



Federal Ministry for the
Environment, Nature Conservation,
Building and Nuclear Safety



Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety, D-11055 Berlin, Germany

Ms. Fiona Marshall

Secretary to the Compliance Committee
of the Aarhus Convention

TEL +49 - (0) 3018 - 305 - 2253

FAX +49 - (0) 3018 - 305 - 3393

matthias.sauer@bmub.bund.de

www.bmub.bund.de

United Nations Economic Commission for Europe
Environment Division
Palais des Nations, Av. de la Paix 10
CH-1211 Geneva 10
Switzerland

**Draft decision V/9h concerning compliance by Germany
with its obligations under the Convention**

Berlin, 3.06.2014

Dear Ms. Marshall,

The Federal Republic of Germany has taken note of the draft decision V/9h for the forthcoming Meeting of the Parties to the Convention, as prepared by the Bureau.

Regarding paragraph 2, letter (b) of draft decision V/9h, we are concerned that the wording “**and specifically laid down in sectoral environmental laws**” could narrow our technical possibilities to implement the recommendation into our domestic legislation. The domestic discussion on the implementation of this recommendation will focus on an amendment of the German Environmental Appeals Act only and we do not see a need to amend as well all sectoral environmental laws.

After consultation with the Secretariat we therefore propose the following editorial amendment of the text:

“2. ... (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 ~~**and specifically laid down in sectoral environmental laws**~~, in addition to any existing criteria for NGO standing in the Environmental Appeals Act, the Federal Nature Conservation Act and the Environmental Damage Act;”.





Page 2

We would be grateful, if this amendment would be accepted in the deliberations of the 18th meeting of the Working Group of the Parties to the Convention.

Yours sincerely,

For the Federal Ministry for the Environment, Nature Conservation,
Building and Nuclear Safety

Matthias Sauer

Head of Division