
Implementation report by Germany for the Aarhus Convention, as of 15 May 2025

I. Process by which the report has been prepared

Provide a brief summary of the process by which this report has been prepared, including information on the type of public authorities that were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account, as well as on the material that was used as a basis for preparing the report.

Answer:

This report was prepared by the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection (BMUV)¹. The draft report was coordinated among the various ministries of the Federal Government and with the Länder. For the purposes of consultation with the public, the German-language version of the draft report was made available to associations and the general public on the BMUV website for just under six weeks, with opinions being invited. During this consultation process, several German environmental associations once again took the view that German law continues to present shortcomings in the opportunities to obtain legal redress (the joint statement submitted can be viewed at <https://www.bmuv.de/DL1416>). These views are not shared by the Federal Government. However, the outcomes of the public consultation were taken into account as much as possible in the revision of the report. Where opinions on the requirements that arise from the Convention differed, the Federal Government's view was taken as the basis.

II. Particular circumstances relevant for understanding the report

Report any particular circumstances that are relevant for understanding the report, e.g., whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

Answer: See the 2021 report.

III. Legislative, regulatory and other measures implementing the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8

List legislative, regulatory and other measures that implement the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8, of the Convention.

Explain how these paragraphs have been implemented. In particular, describe:

¹ The names of the federal ministries correspond to the Federal Chancellor's organisational decree of 8 December 2021 (https://www.gesetze-im-internet.de/bkorglerl_2021/BJNR517600021.html).

- (a) With respect to **paragraph 2**, measures taken to ensure that officials and authorities assist and provide the required guidance;
- (b) With respect to **paragraph 3**, measures taken to promote education and environmental awareness;
- (c) With respect to **paragraph 4**, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection;
- (d) With respect to **paragraph 7**, measures taken to promote the principles of the Convention internationally; including:
 - (i) Measures taken to coordinate within and between ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the Almaty Guidelines, indicating whether the coordination measures are ongoing;
 - (ii) Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information was provided;
 - (iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g., inviting non-governmental organization (NGO) members to participate in the Party's delegation in international environmental negotiations, or involving NGOs in forming the Party's official position for such negotiations), including the stages at which access to information was provided;
 - (iv) Measures taken to promote the principles of the Convention in the procedures of other international forums;
 - (v) Measures taken to promote the principles of the Convention in the work programmes, projects, decisions and other substantive outputs of other international forums;
- (e) With respect to **paragraph 8**, measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed

Answer:

The general provisions in Article 3 of the Convention are implemented in Germany, in accordance with the division of competences, at both federal and Land level.

(a) As regards the implementation of Article 3, paragraphs 1 and 2, please see the 2021 report.

(b) Environmental education and environmental awareness among the public are promoted by diverse means in Germany in accordance with Article 3 (3) of the Convention.

Since 1996, the Federal Government has commissioned various empirical studies into the Germans' environmental awareness and environmental conduct.² In addition, an empirical study focussed specifically on the nature awareness of the German public has been conducted every two years since 2009. The findings of these studies contribute substantially to the design and re-alignment of environmental and nature conservation policies. These representative surveys are designed in a way which makes time-series comparisons possible and allows development trends over the course of the years to be discerned. Apart from the continuous surveying of particular thematic fields such as perceptions of environmental quality, noise or knowledge of ecolabels, issues with topical political relevance are also taken into consideration, such as the public's views of

² *Umweltbewusstsein in Deutschland 2022*: <https://umweltbundesamt.de/publikationen/umweltbewusstsein-in-deutschland-2022>; prior environmental awareness studies since 2000: <http://www.umweltbundesamt.de/publikationen/umweltbewusstsein-in-deutschland-2016>

environmentally related challenges in the energy, agriculture and transport sectors or attitudes to climate policy actions.³

Furthermore, since 2018 the BMUV has also published the representative youth study *”Zukunft? Jugend fragen!”* (You want to know about the future? Ask young people!) which focuses on the opinions of young people aged 14 to 22 on environmental and climate issues and explores their active commitment.⁴

In 2022 the Federal Office for Radiation Protection (*Bundesamt für Strahlenschutz –BfS*) published a second survey designed to be representative of the entire population. The survey, which was entitled *“Was denkt Deutschland über Strahlung?”* (What does Germany think about radiation?), is to be carried out every two years.⁵ Its initial findings confirm the discrepancy in risk perception between experts and the wider public.

Since 2020 the Federal Office for the Safety of Nuclear Waste Management (*Bundesamt für die Sicherheit der nuklearen Entsorgung – BASE*) has conducted a survey designed to be representative of the entire population on nuclear waste and the search for repository sites, entitled *Endlagersuche in Deutschland: Wissen, Einstellungen und Bedarfe – wiederholte repräsentative Erhebung (EWident)* (The search for final repository sites in Germany: knowledge, attitudes and needs – repeated representative survey – EWident). The survey is conducted every two years and provides information on the knowledge, attitudes and information needs of the general public. This provides direction for PR work and public participation.

The BMUV Education Service (*Bildungsservice*)⁶ coordinates and communicates all the BMUV’s activities with regard to environmental education and education for sustainable development in and outside schools, and in vocational contexts. The central element is the *Umwelt im Unterricht* (Teaching the environment) online platform established in 2011.⁷ This is devised mainly for teaching staff, providing background information and didactic material on environmentally relevant topics of current interest. A comprehensive archive of environmental education material for primary and secondary schools is thus available and is growing steadily.

The Federal Government’s Action Plan on Nature-based Solutions for Climate and Biodiversity (*Aktionsprogramm Natürlicher Klimaschutz – ANK*) aims to pave the way for significantly improving the general condition of ecosystems in Germany and stepping up the country’s climate action. The education measures that are part of this Action Plan are designed to bring many aspects of nature-based solutions for climate and biodiversity to a wide audience through activities and projects within the framework of early childhood education, schools, vocational education and training, and lifelong learning.⁸ The topics addressed by the BMUV are of great relevance to the future of young people. It follows that children, adolescents and young adults should be involved actively at an early stage, in a manner that takes account of the impacts of political decisions upon their actual lives and interests. The BMUV uses a range of formats (such as discussions with youth organisations and youth project councils) to invite young people to participate actively.

The topic of nature and environmental education is also being addressed in the vocational education sector and is anchored as an element of the occupational profiles for different careers laid out in the relevant training regulations. For example, initial vocational training courses already deal with the kinds of impacts upon nature and environment that

³ <https://www.bfn.de/naturbewusstsein> and <https://www.bfn.de/en/nature-awareness> (English version)

⁴ *Zukunft? Jugend fragen! – 2023:* <https://www.umweltbundesamt.de/publikationen/zukunft-jugend-fragen-2023>.

⁵ Press release, study and brochure: <https://www.bmuv.de/pressemitteilung/angriffskrieg-auf-die-ukraine-rueckt-strahlenschutz-staerker-ins-bewusstsein-bmuv-und-bfs-stellen-zweite-studie-zur-wahrnehmung-von-strahlung-in-der-bevoelkerung-vor>.

⁶ <https://www.bmuv.de/buergerservice/bildung/ueberblick-bildung>.

⁷ <http://www.umwelt-im-unterricht.de/>

⁸ <https://www.bmuv.de/buergerservice/bildung/bildungsmaterialien/bildungsprojekte-im-aktionsprogramm-natuerlicher-klimaschutz-ank>.

can be caused by the occupations in question, as well as options for the economic and environmentally sound use of energy and materials. In addition, various professions include, in particular, energy savings, renewable energies and biological diversity as topics in their training and professional development provision.

In the field of nature conservation, the role of nature education is anchored explicitly in Section 2 (6) of the Federal Nature Conservation Act (*Bundesnaturschutzgesetz* – BNatSchG). The Federal Agency for Nature Conservation (*Bundesamt für Naturschutz* – BfN) provides an Internet platform (<http://www.naturdetektive.de>) with attractive games, educational provision and options for children to join in. Current news, competitions, audio and text libraries and films on nature conservation, all tailored to the needs of children, are supplemented by didactic material for teachers.

Since 2021 the National Monitoring Centre for Biodiversity (*Nationales Monitoringzentrum zur Biodiversität* – NMZB) has been supporting data and information sharing and cooperation among the actors involved in nationwide biodiversity monitoring. The central, transparent website (<https://www.monitoringzentrum.de/>) serves to keep actors and the general public supplied with regular specialist information and to provide information about ways of getting involved. The NMZB is also currently devising an information and networking portal which, in the long term, is to improve the availability of data and information relevant for biodiversity and offer members of the monitoring community opportunities for networking.

In order to do justice to the increased need among the public for information about electromagnetic fields (EMF), BfS established the Competence Centre for Electromagnetic Fields (*Kompetenzzentrum Elektromagnetische Felder*) in February 2020. This serves as the central point of contact for all questions concerning digitalisation, electromobility, telecommunications, EMF etc.

The 2030 Organic Strategy – National Strategy for 30% Organic Production in the Farming and Food Sector (*Bundesprogramm Ökologischer Landbau und andere Formen nachhaltiger Wirtschaft*), was presented to the public on 16 November 2023. An enabling environment is to be put in place and obstacles eliminated along the entire value chain, from input markets to producers, processors, traders and food and nutrition, with a view to achieving the Federal Government’s goal of having 30 percent of land farmed organically. The strategy’s six action areas and 30 measures were hammered out within the framework of a multistakeholder, participatory process. The Federal Ministry of Food and Agriculture (BMEL) has already taken steps to implement many of the measures set out in the Organic Strategy 2030, including an information campaign to communicate the benefits offered by organic agriculture and food (Measure 15), steps to increase the percentage of organic produce in away-from-home catering (Measures 16 and 18) and action to strengthen value chains (Measures 11 and 14), as well as stepping up organic research (Measures 20 and 21). In the Federal Scheme for Organic Farming (*Bundesprogramm Ökologischer Landbau* – BÖL), the Federal Ministry of Food and Agriculture (BMEL) has also produced comprehensive, target-group-specific information materials on the organic farming food sector. The services offered range from a central online portal⁹, for the organic farming and food sector that provides specific information for businesses, scientists and teachers, to guided and non-guided exhibitions and events for consumers. For children and young people, in particular, a wide range of teaching materials is available for use in lessons at general and specialised schools.¹⁰ In addition to this, information events on the organic farming and food sector are organised. These services are supplemented by an annual competition for schoolchildren¹¹ and the Organic Future Camp 2025. The BMEL provides information

⁹ <http://www.oekolandbau.de>

¹⁰ <https://www.oekolandbau.de/bildung/oeko-landbau-in-allgemeinbildenden-schulen/>

¹¹ <http://www.echtkuh-l.de>

about sustainable forest management on its *Waldkulturerbe*¹² (Forest cultural heritage) online portal for teachers, trainers and educators.

Furthermore, in the context of its “Too good for the bin!” (*Zu gut für die Tonne!*) scheme, the BMEL provides comprehensive material on how to promote appreciation of food and reduce food waste in order to change consumer behaviour. It also stages an annual nationwide “Too good for the bin!” action week with well over 100 activities.¹³

The Federal Ministry for Economic Cooperation and Development (BMZ) also uses several programmes to fund activities that are intended to strengthen environmental competences as part of education for sustainable development. The German Federal President’s Development Policy Competition for schools, All for One World – One World for All (*alle für EINE WELT für alle*)¹⁴ and the Cross-Curricular Framework for Global Development Education in the Context of Education for Sustainable Development (*Orientierungsrahmen für den Lernbereich Globale Entwicklung im Rahmen einer Bildung für Nachhaltige Entwicklung*), a curriculum development project undertaken by the Standing Conference of the Ministers of Education and Cultural Affairs of the Länder and the BMZ, are being conducted in close cooperation with the Länder. Other federal ministries also run regular competitions for schoolchildren and students, many of which touch on the environmental sector (e.g. the Young Researchers competition (*Jugend forscht*) and the Federal Environment Competition (*BundesUmweltWettbewerb*)).¹⁵

Furthermore, environmental education plays a major role in voluntary services. The purpose of the Federal Voluntary Service (*Bundesfreiwilligendienst* – BFD) is to allow volunteers, working in the most diverse deployments, to acquire social, ecological, cultural and intercultural competences. The establishment of the BFD has been accompanied by the expansion of Germany’s youth volunteering services, the Voluntary Social Year (*Freiwilliges Soziales Jahr* – FSJ) and the Voluntary Ecological Year (*Freiwilliges Ökologisches Jahr* – FÖJ). Overall, the establishment and expansion of these voluntary services have led to enormously high participation, with more than 60,000 young people taking part each year in the FSJ and FÖJ, and more than 40,000 in the BFD on average each year. The BMUV supports environmental associations in establishing the structures needed for volunteering in the environmental protection and nature conservation sectors under the auspices of the BFD and in gearing the obligatory educational elements of the whole BFD towards the criteria of education for sustainable development. The Voluntary Ecological Year is also supported financially by funding from the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ). The accompanying educational provision, which includes environmental education seminars, is supported with federal funding in accordance with the funding rules for youth voluntary services (*Förderrichtlinien Jugendfreiwilligendienste*) of 11 April 2012 (GMBL 2012, No. 11, p. 174).

The Länder, too, engage in a diverse array of environmental education activities. In the Land of Berlin, for example, there is a network of environmental education facilities offering a wide range of services.¹⁶ In Lower Saxony and Schleswig-Holstein an app, the UmweltNAVI-App, supports environmental education and providing citizens with environment-relevant information.

Public awareness-raising work in relation to environmental issues is done not only by the Federal Government and the Länder, but also by non-governmental organisations. These are mainly conservation and environmental associations at national, regional and local level. They combine their activities on the Aarhus Convention through events such as association workshops and by establishing an online platform on participation in environmental matters (*Beteiligung in Umweltfragen*); information is presented on a

¹² <https://www.waldkulturerbe.de/>.

¹³ <https://www.zugutfuertonne.de/>

¹⁴ <http://www.eineweltfueralle.de>

¹⁵ <http://www.bundeswettbewerb.de/wettbewerbe/>

¹⁶ <https://www.berlin.de/sen/uvk/natur-und-gruen/biologische-vielfalt/umweltbildung/umweltbildungseinrichtungen>.

dedicated website.¹⁷ Other players, e.g. business groups such as chambers of commerce and industry, chambers of crafts and trades (HWKs), the German Chamber of Commerce and Industry (DIHK) and the German Confederation of Skilled Crafts (ZDH) also regularly offer information on environmental issues or conduct projects in this field.

