Ms. Fiona Marshall
Secretary to the Compliance Committee
of the Aarhus Convention

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

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 recommenda-
tion into our domestic legislation. The domestic discussion on the imple-
mentation of this recommendation will focus on an amendment of the Ger-
man 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 pro-
tection, 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, para-
graph 3, of the Convention are revised and specifically laid down in sec-
toral environmental laws, in addition to any existing criteria for NGO
standing in the Environmental Appeals Act, the Federal Nature Conserva-
tion Act and the Environmental Damage Act;".
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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

[Signature]

Matthias Sauer
Head of Division