

**First 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 5th 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 recommends 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, the Federal Nature Conservation Act and the Environmental Damage Act;"

In addition, Germany was invited to periodically submit to the Compliance Committee reports on the progress of the implementation of these recommendations (the first by December 31, 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.

The Federal Republic of Germany hereby submits the first progress report on the implementation of Decision V/9h in accordance with the given deadline.

II. Current situation

1. The Federal Government is currently examining in detail how the recommendations of Decision V/9h can be reflected in German law. In 2015 the Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety will forward proposals on this to the other ministries.

2. The following should also be noted:

The Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety is developing draft legislation aimed at transposing Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (Seveso III Directive, Official Journal L 197 of 24 July 2012). This directive must be transposed into national law by 31 May 2015.

In accordance with Article 23(b) of the Seveso III Directive, member states of the European Union must ensure that, in their respective national legal system, members of the public concerned have access to justice for cases subject to Article 15(1) of the directive. To ensure this, the German government is also looking into amending the law beyond the current scope of the Environmental Appeals Act.

3. As requested, the Federal Republic of Germany will submit a second progress report by 31 October 2015.

—