- (c) In accordance with Article 3 (4) of the Convention, the Federal Government provides for appropriate recognition of and support for associations, organisations or groups that promote environmental protection or nature conservation. Within the Federal Government's support measures, the BMUV, for example, in collaboration with the Federal Environment Agency (UBA) and the Federal Agency for Nature Conservation (BfN), supports environmental and nature conservation associations by providing grants for environmental and nature conservation projects. Such projects should contribute to promoting and further enhancing the social task of the associations to raise public awareness and foster commitment to environment protection and nature conservation. They include, in particular, activities on politically topical issues, children's and youth projects with a wide appeal, projects which promote behaviour compatible with the interests of the environment and nature, environmental advice and training projects, and activities designed to improve (environmental policy) networking and cooperation. Among these projects are regularly such which foster practical implementation of the Convention on the part of the associations by means of information, discussion and networking.

To qualify for funding, projects must have a clear ecological focus, have broad public impact and be innovative. Priority is given to projects which, beyond a purely local or regional impact, are relevant to nature conservation and environmental protection in Germany. Purely local or regional projects only qualify if they have a particular model character. Further information about the funding available for environmental associations and application forms can be accessed on the BMUV, UBA and BfN websites.¹⁸ Support for expert and consumer information relating to climate action, nature conservation and environmental protection or to energy conservation and renewables is accessible via the BMEL R&D programmes Sustainable Renewable Energies and Resources and Climate-Appropriate Forest Management and within the framework of the BMEL/BMUV Special Climate and Transformation Fund.. The umbrella organisation of German environmental and nature associations, the German League for Nature, Animal Protection and Environment (*Deutscher Naturschutzring* – DNR), also receives institutional support from the BMUV/BfN.

The NMZB is intended to provide financial support for associations to help them put in place the organisational and physical structures needed for monitoring, thus providing assistance for the experts who work on a voluntary basis. The relevant measures have been implemented since 2024.¹⁹

Under the BMUV's Advisory Assistance Programme (AAP) for environmental protection in the states of Central and Eastern Europe, the Caucasus, Central Asia and other EU neighbourhood states, partner countries also receive support to help them realise the Convention. In particular the Western Balkan states (Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia), Croatia and the Republic of Moldova have received a total of more than 1.5 million euros since 2007 in the form of grants awarded to project-implementing organisations. Projects thus supported include measures to step up public participation, improve access to justice and to information on environmental issues, as well as steps to develop pollutant release and transfer registers (PRTRs). The AAP service desk at UBA is the contact for recipients of advisory services and implementing organisations, and coordinates the vital consultation among all stakeholders. It acts on behalf of the BMUV. The responsible higher federal authority

¹⁷ <http://www.aarhus-konvention.de>

¹⁸ <https://www.umweltbundesamt.de/das-uba/was-wir-tun/foerdern-beraten/verbaendefoerderung>;
<https://www.bfn.de/thema/verbaendefoerderung>; <https://www.bmu.de/programm/verbaendefoerderung>.

¹⁹ <https://www.monitoringzentrum.de/foerderung-und-kofinanzierung> .

provides the technical back-up and support for AAP projects (contracts and grants) in each case.²⁰

(d) As regards the implementation of Article 3 (7) of the Convention, all relevant bodies of the Federal Government have been informed, in the context of the internal consultation process, about the Convention's principles and the Almaty Guidelines. The ministries have received a German version of the Almaty Guidelines and this has been made accessible to the public. Even in 2016, Germany's first National Sustainable Development Strategy contained a commitment by the Federal Government to foster access to information, public participation and access to justice in environmental matters in international negotiation processes of environmental relevance and thus shape such processes in accordance with the Almaty Guidelines²¹. Additionally, an internal dialogue was initiated to collect and exchange experiences of the application of the Guidelines in international forums. Some felt the Guidelines were difficult to apply in practice, given the specific, autonomous decision-making structures in the different forums. Still, the general view was a positive one, namely that the Convention's principles on access to environmental information and public participation in environmental matters were being implemented in the international context by all the parties involved, even if there was not always a direct reference to the Guidelines. In the case of water-related conventions, for example (in particular, river basin and regional marine protection agreements HELCOM/OSPAR), the Guidelines' content is implemented *de facto* through the requirements of the European Water Framework Directive (WFD), the European Flood Risk Management Directive (Floods Directive) and the European Marine Strategy Framework Directive (MSD) (see Article 14 WFD, Sections 83 (4) and 85 of the Water Resources Act (*Wasserhaushaltsgesetz* – WHG), Articles 9 and 10 of the European Floods Directive, Section 79 WHG, Article 19 MSD, Section 45i WHG). The three-yearly reports submitted by the parties to the UN Water Convention (Convention on the Protection and Use of Transboundary Watercourses and International Lakes), which include Germany, also look at public participation.²² The 2021 Practical Guide for the Development of Agreements or Other Arrangements for Transboundary Water Cooperation, which Germany helped elaborate, specifically points to the provisions of the Convention in terms of public participation.²³ When it comes to negotiating a global agreement to end plastic waste, including marine litter, participation takes the form of regular workshops in advance of the negotiating rounds, participation of delegation members in special events and the involvement of young people and members of the scientific and research community in the delegation.

(e) The free exercise of the rights pursuant to Article 3 (8) of the Convention (including the prohibition of discrimination laid down in Article 3 (9) of the Convention) is guaranteed constitutionally by the principle of the rule of law enshrined in Article 20 (3) of Germany's constitution, the Basic Law (*Grundgesetz* – GG), and by the fundamental rights enshrined in the Basic Law, especially the prohibition of discrimination in Article 3. Article 19 (4) of the Basic Law provides for effective recourse to the courts should any person's rights be violated by a public authority.

In June 2022 the Meeting of the Parties, by consensus, elected Michel Forst as the first UN Special Rapporteur on Environmental Defenders under the Aarhus Convention. The Special Rapporteur is responsible for taking action to ensure that persons exercising their rights under the Convention are not penalised, persecuted or harassed for doing so, or that they are indirectly threatened by such responses. In this context, Germany also seconds a junior professional officer to support the Special Rapporteur. This officer is directly supervised by the Secretary to the AK Convention Compliance Committee.

Transposition of the Whistleblower Directive into German law has also made a major

²⁰ <https://www.umweltbundesamt.de/themen/nachhaltigkeit-strategien-internationales/kooperation-in-mittel-osteuroopa-dem-kaukasmus/beratungshilfeprogramm-des-bmub>.

²¹ <https://www.bundesregierung.de/resource/blob/975292/730844/3d30c6c2875a9a08d364620ab7916af6/deutsche-nachhaltigkeitsstrategie-neuaufgabe-2016-download-bpa-data.pdf?download=1>.

²² <https://unece.org/environmental-policy/reporting-under-water-convention>.

²³ <https://unece.org/info/publications/pub/361821>.

contribution. The German transposing act, the Act for the Better Protection of Whistleblowers and to Transpose the EU Directive on the Protection of Persons who Report Breaches of Union Law, came into effect on 2 July 2023. The central component of this Act is the Whistleblower Protection Act (*Hinweisgeberschutzgesetz* – HinSchG), which anchors an extensive and cross-sectoral protection for whistleblowers for the first time in German law. The internal and external reporting offices represent the institutional heart of the whistleblower protection system. Public-sector employers and private-sector employers, generally with a workforce of over 50 employees, are required, under the terms of HinSchG, to establish internal reporting offices that can be contacted by individuals who have become aware of breaches in connection with their professional activities. Three external reporting offices with extensive authority are also in place. Strict confidentiality must be ensured to protect whistleblowers (see sections 8 and 9 HinSchG). The material scope of application of HinSchG is determined by the legal areas set out in the EU Whistleblower Directive, which have been supplemented where necessary to avoid any divergent interpretations. In accordance with section 2 (1) no. 3 (h) HinSchG, the scope covers, in particular, reports of breaches of any federal law, Land law or directly applicable legal act of the European Union or the European Atomic Community containing requirements for environmental protection. In line with the provisions of the Whistleblower Directive, HinSchG provides for various measures to protect individuals providing information. Individuals who have reported information in line with the provisions of HinSchG are, in particular, granted extensive protection from reprisals, provided that they have complied with the provisions of section 33 HinSchG.

In spring 2024 the European Parliament and the Council of the European Union passed what is termed the Anti-SLAPP Directive (Directive [EU] 2024/1069)²⁴. This aims to provide more effective protection for persons who engage in public participation from manifestly unfounded claims or abusive court proceedings. Like the other EU Member States, Germany is required to transpose the content of the directive into national law no later than 17 May 2026 to put in place specific protective mechanisms to prevent such actions.

IV. Obstacles encountered in the implementation of article 3

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 3 listed above.

Answer:

No information was provided under this heading.

V. Further information on the practical application of the general provisions of article 3

Provide further information on the **practical application of the general provisions of article 3**.

Answer:

No information was provided under this heading.

²⁴ https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=OJ:L_202401069&qid=1713939987983

VI. Website addresses relevant to the implementation of article 3

Give relevant website addresses, if available:

Information provided by federal authorities:

General: www.gesetze-im-internet.de

Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection (BMUV): <http://www.bmuv.de/>

BMUV: Aarhus Convention:

<https://www.bmuv.de/themen/umweltinformation/aarhus-konvention>

BMUV: Environmental information:

<https://www.bmuv.de/themen/umweltinformation/ueberblick-umweltinformation>

BMUV: Environmental assessment (environmental impact assessment (EIA) + strategic environmental assessment (SEA)):

<https://www.bmuv.de/buergerservice/beteiligung/umweltpruefungen-uvp-und-sup>

BMUV: EIA/SEA procedures in relation to nuclear facilities abroad:

<https://www.bmuv.de/themen/nukleare-sicherheit/internationales/beteiligungsverfahren-und-uvp-sup>

BMUV: Environmental education:

<https://www.bmuv.de/buergerservice/bildung/ueberblick-bildung>

BMUV: Chemical safety:

<https://www.bmuv.de/themen/chemikaliensicherheit/ueberblick-chemikaliensicherheit>

BMUV: Nanomaterials and novel materials:

<https://www.bmuv.de/themen/chemikaliensicherheit/nanotechnologie/neuartige-materialien>

BMUV: NanoDialogue of the Federal Government:

<https://www.bmuv.de/forschungsbericht/fortfuehrung-des-nanodialogs-der-bundesregierung-2019-2023>

UFORDAT environmental research database:

<https://ufordat.uba.de>

BMUV: Products and consumption:

<https://www.bmuv.de/themen/nachhaltigkeit/konsum-und-produkte/ueberblick-konsum-und-produkte>

German Environment Agency (UBA):

<http://www.umweltbundesamt.de/>

UBA National Centre for Environmental and Nature Conservation Information;

umwelt.info portal: <https://umwelt.info/de>

UBA metadata: <https://metadaten.uba.de>

UBA Data Cube: <https://datacube.uba.de>

UBA publication *Beteiligungsrechte im Umweltschutz: Was bringt Ihnen die Aarhus-Konvention?* (Participation rights in environmental protection: What does the Aarhus Convention do for you?):

https://www.umweltbundesamt.de/sites/default/files/medien/421/publikationen/2018_05_18_uba_fb_aarhuskonvention_bf.pdf

UBA: Environmental awareness and sustainable consumption

<https://www.umweltbundesamt.de/presse/pressemitteilungen/umweltbewusstseinsstudie-2018>

<http://www.umweltbundesamt.de/themen/wirtschaft-konsum#strap1>

<http://www.umweltbundesamt.de/themen/wirtschaft-konsum/umweltfreundliche-beschaffung>

www.blauer-engel.de

Scan4Chem at <https://www.umweltbundesamt.de/themen/scan4chem-app-gibt-informationen-zu-schadstoffen-in>

UBA: Information on environmental protection designed for children:

www.umweltbundesamt.de/mein-uba/kinder-jugendliche

UBA: Chemical safety – a broad range of provision on overarching issues and topics of current interest, such as:

<https://www.umweltbundesamt.de/tags/chemikaliensicherheit>

<https://www.umweltbundesamt.de/themen/chemikalien/chemikalien-management/nachhaltige-chemie>

<https://www.umweltbundesamt.de/biozid-portal>

<https://www.umweltbundesamt.de/themen/chemikalien/wassergefaehrdende-stoffe>

<https://www.umweltbundesamt.de/themen/chemikalien/reach-chemikalien-reach>

<https://www.umweltbundesamt.de/pfc-portal-start>

<https://www.umweltbundesamt.de/themen/chemikalien/arzneimittel>

Zahlreiche Angebote zu übergreifenden Themen und aktuellen Einzelthemen, u.a.:

<https://www.umweltbundesamt.de/themen/boden-landwirtschaft/umweltbelastungen-der-landwirtschaft/pflanzenschutzmittel-in-der-landwirtschaft>

<https://www.umweltbundesamt.de/en/topics/english-language-guide-to-the-german-environmental>

Report on drinking water quality:

<https://www.umweltbundesamt.de/publikationen/bericht-des-bundesministeriums-fuer-gesundheit-des-5>

Federal Institute for Occupational Safety and Health (BAuA) on chemicals and biocides:

REACH-CLP-Biozid-Helpdesk: https://www.reach-clp-biozid-helpdesk.de/DE/Home/Home_node.html

Federal Agency for Nature Conservation (BfN):

<http://www.bfn.de>

BfN: Society, communication, education, awareness-raising:

<https://www.bfn.de/thema/gesellschaft>

BfN: Nature awareness:

<https://www.bfn.de/naturbewusstsein>

<https://www.bfn.de/en/nature-awareness> (English version)

BfN: Conservation and biodiversity for children:

www.naturdetektive.bfn.de

BfN: Conservation and health:

www.natgesis.de

BfN: Protected status of international and national protected species: www.wisia.de

BfN: Data and information on Germany's wild plants: www.floraweb.de

NMZB: Overview of information on biodiversity monitoring (hosted by BfN):

<https://www.monitoringzentrum.de/>

Federal Office for Radiation Protection (BfS):

<http://www.bfs.de>

BfS: Radiation awareness:

<https://www.bfs.de/strahlenbewusstseinsstudie>

BfS: Digital online repository of all scientific papers:

<http://doris.bfs.de/jspui/>

Federal Office for the Safety of Nuclear Waste Management (BASE; BfE up to 31 December 2019):

<https://www.endlagersuche-infoplattform.de>

BASE: Repository projects abroad: https://www.base.bund.de/de/endlager/endlager-ausland/endlager-ausland_inhalt.html

