the Parties can review the situation at its sixth session in 2017.

The Federal Republic of Germany hereby submits the fifth progress report on the implementation of Decision V/9h.

II. Communication on the entry into force of the Act Aligning the Environmental Appeals Act and other provisions to Stipulations of European and International Law

1. The German government notified the Compliance Committee by e-mail on 28 April 2017 that the German Bundestag had adopted the Act Aligning the Environmental Appeals Act and other provisions to Stipulations of European and International Law on 27 April 2017.

The German government informed the Committee via an e-mail dated 16 May 2017 that the Bundesrat, too, had given its consent to the act without changes on 12 May 2017.

2. The German government has the honour to announce to the Compliance Committee today that the Act Aligning the Environmental Appeals Act and other provisions to Stipulations of European and International Law was promulgated in the Federal Law Gazette on 1 June 2017 (Federal Law Gazette 2017 I, p. 1298 ff). Attached to this communication please find the relevant excerpt from the Federal Law Gazette.
3. The act thus entered into force on **2 June 2017** in accordance with Article 18 of the act.
4. In the German government's view, Germany has thus remedied the breach of international law laid out in Decision V/9h adopted at the fifth session of the Meeting of the Parties. German law is hence in full compliance with the provisions of the UNECE Aarhus Convention.

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