German Advisory Council on the Environment:

https://www.umweltrat.de/DE/SRU/sru_node.html

Environmental education materials on the German Education Server (Eduserver), a joint service provided by the Federal Government and the Länder:

www.bildungsserver.de/Umweltbildung-Umwelterziehung-706.html

Federal Ministry of Food and Agriculture (BMEL): Information and educational materials on organic farming and biological diversity:

<http://www.oekolandbau.de>

<http://www.oekolandbau.de/lehrer/>

<http://www.echtkuh-l.de>

<https://www.bundesprogramm.de/>

<https://www.Bio-na-logo.de>

BMEL: Information on sustainable forest management:

https://www.bmel.de/DE/themen/wald/wald-in-deutschland/wald-in-deutschland_node.html; www.waldkulturerbe.de

BMEL, <https://www.bmel.de/DE/themen/wald/wald-in-deutschland/waldbericht2021.html>

BLE GENRES Information System Genetic Resources:

<http://www.genres.de>

Federal Office of Consumer Protection and Food Safety (BVL): Information

- on plant protection product residues in food:

https://www.vl.bund.de/DE/Arbeitsbereiche/04_Pflanzenschutzmittel/02_Verbraucher/02_PSM_Rueckstaende_LM/psm_PSMRueckstaendeLM_node.html

- on protecting human health and ecosystems when licensing plant protection products:

https://www.bvl.bund.de/DE/Arbeitsbereiche/04_Pflanzenschutzmittel/01_Aufgaben/09_GesundheitNaturhaushalt/psm_GesundheitNaturhaushalt_node.html

- on genetic engineering:

https://www.bvl.bund.de/DE/Arbeitsbereiche/06_Gentechnik/gentechnik_node.html

Federal Ministry for Economic Affairs and Climate Action (BMWK):

https://www.bmwk.de/Navigation/DE/Themen/themen.html?cl2Categories_LeadKeyword=energiewende

Federal Network Agency (BNetzA):

http://www.bundesnetzagentur.de/cln_1912/DE/Home/home_node.html

BNetzA: Power grid expansion:

<https://www.netzausbau.de/home/de.html>

Funding for environmental associations:

<https://www.bmuv.de/programm/verbaendefoerderung> ;

[http://www.umweltbundesamt.de/das-uba/was-wir-tun/foerdern-](http://www.umweltbundesamt.de/das-uba/was-wir-tun/foerdern-beraten/verbaendefoerderung)

[beraten/verbaendefoerderung; https://www.bfn.de/foerderung/verbaendefoerderung.html](https://www.bfn.de/foerderung/verbaendefoerderung.html)

BMZ: Funding for development policy activities:

<http://www.engagement-global.de>

Federal Government and Länder information portal on nuclear safety:

<https://www.nuklearesicherheit.de/>

Information provided by the Länder:

Baden-Württemberg

General:

www.landesrecht-bw.de

Baden-Württemberg Ministry of the Environment, Climate Protection and the Energy Sector:

<https://um.baden-wuerttemberg.de>

Land Environment Institute:

<https://www.lubw.baden-wuerttemberg.de/lubw>

Baden-Württemberg Environmental Portal:

www.umwelt-bw.de/

General information, including on environmental affairs:

www.service-bw.de

Black Forest National Park:

www.nationalpark-schwarzwald.de

Bavaria

Bavarian State Ministry of the Environment and Consumer Protection (StMUV):

www.stmuv.bayern.de/

Bavarian Environmental Protection Agency:

www.lfu.bayern.de/index.htm

Berlin

Senate Department for Mobility, Transport, Climate Action and the Environment:

<https://www.berlin.de/sen/uvk>

Portal of Berlin's environmental and nature conservation authorities:

<https://www.berlin.de/umwelt/>

Brandenburg

Ministerium für Land-und Ernährungswirtschaft, Umwelt und

Verbraucherschutz <https://mleuv.brandenburg.de>

Brandenburg Environment Agency:

<https://lfu.brandenburg.de>

Bremen

Die Senatorin für Umwelt, Klima und Wissenschaft : <http://www.umwelt.bremen.de/>

Hamburg

Department of Environment, Climate, Energy and Agriculture:

www.hamburg.de/bukea/

Hesse

Hessian Ministry of the Environment, Climate Protection, Agriculture and Consumer Protection:

<https://umwelt.hessen.de/>

Hessian Agency for Nature Conservation, Environment and Geology:

<https://www.hlnug.de/>

Lower Saxony

Lower Saxon Ministry for the Environment, Energy, Building and Climate Action:

<https://www.umwelt.niedersachsen.de/startseite/>

Lower Saxon Water Management, Coastal Defence and Nature Conservation Agency:

<https://www.nlwkn.niedersachsen.de/>

Niedersächsisches Umweltinformationsportal NUMIS: <https://numis.niedersachsen.de>

Mecklenburg-Western Pomerania

Mecklenburg-Western Pomerania Ministry for Agriculture and Environment:

www.regierung-mv.de/Landesregierung/lm/

Agency for Environment, Nature Conservation and Geology:

<https://www.lung.mv-regierung.de/insite/cms/umwelt.htm>

North Rhine-Westphalia

Ministry for Environment, Agriculture, Nature and Consumer Protection of the Land North Rhine-Westphalia:

<http://www.umwelt.nrw.de/>

Land Office for Nature, Environment and Consumer Protection of North Rhine-Westphalia:

<http://www.lanuv.nrw.de/>

Rhineland-Palatinate

Rhineland-Palatinate Ministry of Climate Action, Environment, Energy and Mobility:

www.mkuem.rlp.de

Rhineland-Palatinate Land Office for the Environment (LfU):

www.lfu.rlp.de

Saarland

Saarland Ministry for the Environment and Consumer Protection:

http://www.saarland.de/ministerium_umwelt_verbraucherschutz.htm

Saarland Land Office for the Environment and Workplace Safety:

http://www.saarland.de/landesamt_umwelt_arbeitsschutz.htm

Saxony

Saxon State Ministry of Environment and Agriculture:

www.smul.sachsen.de/smul/index.html

Saxon State Office for Environment, Agriculture and Geology:

<http://www.smul.sachsen.de/lfulg/index.html>

Saxony-Anhalt

Saxony-Anhalt Ministry of Science, Energy, Climate Action and the Environment:

<https://mwu.sachsen-anhalt.de>

Saxony-Anhalt Land Office for Environmental Protection:

www.lau.sachsen-anhalt.de/startseite/

Schleswig-Holstein

Schleswig-Holstein Ministry for Energy Transition, Climate Action, the Environment and Nature: www.schleswig-holstein.de/DE/Landesregierung.html

Schleswig-Holstein Agency for the Environment: <https://www.schleswig-holstein.de/DE/landesregierung/ministerien-behoerden/LFU>

Thuringia

Thuringian Ministry for Environment, Energy and Nature Conservation:

<https://umwelt.thueringen.de/>

Thuringian State Authority for Environment, Mining and Nature Conservation:

<https://tlubn.thueringen.de/>

Information portal for the network of actors involved in education for sustainable development and in certification under the Thuringia Quality Seal for Education for Sustainable Development: <https://nhz-th.de/bne.html>

Other information:

2018 survey of public environmental awareness in Germany, conducted on behalf of UBA:

<http://www.umweltbundesamt.de/publikationen/umweltbewusstsein-in-deutschland-2014>

German association for environmental education (Deutsche Gesellschaft für Umwelterziehung):

<http://www.umwelterziehung.de>

General information on the Aarhus Convention provided by the Independent Institute for Environmental Issues (UfU):

<http://www.aarhus-konvention.de/>

Online platforms on participation in environmental affairs:

<https://www.umwelt-beteiligung-berlin.de/>; <https://www.umwelt-beteiligung-brandenburg.de/>; <https://www.umwelt-beteiligung-niedersachsen.de/>

UfU project: Establishment of a nationwide network for the exercise of participation rights in environmental matters:

<https://www.ufu.de/projekt/verbaendebeteiligung-4-0/>

Information provided by the association of German forest owners (AGDW) on climate change:

www.waldeigentuemer.de/klimawandel

Information provided by the Association of German Chambers of Commerce and Industry:

www.dihk.de/themenfelder/innovation-und-umwelt/umwelt

Information provided by the German Confederation of Skilled Crafts (ZDH):

<https://www.zdh.de/themen-und-positionen/nachhaltigkeit/>

VII. Legislative, regulatory and other measures implementing the provisions on access to environmental information in article 4

List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4.

Explain how each paragraph of article 4 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Any person may have access to information without having to state an interest;
 - (ii) Copies of the actual documentation containing or comprising the requested information are supplied;
 - (iii) The information is supplied in the form requested;
- (b) Measures taken to ensure that the time limits provided for in **paragraph 2** are respected;
- (c) With respect to **paragraphs 3 and 4**, measures taken to:
 - (i) Provide for exemptions from requests;
 - (ii) Ensure that the public interest test at the end of paragraph 4 is applied;
- (d) With respect to **paragraph 5**, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action;
- (e) With respect to **paragraph 6**, measures taken to ensure that the requirement to separate out and make available information is implemented;
- (f) With respect to **paragraph 7**, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;
- (g) With respect to **paragraph 8**, measures taken to ensure that the requirements on charging are met.

Answer:

In Germany, the provisions of the Convention on access to environmental information and those of Directive 2003/4/EC on public access to environmental information have been transposed for the federal level by means of the Environmental Information Act (*Umweltinformationsgesetz – UIG*) of 22 December 2004.

At the Land level, for constitutional reasons the Länder have adopted their own legislation within their jurisdictions:

Baden-Württemberg Environmental Administration Act (UVwG-BW) of 25 November 2014, entered into force on 1 January 2015 (GBl. 2014, p. 592), last amended by Article 4 of the Act of 11 February 2020 (GBl. p. 37, 43)

Bavarian Environmental Information Act (BayUIG) of 8 December 2006, (GVBl. p. 933, BayRS 2129-1-4-U), last amended by section 10 of the Act of 23 December 2024 (GVBl. p. 605)

Berlin Freedom of Information Act (*Berliner Informationsfreiheitsgesetz – IFG*) of 15 October 1999 (GVBl. p. 561), last amended by Act of 12 October 2020 (GVBl. p. 807)

Brandenburg Environmental Information Act (BbgUIG) of 26 March 2007 (GVBl.I/07, [no. 06], p.74), last amended by Act of 1 July 2015 (GVBl. I/15, [no. 19])

Bremen Environmental Information Act (BremUIG) of 15 November 2005 (BremGBL. p. 573), last amended by Art. 1 of the Act of 19 December 2014 (Brem. GBl. p. 780)

Hamburg Environmental Information Act (HmbUIG) of 4 November 2005, last amended on 19 December 2019 (HmbGVBl. 2020 p. 21)

Hesse Environmental Information Act (HUIG) of 14 December 2006, last amended by Article 9 of the Act of 9 September 2019 (GVBl. p. 229)

Lower Saxony Environmental Information Act (NUIG) of 7 December 2006 (Nds. GVBl. no.31/2006 p. 580), last amended by Article 6 of the Act of 22 September 2022 (Nds. GVBl. p. 578)

Mecklenburg-Western Pomerania Environmental Information Act (LUIG M-V) of 14 July 2006 (GVOBl. M-V S. 568), last amended by Art. 4 of the Act of 27 May 2016 (GVOBl. M-V p. 431)

North Rhine-Westphalia Environmental Information Act (UIG NRW) of 29 March 2007, last amended by the Act of 8 July 2016 (GV. NRW. S. 618)

Rhineland-Palatinate Land Transparency Act (LTranspG) of 27 November 2015 (GVBl. no. 14/2015, p. 383), last amended by section 134 of the Act of 23 September 2020 (GVBl. p. 461)

Saarland Environmental Information Act (SUIG) of 12 September 2007, last amended by Article 150 of the Saarland Digitalisation Act of 8 December 2021 (Amtsbl. I p. 2629)

Saxony Environmental Information Act (SächsUIG) of 1 June 2006 (SächsGVBl. p. 146), last amended by Article 2 (10) of the Act of 19 August 2022 (SächsGVBl. p. 486)

Saxony-Anhalt Environmental Information Act (UIG LSA) of 14 February 2006, last amended by section 2 (3) of the Act of 18 June 2024 (GBl. LSA. p. 156)

Schleswig-Holstein Access to Information Act (IZG SH) of 19 January 2012 (GVOBl. Schl.-H. p. 89), last amended by Article 64 of the Modification of Ministry Titles Ordinance of 27 October 2023 (GVOBl. Schl.-H. p. 514)

Thuringia Environmental Information Act (ThürUIG) of 10 October 2006, last amended by the Act of 28 June 2017 (GVBl. p. 158)

The following comments are based on the federal legislation in each case and make reference, to the extent possible, to the – largely identical – provisions of Land law. Furthermore, outside the scope of the legislation listed, entitlements to information in the sphere of consumer information are guaranteed by the new Consumer Information Act (*Verbraucherinformationsgesetz* – VIG), and to general official information, on a subsidiary basis, by the freedom of information legislation adopted at the federal and Land levels.

The definitions of the relevant terms used in Article 2 of the Convention (“public authority”, “environmental information”) are found in Section 2 of the Environmental Information Act (UIG).²⁵ During the reporting period, the exception for bodies or institutions “acting in a [...] legislative capacity” laid down in Article 2 (2) of the Convention has been elaborated in greater detail by the case law of the European Court of Justice (ECJ) and the Federal Administrative Court (*Bundesverwaltungsgericht* – BVerwG) in 2012 and 2013 and federal law has been adjusted to the case law. The provision in Section 2 (1) number 1 letter a UIG

²⁵ At Land level, Section 23 UVwG-BW; Article 2 BayUIG in conjunction with UIGVV; Section 18a (1) IFG Bln in conjunction with Section 2 UIG; Section 2 BbgUIG and Section 1 BbgUIG in conjunction with Section 2 UIG; Section 2 BremUIG and Section 1 (2) BremUIG in conjunction with Section 2 UIG; Section 1 (2) HmbUIG in conjunction with Section 2 UIG; Section 2 HUIG; Section 2 LUIG M-V and Section 3 LUIG M-V in conjunction with Section 2 (3) and (4) UIG; Section 2 NUIG in conjunction with Section 2 UIG; Section 1 (2) UIG NRW and Section 2 UIG NRW in conjunction with Section 2 UIG; Section 3 (2) and Section 5 (3) LTranspG RP; Section 2 SUIG; Section 3 SächsUIG; Section 1 (3) UIG LSA in conjunction with Section 2 UIG; Section 2 IZG SH; Section 2 ThürUIG.

clarifies that supreme federal authorities are only exempt “to the extent that and as long as they are acting in a legislative capacity”. In the meantime, the Länder have adjusted their pertinent regulations in Land law throughout Germany.

In its judgment 10 C 2/20 of 26 April 2021, the Federal Administrative Court (BVerwG) clarified that the exception provided for in Article 2 (2) of the Convention for bodies acting in a legislative capacity applies only to information that is generated as part of the legislative process. By contrast, the provisions of section 2 (1) no.1 sentence 3 letter a UIG do not apply to information generated within the scope of the executive activities of a federal ministry, which is merely introduced into a legislative process.²⁶ Consequently, the disclosure of such information “introduced” into the legislative process, in contrast to information “generated” in a specific legislative process, cannot be refused on the basis of protection under this exemption, i.e. the unhindered internal consensus building of the higher federal authority involved in a legislative process and the proper conduct of the legislative process guaranteed by this. For details please see the 2021 report.

The Berlin Administrative Court (VG Berlin) ruled in 2017 that involvement in the drafting of European Union legal acts also does not fall under the exception established by the provisions of Section 2 (1) number 1 sentence 3 letter a UIG²⁷. This follows from an appraisal of the provision by the standards of Union law, as national ministries are not tasked with drafting European laws. As a matter of principle, thus the Court, the European Commission has the sole right of proposal with regard to acts of Union law. The Higher Administrative Court of Berlin-Brandenburg (OVG Berlin-Brandenburg) has confirmed this view²⁸.

- (a) As regards Article 4 (1) of the Convention, pursuant to Section 3 (1) UIG,²⁹ every person is entitled to free access to environmental information without a legal interest having to be stated. Pursuant to Section 3 (2) UIG,³⁰ this access may be provided through the furnishing of information, inspection of files, or by other means (e.g. transmission of copies). If a specific form of access to information is requested, such access may only be provided in a form other than that specified if there are compelling reasons to do so. If the information requested is already available in the public domain, the authority may draw attention to this fact.
- (b) The time periods stated in Article 4 (2) of the Convention are safeguarded by Section 3 (3) UIG,³¹ which states that environmental information is to be made available at the latest within one month after the request has been submitted, unless the volume and the complexity of the information justify an extension of this period up to two months after the request.
- (c) Grounds for the refusal of requests for access to environmental information are conclusively regulated in the exclusions and restrictions provided for, in accordance with Article 4 (3) and (4) of the Convention, in Sections 8 and 9 UIG,³² which are always to be interpreted in a restrictive way. See the previous report.

²⁶ BVerwG, judgment of 26 April 2021 – 10 C 2/20

²⁷ VG Berlin, Ruling of 19.12.2017, 2 K 236.16.

²⁸ OVG Berlin-Brandenburg, Ruling of 29.03.2019, OVG 12 B 14.18.

²⁹ Applicable *mutatis mutandis* in conjunction with Section 18a (1) IFG Bln, Section 1 BbgUIG, Section 1 (2) BremUIG, Section 1 (2) HmbUIG, Section 3 LUIG M-V, the second sentence of Section 3 NUIG, Section 1 (3) UIG LSA; also Article 3 (1) BayUIG, Section 3 (1) HUIG, the first sentence of Section 2 UIG NRW, Section 12 (1) LTranspG RP, Section 3 (1) SUIG, Section 4 (1) SächsUIG, Section 3 IZG SH, Section 3 (1) ThürUIG, Section 24 (1) UVwG-BW.

³⁰ Applicable *mutatis mutandis* in conjunction with Section 18a (1) IFG Bln, Section 1 BbgUIG, Section 1 (2) BremUIG, Section 1 (2) HmbUIG, Section 3 LUIG M-V, the second sentence of Section 3 NUIG, the third sentence of Section 2 UIG NRW, Section 1 (3) UIG LSA; also Article 3 (2) BayUIG, Section 3 (2) HUIG, Section 12 (1) LTranspG RP, Section 3 (2) SUIG, Section 4 (2) SächsUIG, Section 5 (1) IZG SH, Section 3 (2) ThürUIG, Section 24 (2) UVwG-BW.

³¹ Applicable *mutatis mutandis* in conjunction with Section 18a (1) IFG Bln, Section 1 BbgUIG, Section 1 (2) BremUIG, Section 1 (2) HmbUIG, Section 3 LUIG M-V, the second sentence of Section 3 NUIG, the third sentence of Section 2 UIG NRW, Section 1 (3) UIG LSA; also Article 3 (3) BayUIG, Section 3 (3) HUIG, Section 12 (3) LTranspG RP, Section 3 (3) SUIG, Section 7 (1) SächsUIG, Section 5 (2) IZG SH, Section 3 (3) ThürUIG, Section 24 (3) UVwG-BW.

³² Applicable *mutatis mutandis* in conjunction with Section 18a (1) IFG Bln, Section 1 BbgUIG, Section 1 (2) BremUIG, Section 1 (2) HmbUIG, Section 3 LUIG M-V, the second sentence of Section 3 NUIG, the third sentence of Section 2 UIG

In its judgment of 22 March 2022 (10 C 2/21), the Federal Administrative Court advanced more specific criteria for the protection of internal communications within the meaning of section 8 (1) sentence 1 no. 2 UIG and the need to balance the public interest in the disclosure of environmental information and the interest of the body obliged to provide information in retaining confidentiality. In these proceedings, the plaintiff requested access to documents from the Baden-Württemberg State Ministry relating to tree felling for the Stuttgart 21 transport and urban development project based on Baden-Württemberg's environmental information legislation. The Federal Administrative Court emphasises that when weighing up the public interest in the disclosure of environmental information against the interest in refusing disclosure, particular account must be taken of the time that has elapsed since an internal communication was prepared and the information contained in the communication. When assessing the content of internal communications, a distinction must be made between the compilation of factual information and evaluative or tactical and strategic considerations, the protection of which must be accorded particular weight in the balancing process. It is not possible to stipulate a rigid time limit, beyond which the public interest in the disclosure of environmental information outweighs the interest in its confidentiality without proof to the contrary, for internal communications. The crucially important factor is to assess each individual case on its merits: in particular, if the matter relates to the core of executive responsibility, access to documents on completed processes will have to be denied for a longer period of time in order to protect the freedom and openness of consensus building within the government, which could be adversely affected by the restrictive impacts of subsequent publicity.³³

The exclusions and restrictions provided for in Section 9 UIG are intended to protect private interests, notably the confidentiality of personal data, intellectual property rights, and commercial and industrial secrets (excluding information about emissions). The UIG does not define commercial and industrial secrets.

In a legal dispute during the reporting period, a company requested access from the then Federal Ministry for Economic Affairs and Energy to all information on the calculation of the fee rates of an ordinance, the underlying administrative cost and the emergence of the ordinance, which in its view also included the personal data of public authority employees below *Referatsleiter* (director of division) level (name, job title and official contact details) in addition to the personal data of employees of associations and parliamentary groups in the German Bundestag, which had been redacted by the ministry in the notification. The Federal Administrative Court found that section 9 (1) sentence 1 no. 1 UIG does not infringe the Environmental Information Directive or fundamental rights insofar as it makes the rejection of an application for access to environmental information in the case of the disclosure of personal data at a first stage, prior to any individual case-related weighing of disclosure and confidentiality interests, dependent on the requirement that the disclosure of the data would significantly impair the interests of the data subjects. Furthermore, the general risk that personal data made accessible in accordance with the UIG could be disseminated on the internet by the applicant or third parties does not constitute a significant impairment of interests within the meaning of section 9 (1) sentence 1 no. 1 UIG. The materiality threshold set out in section 9 (1) sentence 1 no. 1 UIG is specified by applying section 5 (3) and (4) IFG accordingly, to the effect that disclosure of the types of personal data specified in these provisions generally does not significantly impair the interests of the data subjects.³⁴

NRW, Section 1 (3) UIG LSA; also Articles 7 and 8 BayUIG, Sections 7 and 8 HUIG, Sections 14 to 17 LTranspG RP, Sections 8 and 9 SUIG, Sections 5 and 6 SächsUIG, Sections 9 and 10 IZG SH, Sections 8 and 9 ThürUIG, Sections 28 and 29 UVwG-BW.

³³ BVerwG, judgment of 22 March 2022 – 10 C 2/21

³⁴ BVerwG, judgment of 01 September 2022 – 10 C 5/21

- (d) Article 4 (5) of the Convention is taken up in Section 4 (3) UIG.³⁵ This states that where a public authority does not hold the environmental information requested, this public authority shall, as promptly as possible, inform the applicant of the public authority to which it believes it is possible to apply for the information requested or transfer the request to that authority and inform the applicant accordingly.
- (e) Section 5 (3) UIG³⁶ guarantees that if there are grounds for the refusal of a request pursuant to Sections 8 and 9 UIG, in compliance with Article 4 (6) of the Convention, if information exempted from disclosure can be separated out (e.g. through blacking out), public authorities must make available the remainder of the environmental information that has been requested.
- (f) The provisions on the formalities and time periods for the refusal of requests, set forth in Article 4 (7) of the Convention, are transposed into German law by means of Section 5 (1) UIG,³⁷ which states that the one- or two-month period established in the second sentence of Section 3 (3) is to apply to the refusal of a request for information. Written requests must be dealt with in writing, and at the request of the applicant, the refusal may also be transmitted in electronic form.
- (g) Article 4 (8) of the Convention is transposed for the federal level by Section 12 UIG and the Environmental Information Charges Ordinance (*Umweltinformationsgebührenverordnung – UIGGebV*). The Annex to this ordinance sets out a comprehensive list of the charges and expenses that may be incurred when environmental information is communicated, in which respect these charges and expenses must not be prohibitive. The charge levied may not exceed a maximum of €500. Hence the inspection of files on site, oral and simple written information (including the provision of a small number of duplicates), and active information for the public (e.g. online) are available free of charge. The Länder have adopted corresponding legislation.

VIII. Obstacles encountered in the implementation of article 4

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 4.

Answer:

A court ruling has raised the question, in the implementation of Article 4 of the Convention, as to how to resolve the dilemma between the standard period of one month to respond to a request for information (section 3 (3) UIG) and the need to take appropriate account of the concerns of third parties, by hearing them (section 9 UIG). This dilemma arises if the public authority required to provide information intends to provide access to the information contrary to the position of the third party concerned, thus giving precedence to the interest in accelerating proceedings over the interest in protecting the legal rights of the third party affected.

³⁵ Applicable *mutatis mutandis* in conjunction with Section 18a (1) IFG Bln, Section 1 BbgUIG, Section 1 (2) BremUIG, Section 1 (2) HmbUIG, Section 3 LUIG M-V, the second sentence of Section 3 NUIG, the third sentence of Section 2 UIG NRW, Section 1 (3) UIG LSA; also Article 4 (3) BayUIG, Section 4 (4) HUIG, Section 12 (2) LTranspG RPF, Section 4 (3) SUIG, Section 7 (3) SächsUIG, Section 4 (3) IZG SH, Section 4 (3) ThürUIG, Section 25 (3) UVwG-BW.

³⁶ Applicable *mutatis mutandis* in conjunction with Section 18a (1) IFG Bln, Section 1 BbgUIG, Section 1 (2) BremUIG, Section 1 (2) HmbUIG, Section 3 LUIG M-V, the second sentence of Section 3 NUIG, the third sentence of Section 2 UIG NRW, Section 1 (3) UIG LSA; also Article 6 (3) BayUIG, Section 6 (3) HUIG, Section 5 (3) LTranspG RPF, Section 5 (3) SUIG, Section 8 (3) SächsUIG, Section 6 (3) IZG SH, Section 5 (3) ThürUIG, Section 27 (3) UVwG-BW.

³⁷ Applicable *mutatis mutandis* in conjunction with Section 18a (1) IFG Bln, Section 1 BbgUIG, Section 1 (2) BremUIG, Section 1 (2) HmbUIG, Section 3 LUIG M-V, the second sentence of Section 3 NUIG, the third sentence of Section 2 UIG NRW, Section 1 (3) UIG LSA; also Article 6 (1) and (2) BayUIG, Section 6 (1) and (2) HUIG, Section 12 (3) LTranspG RP, Section 5 (1) SUIG, Section 8 (1) SächsUIG, Section 6 (1) and (2) IZG SH, Section 5 (1) ThürUIG, Section 27 (1) UVwG-BW.

There is *de lege lata* a regulatory gap in German environmental information legislation in this context, in contrast to the Freedom of Information Act (*Informationsfreiheitsgesetz* section 8 (2) and the Consumer Information Act (*Verbraucherinformationsgesetz* section 5 (4)). To date the administrative practice has been, after the third party has been heard and a decision taken to grant access to the information, not (immediately) to make available the information affecting the third party pursuant to section 41 (1) sentence 1 VwVfG but, in another letter, to inform the third party formally of the intention to grant access to the information. At the same time the third party is given the opportunity to seek interim court relief by an appropriate deadline. Since the third party has already been able to form an opinion in the course of the previous hearing and now only has to decide whether to take legal action, this administrative practice means that a short deadline is sufficient, which in any case expires before the one-month deadline pursuant to section 3 (3) sentence 1 no. 1 UIG and enables access to be provided to the information before this deadline if (number) appeal is lodged.

In a decision on costs, the OVG Münster now refers by analogy to the provision of section 8 (2) of the Freedom of Information Act, according to which access to information may only be granted if the decision has become final vis-à-vis the third party or immediate enforcement has been ordered and two weeks have elapsed since the notification to the third party.³⁸ The court did not consider the guideline on deadlines set out in Article 3 (2) UIRL.

IX. Further information on the practical application of the provisions of article 4

*Provide further information on the **practical application of the provisions on access to information in article 4**, e.g., are there any statistics available on the number of requests made, the number of refusals and the reasons for such refusals?*

Answer:

See the 2021 report. In March 2021 the UIG was amended such that the Federal Commissioner for Data Protection and Freedom of Information now acts as ombudsperson and monitors the area covered by the provisions of the UIG.

As a result of the opportunity provided in several Länder to appeal to the Land officer for data protection³⁹ it has proven possible in the past to retroactively correct erroneous (partial) refusals, to the benefit of access to information.

X. Website addresses relevant to the implementation of article 4

Give relevant website addresses, if available:

Information provided by the BMUV on access to environmental information:

<https://www.bmuv.de/themen/umweltinformation/aarhus-konvention>

Information provided by UBA:

<https://www.umweltbundesamt.de/daten><https://www.umweltbundesamt.de/themen/nachhaltigkeit-strategien-internationales/umweltrecht/zugang-zu-umweltinformationen>

<https://umwelt.info>

<https://datacube.uba.de>

Information provided by the BfN on maps and data:

³⁸ OVG Münster judgment of 19 September 2023 – 15 B 853/23 NVwZ 2023, 1686

³⁹ Cf. e.g. Section 14 IZG-SH.

<https://www.bfn.de/thema/karten-und-daten>

Information provided by the BfS:

<https://www.imis.bfs.de/geoportal/>

<https://odlinfo.bfs.de/DE/index.html>

Information provided by the BASE on the repository site selection procedure (information platform pursuant to Section 6 StandAG): <https://endlagersuche-infoplattform.de/>

General information on the Aarhus Convention provided by the Independent Institute for Environmental Issues (UfU): <http://www.aarhus-konvention.de/>

BMG health reporting:

<https://www.gbe-bund.de/gbe/>

Information provided by the BfDI:

<https://www.bfdi.bund.de/DE/DerBfDI/Inhalte/Datenschutzpfad/Informationsfreiheit.html>

See also the links listed in Section XIV below.

XI. Legislative, regulatory and other measures implementing the provisions on the collection and dissemination of environmental information in article 5

List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5.

Explain how each paragraph of article 5 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Public authorities possess and update environmental information;
 - (ii) There is an adequate flow of information to public authorities;
 - (iii) In emergencies, appropriate information is disseminated immediately and without delay;
- (b) With respect to **paragraph 2**, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible;
- (c) With respect to **paragraph 3**, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks;
- (d) With respect to **paragraph 4**, measures taken to publish and disseminate national reports on the state of the environment;
- (e) Measures taken to disseminate the information referred to in **paragraph 5**;
- (f) With respect to **paragraph 6**, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products;
- (g) Measures taken to publish and provide information as required in **paragraph 7**;
- (h) With respect to **paragraph 8**, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public;
- (i) With respect to **paragraph 9**, measures taken to establish a nationwide system of pollution inventories or registers.

Answer:

In Germany, the provisions of the Convention on the collection and dissemination of environmental information are also primarily transposed by means of the environmental information acts passed by the Federation and the Länder. Alongside this, the legislation on access to geodata and the geodata infrastructure administered by the Federation and the Länder supports the dissemination of spatially-based environmental information. Statistical environmental information is made available in accordance with the provisions of the Environmental Statistics Act (*Umweltstatistikgesetz* – UStatG) in conjunction with the Act on Statistics for Federal Purposes (*Bundesstatistikgesetz* – BStatG).

- (a) In compliance with Article 5 (1) of the Convention, Section 7 (3) UIG ensures that all the information collected by or for a public authority must be up-to-date, precise and comparable.⁴⁰ See the 2021 report.
- (b, e, g) Implementing Article 5 (2), (5) and (7) of the Convention, Section 10 (1) UIG⁴¹ states that the public authorities required to furnish information must, actively and systematically, provide sufficient information about the environment to the public.
- (c) Pursuant to Section 10 (3) UIG,⁴² environmental information must be disseminated in a comprehensible manner and in formats which are easily accessible to the general public. See the 2021 report.

Since 2022 the newly established National Centre for Environmental and Nature Conservation Information at the German Environment Agency (UBA) has been developing the umwelt.info portal. It has been open to a wide audience since 27 January 2025. In future it is to act as a central access point for all data and information on environmental and nature conservation-related issues that is publicly available in Germany. It offers a wide range of functions. The heart of the portal is a search engine that can search all recorded data sources including the relevant metadata, providing a central point of access. When the portal was launched, more than 650,000 data sets from over 140 sources were already recorded. In future, it will be possible to access all information and data on the environment and nature conservation that is publicly available in Germany using this portal. The original source of the data is clearly given along with rights of use with a view to creating user-friendly access to available information. The portal also offers editorial services and target-group-specific versions of the content.

The Data Cube developed at UBA is another contribution to disseminating environmental information. Within the system, environmentally relevant data are structured and linked according to different dimensions. The resulting Data Cube opens up a wide spectrum of opportunities to search, explore, analyse and visualise data. The project addresses interested citizens and the media. At the end of March 2025, the pilot system that is currently publicly available is to move to a permanent productive system.

- (d) Pursuant to Section 11 UIG, the Federal Government is required to publish a report on the state of the environment in the federal territory at regular intervals of no more than four years. The report must contain information about environmental quality and environmental pressures. The Federal Cabinet adopted the Environmental Report 2023 on 8 May 2024. In parallel, both the federal authorities and the Länder provide environmental data on the Internet on an ongoing basis (for website addresses, see below); these information services are developing dynamically at all levels. Some individual Länder also produce their own environmental reports.⁴³
- (f, h) The provision of information to consumers about the environmental impact of products, pursuant to Article 5 (6) and (8) of the Convention, is safeguarded through mandatory product labelling provided for in relevant areas of European and German law, and also through voluntary measures, e.g. various environmental certificates or labels. For

⁴⁰ Applicable *mutatis mutandis* in conjunction with Section 18a (1) IFG Bln, Section 1 BbgUIG, Section 1 (2) BremUIG, Section 1 (2) HmbUIG, Section 3 LUIG M-V, Section 5 NUIG, the third sentence of Section 2 UIG NRW, Section 1 (3) UIG LSA; also Article 5 (3) BayUIG, Section 5 (3) HUIG, Section 4 (3) LTranspG RP, Section 7 (3) SUIG, Section 11 (3) SächsUIG, Section 8 (2) IZG SH, Section 7 (3) ThürUIG, Section 26 (4) UVwG-BW.

⁴¹ Applicable *mutatis mutandis* in conjunction with Section 18a (1) IFG Bln, Section 1 BbgUIG, Section 1 (2) BremUIG, Section 1 (2) HmbUIG, Section 3 LUIG M-V, Section 5 NUIG, the third sentence of Section 2 UIG NRW, Section 1 (3) UIG LSA; also Article 10 (1) and (2) BayUIG, Section 10 (1 and 2) HUIG, Sections 8 and 5 (4) LTranspG RP, Section 10 (1) and (2) SUIG, Section 12 SächsUIG, Section 11 (1) IZG SH, Section 10 ThürUIG, Section 30 (1) UVwG-BW.

⁴² Applicable *mutatis mutandis* in conjunction with Section 18a (1) IFG Bln, Section 1 BbgUIG, Section 1 (2) BremUIG, Section 1 (2) HmbUIG, Section 3 LUIG M-V, the second sentence of Section 3 NUIG, the third sentence of Section 2 UIG NRW, Section 1 (3) UIG LSA; also Article 10 (3) BayUIG, Section 10 (3) HUIG, Section 10 LTranspG RP, Section 10 (3) SUIG, Section 12 SächsUIG, Section 11 (3) IZG SH, Section 10 ThürUIG, Section 30 (3) UVwG-BW.

⁴³ E.g., Section 5 BremUIG stipulates that such reports must be issued at intervals of no more than four years. The most recent report from Bremen was published in 2015.

example, the BMUV's Blue Angel eco-label is awarded by RAL gGmbH in collaboration with the organisations and Länder represented on the Environmental Label Jury and UBA. The national organic production logo eco-label pursuant to Regulation (EU) 834/2007 can be used on a voluntary basis for all unprocessed agricultural products and agricultural products intended for human consumption. Currently 109,699 products of 7,188 companies are registered in the eco-label database (as of 21 February 2025). The Federal Agency for Agriculture and Food is the authority responsible for dealing with the registrations for the scheme that are required by statute. The scheme is monitored through Germany's system of public and private controls. Companies which have introduced an environmental management system pursuant to the European Eco-Audit Regulation (EMAS) report on their environmentally sound and sustainable corporate management. They regularly publish their environmental declarations following assessment of the declarations by state-accredited environmental verifiers, and report on their targets and measures to improve their environmental performance. Mandatory key indicators which must be reported include the company's greenhouse gas emissions, energy consumption and resource consumption. Amendments to EMAS in 2017 and 2018 introduced the option to extend the environmental management system to the sustainability aspects of relevance to the system. In June 2024, there were 13,336 sites registered under EMAS throughout the EU and 2,554 sites were registered in Germany.

- (i) In October 2009, the Protocol on Pollutant Release and Transfer Registers (PRTR Protocol) entered into force. Parties to this Protocol, which include Germany, commit to establishing national pollutant registers which enable citizens to obtain quick and easy online access to environmental data relating to an industrial facility, e.g. in their neighbourhoods. Germany implemented the PRTR Protocol by means of the ratification act of 13 April 2007 and the implementing act of 6 June 2007, which contains the necessary provisions for both the establishment and maintenance of a national PRTR and the implementation of Regulation (EC) No. 166/2006 concerning the establishment of a European Pollutant Release and Transfer Register. In accordance with Article 5 (9) of the Convention, data on emissions, and their release and transfer in Germany have appeared on the Internet in the PRTR Register-Germany since June 2009. The Thru.de portal, which users have been able to access since 2011 at www.thru.de, underwent another radical overhaul in June 2024. It makes available transparent, freely accessible environmental information from industrial establishments and on emissions from various sources (such as transport, households and agriculture) and from reporting on the Council Directive 91/271/EEC of 21 May 1991⁴⁴ concerning urban waste-water treatment. A particular emphasis is placed on citizens' information needs as far as the organisation of the portal is concerned, with many options for researching and analysing data. On the organisation of PRTR reporting in Germany, see the earlier implementation reports. Within the scope of the BMUV's Advisory Assistance Programme, Germany has also supported the development of effective, efficient PRTRs in the Western Balkan states and in the Republic of Moldova.⁴⁵

Furthermore, in accordance with the EU Emissions Trading Directive, carbon dioxide (CO₂) emissions data are collected annually from approx. 1,850 installations in the energy sector and emissions-intensive industries (2019), which produce around 45% of Germany's CO₂ emissions. The data are published both for the individual installations and in the form of summary reports, and are disseminated through active press and publicity work, and direct mailings to interested professionals.

⁴⁴ The revised Urban Waste Water Directive EU/2024/3019 of 27.11.2024 has come into force on 01.01.2025 and must be transposed into national law by 31.07.2027. This contains new information and reporting obligations in Articles 22-24 of Directive (EU) 2024/3019. However, the reporting obligations under the old Directive 91/271/EEC continue to apply in principle and at least until 31.07.2027 (see Art. 32 Directive (EU) 2024/3019). The information and reporting obligations of the revised Urban Waste Water Directive will only apply after these transitional periods have expired.

⁴⁵ <https://www.umweltbundesamt.de/themen/nachhaltigkeit-strategien-internationales/kooperation-in-mittel-osteuropa-dem-kaukasmus/projektdatenbank-des-beratungshilfeprogramms/verbesserung-von-schadstoff-registern-prtr-in-den>

XII. Obstacles encountered in the implementation of article 5

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 5.*

Answer:

Good information provision is available in principle from each individual authority and on many different technical subjects. A particular challenge arises in guiding users who lack in-depth background knowledge about competences to the specific provision of relevance to them. A further challenge arises in generating information of high practical usefulness that can only be derived by combining data from very diverse issue areas and administrative levels.

XIII. Further information on the practical application of the provisions of article 5

*Provide further information on the **practical application of the provisions on the collection and dissemination of environmental information in article 5**, e.g., are there any statistics available on the information published?*

Answer:

There were about 600,000 page impressions per month of the BMUV's webpages in 2024. There were around 72 publications in the order list in 2024.

Under the umbrella of an inter-ministerial cooperation scheme (*Verwaltungskooperation Umweltinformationssysteme*), the Länder and the Federation have joined forces to cooperate on the design and development of environmental information system software.⁴⁶ The environmental portals of the Länder are listed in Section XIV of this report. When the environmental information required is geodata – i.e. spatial environmental data – it is actively made available to the public on the national geodata infrastructure jointly operated by the Federation, Länder and municipalities, GDI-DE (see also Section XI. c) above). When the environmental information required is geodata – i.e. spatial environmental data – it is actively made available to the public via the national geodata infrastructure jointly operated by the Federation, Länder and municipalities, GDI-DE (see also Section XI. c) above).

The *GovData – Das Datenportal für Deutschland* portal provides ready access to the data of the Federation, Länder and municipalities. Since early 2015 the portal has been operated by *Geschäfts- und Koordinierungsstelle GovData*, which is currently attached to the Federal IT Commission (*Föderalen IT-Kommission – FITKO*) in Frankfurt am Main, which was established in January 2020 as an independent institution under public law under the auspices of Länder and the Federation. Now in regular operation, the portal underwent a fundamental relaunch in January 2016. Its core is a data catalogue. By means of the catalogue's standardised metadata, i.e. a uniform characterisation, data can be retrieved and accessed readily. The metadata provide links to the online provision of the respective data provider.

The National Monitoring Centre for Biodiversity (*Nationale Monitoringzentrum zur Biodiversität – NMZB*) is currently developing an information and networking portal for nationwide biodiversity monitoring. This portal is intended to bring together in one place biodiversity-relevant data and specialist information currently scattered across various institutions, and other platforms and web services. The information and networking portal will report on ongoing and planned monitoring programmes. To enhance the quality and availability of data, standards, definitions and interfaces must be further developed and harmonised in cooperation with stakeholders involved in monitoring. The portal will support

⁴⁶ <https://www.blag-udig.de/KoopUIS.html>

these efforts. There are also plans for the portal to provide tools and methods for recording and analysing biodiversity. The portal is intended to make current data-based information on the status and development of biodiversity available more quickly. All of this will help to identify and close gaps in monitoring and derive more effective measures to protect biodiversity. During the first phase of development up to 2025, a concept will be developed for the content of the information and networking portal. In addition to a trend and environment analysis, a comprehensive needs analysis has been conducted among stakeholders involved in biodiversity monitoring to identify their requirements and relevant content. There has also been close consultation with other bodies and portals that provide data to explore possible interfaces (e.g. umwelt.info, NFDI4Biodiversity, the Radiological Situation Centre of the Federation (RLZ), research institutes, professional associations, the Länder). On this basis, use cases have been identified, along with the strategic framework for action and technical and organisational frameworks. The implementation phase for the basic system with the first modules is scheduled as of 2026.

XIV. Website addresses relevant to the implementation of article 5

Give relevant website addresses, if available:

Information provided by federal authorities:

BfG: Federation/Länder information and communication platform:

<https://wasserblick.net/servlet/is/1/>

BfG: Overview of publicly available BfG information services:

https://www.bafig.de/DE/5_Informiert/1_Portale_Dienste/portale_node.html

Geoportal Germany:

<https://www.geoportal.de>

GovData – The data portal for Germany:

<https://www.govdata.de/>

Umwelt.info: Portal for environmental and nature conservation information:

<https://umwelt.info>

UBA Data Cube: <https://dtacube.uba.de>

BMUV publications: <https://www.bmu.de/buergerservice/broschuerenBMUV>: Centre of competence for sustainable consumption in Germany:

<https://k-n-k.de/>

BMUV: Federal Government Environmental Report 2023

<https://www.bmu.de/DL1575>

BMUV: Information on environment and health:

<https://www.bmu.de/themen/gesundheit-chemikalien/gesundheit-und-umwelt/>

Federal Government: Information on precautionary action on climate change:

https://www.klimoport.de/DE/Home/home_node.html

BfN: Databases of information on nature conservation:

<https://www.bfn.de/infothek/datenbanken-informationssysteme.html>

BfN: Interactive mapping services on protected areas, riverine alluvial areas and landscapes:

<https://www.bfn.de/thema/karten-und-daten>

BfN: Implementation of the National Strategy on Biological Diversity:

<https://www.bfn.de/thema/biologische-vielfalt>

BfN: Information on invasive species:
<http://www.neobiota.bfn.de>

BfN: National Habitats Directive report:
<https://www.bfn.de/themen/natura-2000/berichte-monitoring/nationaler-ffh-bericht.html>

BfN: National Birds Directive report:
<https://www.bfn.de/themen/natura-2000/berichte-monitoring/nationaler-vogelschutzbericht.html>

BfN: Indicator report on the National Strategy on Biological Diversity:
<https://www.bfn.de/indikatoren-der-nationalen-strategie-zur-biologischen-vielfalt> BfN:

Information on marine conservation:
<https://www.bfn.de/thema/meere>

BfN: Information on nature conservation and health:
<http://natgesis.bfn.de>

NMZB: Overview of information on biodiversity monitoring (under development, hosted by BfN): <https://www.monitoringzentrum.de>

BASE: Information on the nuclear repository site selection procedure (information platform pursuant to Section 6 StandAG): https://www.base.bund.de/DE/themen/soa/unterlagen-standag/infoplattform_node.html

UBA: Information on environment and health:
<https://www.umweltbundesamt.de/daten/umwelt-gesundheit>

UBA: Information on chemicals and regulations, with integrated database for queries:
<https://www.umweltbundesamt.de/themen/chemikalien/informationssystem-chemikalien-d-bundes-d-laender>

UBA: Information portal on persistent organic pollutants, with integrated database:
<https://www.dioxindb.de/>

UBA: Information on chemicals classification according to water hazard classes:
<https://webrigoletto.uba.de/rigoletto/public/welcome.do>

UBA: Information on the state of the environment in Germany – Data on the environment/POPs:
<https://www.umweltbundesamt.de/themen/chemikalien/persistente-organische-schadstoffe-pop/dioxine-pcddpcdf-polychlorierte-biphenyle-pcb>

Thru.de portal: Data and information on releases and transfers from industrial establishments and diffuse emissions, including data from the German PRTR:
<http://www.thru.de/>

Joint Substance Data Pool Federation/Länder (GSBL):
<http://www.gsbl.de>

Web service for the Dioxins Database of the Federation and the Länder:
www.dioxindb.de/

Federal Environmental Specimen Bank:
<http://umweltprobenbank.de>

Data on the state of the environment in Germany provided by UBA:
www.umweltbundesamt.de/daten#strap1/

Specialist database of the Federation and the Länder on the implementation of the Stockholm Convention on Persistent Organic Pollutants:
www.dioxindb.de/

Geographic Information System for the Environment (GISU):
www.umweltbundesamt.de/themen/nachhaltigkeit-strategien-internationales/information-als-instrument/geografisches-informationssystem-umwelt-gisu

Information provided by the German Emissions Trading Authority at UBA (DEHST) on emissions trading, including annual CO₂ emissions of participating companies:

https://www.dehst.de/DE/Home/home_node.html

Information on the EMAS Regulation:

<https://www.bmu.de/themen/nachhaltigkeit/wirtschaft/unternehmensverantwortung-nachhaltiges-wirtschaften/emas>; www.emas.de

Information on the Environmental Verification Committee at BMUV:

<https://www.emas.de/der-uga>

Database of environmental verifiers: www.dau-bonn.de

Database of organisations registered under EMAS: www.emas-register.de

Federal Institute for Risk Assessment (BfR):

www.bfr.bund.de/de/start.html

Federal Maritime and Hydrographic Agency (BSH):

www.bsh.de/DE/Home/home_node.html

BMZ: Education for sustainable development in schools:

<http://www.bmz.de/de/mitmachen/Schule/>

BMZ: Funding for development policy activities:

<http://www.engagement-global.de>

Geoportal of the BfS for radioactivity measurement data, radon concentration and UV index:

<https://www.imis.bfs.de/geoportal>

Information portal of the Federation and Länder on nuclear safety:

<https://www.nuklearesicherheit.de/>

Information provided by the Länder:

Across all Länder:

Core indicators: <https://www.liki.nrw.de/>

MDI-DE Geoportal: <https://www.mdi-de.org/mdi-de>

Federation/Länder Working Group on Water (LAWA): <https://www.wasser-de.de/>

Baden-Württemberg

Ministry of the Environment, Climate Protection and the Energy Sector: actively distributed environmental information:

<https://um.baden-wuerttemberg.de/de/presse-service/umweltrecht/teilhabe-am-umweltschutz?highlight0teilhabe%20am%20umweltschutz>

Baden-Württemberg Environmental Portal:

www.umwelt-bw.de/themen

Baden-Württemberg Land Institute for Environment, Monitoring and Nature Conservation (LUBW) data and mapping service:

<http://udo.lubw.baden-wuerttemberg.de>

Baden-Württemberg Energy Atlas:

www.energieatlas-bw.de/

Baden-Württemberg Geoportal:

<http://www.geoportal-bw.de/>

Bavaria

Technical data portal of the Bavarian Environmental Protection Agency:

<https://www.lfu.bayern.de/index.htm>

Bavarian Environmental Navigator:

<https://www.umweltnavigator.bayern.de/>

Bavarian Environmental Atlas:

<https://www.lfu.bayern.de/umweltdaten/kartendienste/umweltatlas/index.htm>

Bavarian Energy Atlas:

<https://www.energieatlas.bayern.de/>

Berlin

Berlin Digital Environmental Atlas:

<http://www.stadtentwicklung.berlin.de/umwelt/umweltatlas/>

Environmental information provided by the Senate Department for Mobility, Transport, Climate Action and the Environment:

<https://www.berlin.de/sen/uvk/umwelt/>

Brandenburg

Brandenburg Agricultural and Environmental Information System:

<https://www.umweltdaten.brandenburg.de/>

Brandenburg Environmental Data Catalogue:

www.metaver.de

Bremen

Bremen Environmental Information System:

<http://www.umwelt.bremen.de/>

Hamburg

Hamburg Environmental Information System:

<http://www.hamburg.de/umwelt>

Hamburg Metadata Catalogue:

www.metaver.de/

Environmental Testing Portal:

<https://www.hamburg.de/politik-und-verwaltung/behoerden/bukea/hu/umweltuntersuchungen>

Hesse

Hessian Agency for Nature Conservation, Environment and Geology:

<https://www.hlnug.de/>

Hessian Environmental Portal:

<https://umwelt.hessen.de/>

Hessian Geoportal:

<http://geoportal.hessen.de/>

Map viewer:

<https://www.hlnug.de/?id=490>

Hessian Flood Portal:

<https://www.hochwasser-hessen.de/>

Bathing lakes in Hesse:

<https://badeseen.hlnug.de/>

Lower Saxony

NUMIS Environmental Information Portal:

<http://numis.niedersachsen.de/>

Environmental Map Portal:

<https://www.umweltkarten-niedersachsen.de/Umweltkarten/>

Energy Atlas of Lower Saxony:

<https://energieatlas.niedersachsen.de/startseite/>
NIBIS Soil Information System:
<https://nibis.lbeg.de/cardomap3/>
Geoportal of Lower Saxony:
<https://www.geodaten.niedersachsen.de/startseite/>

Mecklenburg-Western Pomerania

Environmental Map Portal:
www.umweltkarten.mv-regierung.de
Noise Mapping Portal: <https://umweltportal.mv-regierung.de/portale/laerm/>
Water Portal: <https://umweltportal.mv-regierung.de/portale/wschutzgebiete/>
Air Quality Monitoring Network: <https://umweltportal.mv-regierung.de/lung/lume/>
Water Level Portal: https://pegelportal-mv.de/pegel_mv.html
Geoportal of Mecklenburg-Western Pomerania: <https://www.geoportal-mv.de/>
Energy Atlas of Mecklenburg-Western Pomerania: <https://energieatlas-mv.de/>

North Rhine-Westphalia

Environmental Portal:
www.umweltportal.nrw.de
Local Environmental Data:
www.uvo.nrw.de
ELWAS Water Information System:
www.elwasweb.nrw.de/
IGS Hazardous Substance Information System:
<https://igsvtu.lanuv.nrw.de>
Ambient Noise Portal:
www.umgebungslaerm.nrw.de/
Climate Atlas:
www.klimaatlas.nrw.de/

Rhineland-Palatinate

Rhineland-Palatinate Environmental Information Portal:
<http://www.portalu.rlp.de>
Geoportal of Rhineland-Palatinate: <https://www.geoportal.rlp.de/>
Water Portal of Rhineland-Palatinate: <https://wasserportal.rlp-umwelt.de/>
Energy Atlas of Rhineland-Palatinate: <https://www.energieatlas.rlp.de/earp/startseite>
Competence Centre for the Consequences of Climate Change:
<https://www.klimawandel.rlp.de/>
Ambient Noise Portal: <https://umgebungslaerm.rlp.de/>
Air Quality Monitoring for Rhineland-Palatinate: <https://luft.rlp.de/>

Saarland

Environmental Data Catalogue for Saarland:
www.metaver.de/
Geoportal for Saarland:
<http://geoportal.saarland.de>

Saxony

Environmental Portal for Saxony:
<https://www.umwelt.sachsen.de>

Saxony-Anhalt

Environmental Portal for Saxony-Anhalt:
<http://www.umwelt.sachsen-anhalt.de>
Environmental Data Catalogue for Saxony-Anhalt:
<http://www.portalu.de/ingrid-portal/portal/search-catalog/search-catalog-hierarchy.psm1>

Schleswig-Holstein

Environmental Portal for Schleswig-Holstein (also available on the UmweltNAVI App):
<https://umweltportal.schleswig-holstein.de/portal/?jsessionid=421460AF0FFBD4C380D082137898A21>

Thuringia

Environmental Portal for Thuringia:
<https://www.umweltportal.thueringen.de/>

Other information:

Blue Angel eco-label:
<http://www.blauer-engel.de>
Organic production logo:
www.oekolandbau.de/bio-siegel

XV. Legislative, regulatory and other measures implementing the provisions on public participation in decisions on specific activities in article 6

List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6.

Explain how each paragraph of article 6 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;
 - (ii) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment;
- (b) Measures taken to ensure that the public concerned is informed early in any environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in **paragraph 2**;
- (c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of **paragraph 3**;
- (d) With respect to **paragraph 4**, measures taken to ensure that there is early public participation;
- (e) With respect to **paragraph 5**, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit;
- (f) With respect to **paragraph 6**, measures taken to ensure that:
 - (i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available at the time of the public participation procedure;
 - (ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;

- (g) With respect to **paragraph 7**, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity;
- (h) With respect to **paragraph 8**, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;
- (i) With respect to **paragraph 9**, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;
- (j) With respect to **paragraph 10**, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied, making the necessary changes, and where appropriate;
- (k) With respect to **paragraph 11**, measures taken to apply the provisions of article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

Answer:

Public participation in decisions on specific activities mentioned in Article 6 of the Convention has traditionally been regulated on a broad basis in German law, so that in terms of the implementation of the provisions of the Convention and Directive 2003/35/EC, only minor adjustments were required through the Act on Public Participation in Environmental Matters pursuant to Directive 2003/35/EC (Public Participation Act, *Öffentlichkeitsbeteiligungsgesetz*) of 9 December 2006. It should also be noted in this context that Germany has been a Party to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) of 25 February 1991 since 2002.

- (a) (i) Under German law, many of the activities listed in Annex I to the Aarhus Convention are subject to the licensing procedure under Section 10 of the Federal Immission Control Act (*Bundes-Immissionsschutzgesetz* – BImSchG), which is elaborated in the Ninth Ordinance Implementing the Federal Immission Control Act (*Neunte Verordnung zur Durchführung des Bundes-Immissionsschutzgesetzes* – 9. BImSchV). This procedure safeguards the participation of the affected public in accordance with the provisions of Article 6 of the Convention.

See the 2021 report. For the licensing of the closure and decommissioning of nuclear power plants, the same applies accordingly pursuant to Sections 2a and 7 of the Atomic Energy Act (*Atomgesetz*) in conjunction with the Nuclear Licensing Procedure Ordinance (*Atomrechtliche Verfahrensverordnung*). It also applies to the selection of a site offering the best possible safety for a repository for high-level radioactive waste in accordance with the provisions of the Repository Site Selection Act (StandAG), and to the plan approval or licensing of repositories pursuant to Section 9b of the Atomic Energy Act. Similarly, public participation in connection with licensing procedures for interim storage facilities for irradiated nuclear fuels and radioactive wastes (in accordance with the preconditions set out in UVPG Annex 1 No. 11.3) is also an activity within the scope of Article 6 of the Convention.

Major planning and licensing of infrastructure projects, such as the construction of airports, railway lines, motorways, express roads, waterways, ports, landfill sites, high-voltage transmission lines and pipeline systems, are subject to the so-called planning approval procedure, in which intensive public consultation is also prescribed as mandatory (cf. Section 73 of the federal Administrative Procedure Act (*Verwaltungsverfahrensgesetz* – VwVfG)). The Building Code (*Baugesetzbuch* – BauGB) also provides for public consultation during the establishment of all area development plans (Sections 3 and 4a BauGB).

In addition, the Federal Environmental Impact Assessment Act (*Gesetz über die Umweltverträglichkeitsprüfung* – UVPG) provides for a public consultation process in the licensing of activities with substantial environmental impacts, which include the activities listed in Annex I of the Convention. Here, the UVPG sets a minimum standard which must always be met if the provisions of specialised law lag behind the requirements of the UVPG. Within their jurisdictions, the Länder have adopted regulations that correspond to those contained in the UVPG at federal level.⁴⁷

In plan approval procedures under mining law, public participation is ensured by Section 57a of the Federal Mining Act (*Bundesberggesetz* – BBergG) in conjunction with sections 15 to 27 and 31 UVPG. Furthermore, Section 48 (2) BBergG provides for the consideration of public interests during licensing procedures under mining law.

- (ii) Both Annex 1 to the on Installations subject to Licensing (*Verordnung über genehmigungsbedürftige Anlagen* – 4. BImSchV) and Annex I of the UVPG include a list of activities for which approval and/or environmental impact assessments are mandatory and which are not included in Annex I of the Convention. They are also subject in part to the procedure set forth in Section 10 BImSchG in conjunction with the Ninth Ordinance Implementing the Federal Immission Control Act or Sections 5 ff. UVPG, as appropriate.
- (b) The consultation process is fleshed out in more detail in, for example, Section 10 (3) and (4) BImSchG in conjunction with Sections 8 to 12 of the Ninth Ordinance Implementing the Federal Immission Control Act, and in Sections 18 to 21 UVPG. The process is illustrated as follows with reference to these regulations. The competent authority must first give public or customary local notice of the project in the area where the installation is to be constructed (see, for example, section 18 (1) sentence 4 UVPG in conjunction with section 73 (5) sentence 1 VwVfG). Based on section 27a VwVfG, which entered into force in 2013, and was amended in 2024, public or customary local notice is to be given by providing access to the content of the announcement also on the website of the competent authority or its administrative body. In immission control licensing proceedings, the competent authority shall announce the project in its official gazette and on its website (see section 10 (3) sentence 1 BImSchG in conjunction with section 8 (1) sentence 1 of the Ninth Ordinance Implementing the Federal Immission Control Act (9. BImSchV)). In this notice, the public must be provided, in particular, with the following information: details of the application including the type, scale and site of the project, the type of possible approval decision, the competent authority, the procedure envisaged, details of the time period for public discussion and deadlines for submitting opinions, and details of any consultation of the authorities and the public in other countries (see Section 9 (1) of the Ninth Ordinance Implementing the Federal Immission Control Act, and Section 19 (1) UVPG). Within the scope of application of the UVPG, it is mandatory to additionally publish the notification pursuant to Section 19 (1) UVPG and the documents stated in section 19 (2) sentence 1 nos. 1 and 2 UVPG on a central Internet portal (section 20 (2) sentence 1 UVPG)⁴⁸. The purpose of these provisions is to improve public participation through greater utilisation of electronic means of communication, thus implementing the corresponding requirements of Directive 2014/52/EU amending the EIA Directive.

⁴⁷ For example, Section 1 of the Berlin Environmental Impact Assessment Act (UVPG Bln); Section 3 BgbUVPG; Section 4 of the Bremen Environmental Impact Assessment Act (BremUVPG); Section 1 (1) of the Hamburg Environmental Impact Assessment Act (HmbUVPG); Section 5 (1) of the Mecklenburg-Western Pomerania Land Environmental Impact Assessment Act (LUVPG M-V); Section 2 (1) of the Lower Saxony Environmental Impact Assessment Act (NUVPG); Section 1 (1) of the North Rhine-Westphalia Environmental Impact Assessment Act (UVPG NW); Sections 5 and 18 ff. of the Saarland Environmental Impact Assessment Act (SUVPG); Section 1 of the Saxony Environmental Impact Assessment Act (SächsUVPG); Sections 3 and 4 of the Saxony-Anhalt Environmental Impact Assessment Act (LUVPG SH); Section 4 of the Thuringia Environmental Impact Assessment Act (ThürUVPG).

⁴⁸ www.uvp-portal.de (Federation), <https://www.uvp-verbund.de/startseite> (Länder).

Great importance attaches to the EIA portals of the Federation and the Länder as modern tools of public participation.

(c) In licensing procedures under immission control legislation, the documentation must be made available for consultation for a period of one month after notice is given (section 10 (3) sentence 2 BImSchG). According to the new section 27b VwVfG, the documents must be made accessible on a website of the competent authority or its administrative body and in at least one other way. In immission control licensing procedures, the documents are made available on the website of the competent authority and, at the request of an interested party, another easily accessible means of access is provided (section 10 (3) sentences 3 and 4 BImSchG, section 10 (1) sentences 3 and 4 of the 9th BImSchV).). The public may raise objections to the project up to two weeks after the display period; in the area of application of the Industrial Emissions Directive (Directive 2010/75/EU the objection period is one month after the end of the display period in accordance with section 10 (3) sentence 8 BImSchG).

(d) Under German legislation, the public consultation process must be initiated, at the latest, once the competent authority takes the view that the project application documents are complete. See the 2021 report.

The special procedure established for the search for and selection of a site for a repository for high-level radioactive waste involves more extensive public consultation under the provisions of Sections 5 to 11 StandAG. These envisage various public participation formats, from regional to national. The initial findings of the project carrier were discussed in a “sub-areas conference” (*Fachkonferenz Teilgebiete*), which was held in 2020/2021. Subsequently, probably as of 2027, regional conferences are to be set up that represent the potentially affected region in the further proceedings. To gain a supra-regional perspective, representatives of all regional conferences meet in a council of regions. Moreover, in order to inform the public comprehensively, the competent federal agency, the Federal Office for the Safety of Nuclear Waste Management (BASE), operates an Internet information platform⁴⁹ on which the key documents relating to the site selection procedure are published. A pluralistic national body (*Nationales Begleitgremium*) accompanies the site selection procedure, particularly the public participation activities, in order to build trust in the way the procedure is carried out.

(e) A major contribution to the implementation of Article 6 (5) of the Convention has been made by section 25 (3) VwVfG under which, when planning projects with a significant impact on the interests of a large number of third parties, the authorities shall endeavour to ensure that the project executing agency informs the public concerned at an early stage about the objectives of the project, the means of implementation and the likely impacts, so that the public has the opportunity to comment and discuss the project (early public participation). The outcome of the early public participation conducted before the application is submitted is to be communicated to the public concerned and the authority at the latest when the application is submitted, and otherwise without delay.

(f) The requirements concerning the documents which must be made accessible for examination pursuant to Article 6 (6) of the Convention have been incorporated, for example, into Section 4a of the Ninth Ordinance Implementing the Federal Immission Control Act and Section 6 UVPg.

(g) Under German law, at least the public concerned always has the opportunity to lodge written objections to the project with the competent authority. In addition, German law provides for procedures which allow universal participation, such as under Section 10 (3) BImSchG; in such cases there is no need to determine who belongs to the “public concerned”.

(h) After the establishment of the requisite facts and participation of all actors, the authority must, on the basis of the overall findings of the administrative procedure, including the result of the public consultation, take a final decision. See the 2021 report..

⁴⁹ https://www.endlagersuche-infoplattform.de/webs/Endlagersuche/DE/_home/home_node.html

- (i) The public must be informed, by means of public notice, of the approval or rejection of a project application. The decision is made available for public examination, with reasons for the decision being stated (see, for example, Section 10 (7) and (8) BImSchG, section 21a of the Ninth Ordinance Implementing the Federal Immission Control Act, and Section 27 UVPG). The decision on a project is also notified to the public via the above-mentioned EIA portals along with the negative outcomes of EIA screenings, uniformly for the Federation (on the federal portal) and in some Länder (on the Land portal).
- (j) The competent authorities, according to the environmental laws applicable to them, must supervise compliance with the relevant legislation and review any licences granted at regular intervals (see, for example, Section 52 (1) to (1b) and Section 52a BImSchG). If necessary, the installation's operator may be issued with a subsequent order requiring them to upgrade their system. Section 17 (1a) BImSchG requires public participation in the event of subsequent orders prescribing new emission limits that replace a licence for installations covered by the Industrial Emissions Directive.
- (k) The public is also consulted on decisions on the deliberate release of genetically modified organisms into the environment: Section 18 (2) and (3) of the Genetic Engineering Act (*Gentechnikgesetz* – GenTG) prescribes a consultation procedure that must essentially satisfy the requirements of Section 10 (3 to 8) of the Federal Immission Control Act, unless a simplified procedure is conducted once the experience gained of releases of genetically modified organisms is sufficient to guarantee protection. The details of the consultation procedure are defined in the Genetic Engineering Consultation Ordinance (*Gentechnik-Anhørungsverordnung*). The current German legislation on genetic engineering already complies with the provisions of the first amendment to the Convention (the "Almaty Amendment"). The Federal Republic of Germany adopted the Almaty Amendment with effect under international law on 20 October 2009.

XVI. Obstacles encountered in the implementation of article 6

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6.

Answer:

Regarding the Act to safeguard orderly planning and licensing procedures during the COVID-19 pandemic of 20 May 2020 (*Planungssicherstellungsgesetz*, BGBl. I, p. 1041 ff.), please see the 2021 report. The provisions ceased to be effective at the end of 2024 unless the procedural steps had not yet been completed at this time.

Experience gained during the pandemic makes it conceivable that it could be made mandatory to provide documentation and announce decisions both in digital and non-digital forms to reach as many people as possible. Completely discontinuing the provision of non-digital forms of documentation would potentially mean excluding certain sections of the population from participation.⁵⁰ Providing both forms in parallel, on the other hand, increases the workload and costs for the competent authority

XVII. Further information on the practical application of the provisions of article 6

Provide further information on the **practical application of the provisions on public participation in decisions on specific activities in article 6**, e.g., are there any statistics or other information available on public participation in decisions on

⁵⁰ Ziekow/Ziemer/Bickmann: Evaluation des Planungssicherstellungsgesetzes (PlanSiG), p. 64.

specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defence purposes.

Answer:

In a 2019 research project, UBA commissioned the evaluation of the participation of citizens and environmental associations in the planning and licensing of environmentally relevant large-scale projects. The key question addressed, “Does public participation improve environmental protection?”, was explored within the scope of the project “Evaluation of public participation – better planning and licensing of environmentally relevant projects through the participation of citizens and environmental associations”. An empirical basis was created and used to analyse whether and under which conditions public participation in the planning and licensing of environmentally relevant projects contributes to decisions with better environmental outcomes. The findings set out in the 2023⁵¹ final report demonstrate that, in comparison to the costs, public participation has enormous benefits, especially in terms of the quality of decision and the account taken of environmental concerns. In addition, the majority of participants in the procedure, including the staff of the competent authority and the project executing agency, felt that this procedural step was useful. This confirmed the hypothesis that public participation is highly effective in environmental terms..

The report brings together literature on the impacts of participation with an environmental focus and new, far-reaching empirical findings. In order to answer the research question, the researchers developed an impact model whose inter-dependencies were re-appraised on the basis of the empirical findings. The empirical findings were gleaned using a broad-based approach with four components: surveys of different stakeholder groups, including a telephone survey of 2,147 citizens and an online survey of a total of 72 project executing agencies, 96 environmental associations and 122 public authorities; screening of 100 decisions on permits (before-and-after comparison); an in-depth investigation of 15 decisions on permits (interview-based) and a cost-benefit analysis of five decisions on permits, also based on interviews. The findings provide evidence of the environmental benefits of public participation and thus confirm the assumption found widely in literature that there is a correlation between public participation and environmentally relevant changes in decisions on issuing permits. The empirical evidence gathered clearly demonstrates the resulting positive benefits for the environment.⁵²

In Schleswig-Holstein the competent ministry is supporting transmission system operators that are planning, building and operating transmission system infrastructure for the energy transition, by providing information at an early stage and engaging in dialogue on the expansion of the electricity grid and new transmission line projects in Schleswig-Holstein. The goal is to generate understanding in the regions where the transmission system is to be expanded of the need for new infrastructure for the energy transition, as well as ensuring an early and ongoing dialogue with stakeholders. The competent ministry also holds its own regional and technical events on the expansion of energy transmission infrastructure in Schleswig-Holstein. Since late 2015 the federal office for waterways and shipping (*Wasserstraßen- und Schifffahrtsverwaltung des Bundes – WSV*) has been acting as a partner of the integrated LIFE project termed “*LiLa Living Lahn – one river, many interests*”. Within the project the WSV has responsibility for elaborating an action plan for the Lahn river by the end of the project in 2025. The action plan shall set out for future infrastructures and uses the types and extent of maintenance work and the transport-related, ecological and other goals for the Lahn. The challenge is to strike a balance wherever possible between competing interests (flood protection, heritage preservation, nature conservation, shipping, water-body maintenance, cost-effectiveness, hydropower use, tourism, agriculture, fisheries, and more). The work takes an integrative, holistic approach. An interactive process involves not only the competent authorities in various sectors and at different tiers of administration but also the

⁵¹ <https://www.umweltbundesamt.de/publikationen/evaluation-der-oeffentlichkeitsbeteiligung-bessere> .

⁵² https://www.umweltbundesamt.de/sites/default/files/medien/479/publikationen/texte_32-2023_evaluation_der_oeffentlichkeitsbeteiligung.pdf .

wider public (both organised stakeholders and individual citizens). The project aims to gather experience for similar future participation processes.

The BMUV had a German translation made of the Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters that were taken note of by the 5th Meeting of the Parties to the Aarhus Convention in June 2014.⁵³

XVIII. Website addresses relevant to the implementation of article 6

Give relevant website addresses, if available:

Information provided by the BMUV:

<http://www.bmu.de/buergerbeteiligung/>

<https://www.bmu.de/themen/bildung-beteiligung/buergerbeteiligung/umweltpruefungen-uvpsup/>

EIA/SEA procedures for nuclear facilities abroad:

<https://www.bmu.de/themen/nukleare-sicherheit/internationales/beteiligungsverfahren-und-uvp-sup>

<https://www.bmu.de/buergerservice/beteiligung/dialog-endlagersicherheit>

Information provided by the German Environment Agency (UBA):

<http://www.umweltbundesamt.de/themen/nachhaltigkeit-strategien-internationales/umweltrecht/beteiligung>

<https://www.umweltbundesamt.de/themen/nachhaltigkeit-strategien-internationales/umweltrecht/beteiligungsrechte>
www.umweltbundesamt.de/themen/nachhaltigkeit-strategien-internationales/umweltpruefungen
www.uvp-portal.de

3x3 of good public participation for large-scale projects:

<https://www.bmu.de/download/beteiligungsverfahren-bei-umweltrelevanten-vorhaben/>

Information provided by BASE:

www.base.bund.de

Information platform pursuant to Section 6 StandAG: https://www.endlagersuche-infoplattform.de/webs/Endlagersuche/DE/home/home_node.html

Information provided by the BMDV:

<https://bmdv.bund.de/SharedDocs/DE/Artikel/G/handbuch-buergerbeteiligung.html>

Federal Institute for Geosciences and Natural Resources (BGR):

http://www.bgr.bund.de/DE/Home/homepage_node.html

Information provided by the BMEL on genetic engineering:

https://www.bmel.de/DE/serviceseiten/kategorieliste/themen/themen-node.html?pv=cl2Taxonomies_Themen%3A1%2Flandwirtschaft%2Fgentechnik

Information provided by the Federal Nature Conservation Agency (BfN) on agricultural genetic engineering and nature conservation:

<https://www.bfn.de/themen/agro-gentechnik.html>

Information provided by the Nature and Biodiversity Conservation Union (NABU):

<https://www.nabu.de/>

⁵³https://www.bmu.de/fileadmin/Daten_BMU/Download_PDF/Umweltinformation/maastricht_recommendations_de_bf.pdf.

Information provided by the Independent Institute for Environmental Issues (UfU):
www.aarhus-konvention.de/

Information on genetic engineering provided by the Federal Office of Consumer Protection and Food Safety:
www.bvl.bund.de/DE/06_Gentechnik/gentechnik_node.html

Information on new developments in plant research:
www.pflanzenforschung.de/de/startseite/

EIA portal of the Länder:
www.uvp-verbund.de

XIX. Practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment pursuant to article 7

List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment, pursuant to article 7. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

See the 2021 report. The participation of the public during the preparation of plans and programmes relating to the environment was legally safeguarded through the transposition into national law of European Directives 2001/42/EC and 2003/35/EC, which, *inter alia*, bring European law into line with the provisions of the Convention on public participation in decision-making processes in environmental matters. At federal level, the provisions have been transposed by means of the enactment of the following legislation:

- Act Introducing a Strategic Environmental Assessment and Implementing Directive 2001/42/EC (*Gesetz zur Einführung einer Strategischen Umweltprüfung und zur Umsetzung der Richtlinie 2001/42/EG – SUPG*) of 25 June 2005. Through this legislation, the provisions on SEA, including those dealing with public consultation, and a list of plans and programmes for which SEA is mandatory, were integrated into the existing UVPG.
- Act Adapting the Federal Building Code to EU Directives (*Gesetz zur Anpassung des Baugesetzbuchs an EU-Richtlinien – EAG Bau*) of 24 June 2004, which, by adapting the existing rules on public consultation, implemented the SEA Directive in the sphere of area development planning.
- Act on Public Participation (*Öffentlichkeitsbeteiligungsgesetz*) of 9 December 2006. This introduced public participation for certain plans and programmes under EU law insofar as these do not already require an SEA under the SEA Directive, e.g. air quality plans or waste management plans.

Land law contains corresponding provisions for plans and programmes undertaken at Land level.

Under the SEA provisions in the UVPG, public consultation is undertaken in a manner similar to that applicable to EIAs (Section 42 (1) UVPG makes reference to Sections 18 (1), 19 and 22 UVPG); the same applies to transboundary public consultation (sentence one of Section 61 (1) UVPG makes reference to Section 56 UVPG).

By means of a notice, the public must first of all be provided with relevant information on the consultation process in conformity with the provisions of Article 6 (2) of the Convention. Furthermore, the draft plan or programme, environmental report and other relevant documents must be made available for public examination at an early stage for an appropriate period of no less than one month (Section 42 (2) UVPG). The places where the information is made available for examination must be determined in a way which ensures effective participation by the public concerned. The public concerned has the opportunity, within an appropriate period of no less than one month, to state its views. This ensures that the public affected or likely to be affected by the decision-making process, or which has an interest in the decision-making process, can look in detail at the plans and express a view at an early stage in the process. The outcome of this public consultation process must be given due consideration in the further procedure to establish or amend the plan or programme (Section 14k UVPG).

A similar procedure is envisaged for plans and programmes which fall within the scope of the Act on Public Participation, and for area development plans alongside the formal public consultation process (making available of documents for public examination). Under the Building Code (BauGB), too, the public must generally be consulted at an early stage; among other things, the public must be informed of the general objectives, purposes and likely impacts of the plans, and given an opportunity for the expression of views and discussion (Section 3 BauGB). In this regard, the EIA portals that various Länder also utilise for digital public participation in area development planning are noteworthy.

In this context, it should be noted that since February 2007 Germany has also been a Party to the Protocol on Strategic Environmental Assessment (SEA Protocol) to the Espoo Convention, which entered into force on 11 July 2010. Article 14 of the EU Water Framework Directive should also be mentioned; this also provides for extensive public consultation, including the promotion of active participation, and is transposed by Section 83 (4) and Section 85 of the Federal Water Act (*Gesetz zur Ordnung des Wasserhaushalts – WHG*) of 31 July 2009. Similar provisions are included in Articles 9 and 10 of the European Flood Risk Management Directive and Article 19 of the Marine Strategy Framework Directive, which are transposed by Section 79 and Section 45i WHG.

XX. Opportunities for public participation in the preparation of policies relating to the environment provided pursuant to article 7

Explain what opportunities are provided for public participation in the preparation of policies relating to the environment, pursuant to article 7.

Answer:

See the 2021 report. In Germany, the preparation of policies relating to the environment, in the sense of political programmes or strategies, is not undertaken in accordance with a specific procedure in which the public could participate; stakeholders are involved in policy formulation as is appropriate.

In sustainability policy, in particular, public participation has become standard practice for drawing up progress reports. However, in the preparation of legislative procedures by the federal or Land governments which are intended to enshrine policies in law, there is scope for representatives of the public with appropriate expertise, notably the associations, to voice their opinions and discuss the draft legislation with the competent authority. Norms governing this consultation requirement are enshrined in the Joint Rules of Procedure of the Federal Ministries (*Gemeinsame Geschäftsordnung der Bundesministerien*), for example. In addition, the draft legislation is often made available on the Internet for the purposes of public information even at this early stage. The same procedure also applies to the enactment of secondary legislation. In some cases, the law prescribes consultation with the groups concerned as mandatory (see also the comments on Article 8).

In environmental policy, many decisions are taken that have direct impacts on the living conditions of citizens. The BMUV has therefore been striving for years to enhance the involvement of the public in issues of environmental policy relevance. The lifeworlds and views of citizens are taken into account in decision-making. To this end, the BMUV has carried out an array of public participation procedures on diverse environmental policy topics:

- From 5 September to 28 October 2022, the BMUV conducted an online dialogue on the governmental Action Plan on Nature-based Solutions for Climate and Biodiversity (*Aktionsprogramm Natürlicher Klimaschutz – ANK*). Nature-based climate action can make a substantial contribution to achieving the Federal Government's goals in the fields of climate action, species protection, and precautionary action to address the consequences of the climate crisis. The Federal Government intends to harness this potential with the Action Plan on Nature-based Solutions for Climate and Biodiversity (ANK). The action plan aims to protect, strengthen and restore ecosystems. To design the ANK, the BMUV launched an online dialogue on its participatory platform *BMUV im Dialog*, where stakeholders from the realms of public administrations, associations, agriculture, forestry, landowners and interested members of the general public were able to contribute their ideas and suggestions. The online dialogue was also intended to give participants the opportunity to propose new measures for the Action Plan on Nature-based Solutions for Climate and Biodiversity. On 5 September 2022 Federal Environment Minister Steffi Lemke opened the dialogue process on the Action Plan on Nature-based Solutions for Climate and Biodiversity, at a virtual kick-off event. After an evaluation and technical review of feedback from the online dialogue, the Action Plan on Nature-based Solutions for Climate and Biodiversity was revised. Following inter-ministerial consultations, the ANK was adopted by the Cabinet on 29 March 2023.⁵⁴
- It will only be possible to achieve a fundamental shift towards more environmentally sustainable food if large sections of the population accept the need for change and if the relevant policy measures have their support. The project began with a citizens' workshop which was held from 13 to 15 May 2022. Participants from every part of Germany were randomly selected in such a way that they represented the population as a whole. With the support of scientists, the almost 80 participants worked together to hammer out specific ideas and innovative proposals as to how the policy level could promote sustainable, plant-based diets. Over a period of more than 2 months, over 20 participants in 3 separate groups tested one of the measures in their everyday life: all measures were intended to facilitate the transition to a more plant-based diet. All suggested measures were finalised at a workshop with the help of expert input. In addition, citizens from sections of the population that traditional participation formats do not always reach were invited to a workshop as part of an outreach programme. With the support of scientists, the individual groups generated important impetus and participants were able to shed light on the recommendations moving forward. The final recommendations of the citizen dialogue were presented at a high-level final meeting on 20 October 2023, and handed over to the BMUV and UBA.⁵⁵
- In December 2024 the Cabinet adopted the National Strategy on Biological Diversity 2030 (*Nationale Strategie zur Biologischen Vielfalt 2030 – NBS 2030*). After 17 years, Germany now has an updated key conservation strategy that brings together other relevant strategies and programmes. As well as overarching biodiversity objectives, including species protection and ecosystem restoration, it addresses other current issues such as urban nature, climate action and the expansion of the use of renewable energy. The NBS 2030 implements the international agreements set out in the Kunming-Montreal Global Biodiversity Framework (GBF) and helps achieve the targets of the EU Biodiversity Strategy for 2030. Apart from the strategy itself, 64 objectives in 21 action areas form the heart of the NBS 2030, along with the First Action Plan which covers the period up to 2027 and sets out some 250 measures to be implemented by all federal ministries. There will be a

⁵⁴ <https://www.bmu.de/buergerservice/beteiligung/online-dialog-zum-aktionsprogramm-natuerlicher-klimaschutz>

⁵⁵ <https://www.bmu.de/buergerservice/beteiligung/buergerinnen-und-buergerdialog-nachhaltige-ernaehrung>

mid-term review in 2027, when a Second Action Plan will be drawn up with new and improved measures to ensure targets are reached by 2030. The Cabinet decision was preceded by an intensive development process involving various stakeholder groups and an online consultation.

- The participation process within the scope of the Dialogue on Climate Change Adaptation (*Dialog KlimaAnpassung* – DAS) was designed to help identify verifiable objectives in the field of adaptation to climate change and to help transform DAS into a precautionary strategy for adaptation (DAS 2.0). Parallel to nationwide online participation in 2023, an online consultation was organised that specifically addressed young people. In October and November 2023, the BMUV and UBA together hosted regional dialogues in five selected regions. At these two-day citizen dialogues, a total of 331 randomly selected individuals discussed how their own regions could adapt to climate change to ensure a liveable future. They drew up recommendations as to which solutions, measures and instruments could provide sufficient precautionary action and protection from the consequences of the climate crisis in their view. In March 2024 these recommendations were presented to Federal Environment Minister Steffi Lemke at a closing event. The citizens' dialogue was supplemented by the participation of experts from the individual Länder, municipalities, associations and the scientific and research community. The overall outcomes of the various strands of the Dialogue on Climate Change Adaptation will be incorporated in the new precautionary strategy of the Federal Government on adaptation to climate change.⁵⁶
- Intact peatlands offer not only an impressive landscape, but also valuable habitats for many threatened species of flora and fauna. Peatlands have an important part to play in climate action and climate change adaptation as well as being instrumental in upholding the water and nutrient balance and providing recreational space. For these reasons, the BMUV is working at both national and international level to protect and preserve peatland as a habitat, to restore damaged peatland and to foster the sustainable management of rewetted peatlands. On 9 November 2022 the Federal Cabinet adopted the National Peatland Protection Strategy (*Nationale Moorschutzstrategie*), setting out the political framework for all aspects of peatland protection at federal level for the coming years. This was set out in the coalition agreement. The National Peatland Protection Strategy will help Germany become carbon neutral by 2045. The measures set out in the strategy are to help reduce the annual greenhouse gas emissions from peatland by at least five million tonnes carbon dioxide equivalent by 2030. At the heart of the strategy is the rewetting of drained peatland and the climate-appropriate use thereof with long-term prospects. Measures are also to foster biodiversity in peatland regions. Protecting peatlands is a key area of nature-based climate action. The National Peatland Protection Strategy addresses all stakeholders within society. The BMUV is convinced that it is only possible to protect peatlands, to rewet peatland that has been drained and to ensure sustainable management of these areas by working with the local people, landowners and those who are currently managing these areas. For this reason, the National Peatland Protection Strategy builds on cooperative approaches and more PR work to support a transformative process that will usher in management forms to retain peatlands. In this project, an innovative participatory procedure is being developed and conducted, flanking the implementation of the National Peatland Protection Strategy.⁵⁷
- With a view to making the hitherto broadly linear German economy a circular economy that will make better use of resources, thus doing much to protect the environment and climate, as well as enhancing the competitiveness of the German economy, the Federal Government has adopted a National Circular Economy Strategy (*Nationale Kreislaufwirtschaftsstrategie* – NKWS). The NKWS takes account of the processes

⁵⁶ <https://www.bmuv.de/buergerservice/beteiligung/ueberblick-beteiligung/dialog-klimaanpassung-leben-im-klimawandel>.

⁵⁷ <https://www.bmuv.de/themen/naturschutz/moorschutz>.

involved in product design and manufacturing, consumption and every aspect of the circular economy. A broad-based participation process involving business associations and civil society helped elaborate the strategy. The process also used an online platform. Further participation processes are planned for the implementation of the strategy.⁵⁸

The BMUV has provided key impetus for the advancement and improvement of public participation through the following research projects, among others:

- In 2019 the BMUV had its own guidelines for effective public participation drawn up. They were designed firstly to help ensure consistently high quality in the BMUV's public participation procedures. Secondly, the guidelines and the accompanying explanations were to provide practical support for the BMUV staff tasked with organising public participation procedures. Effective public participation procedures not only give the BMUV a broader basis for decision-making. They also enrich the ministry's programmes and forge a greater understanding of political processes, increase interest and engagement in environmental policy within the general population and thus help ensure a vibrant democracy. To underpin the high quality of hybrid and online citizen participation, in 2024 the BMUV also drew up its own criteria for effective online and hybrid participation.⁵⁹
- In the project Environmental Policy in Dialogue – Environment, Populism, Democracy (*Umweltpolitik im Dialog – Umwelt, Populismus, Demokratie*), innovative dialogue formats are being developed and tested for and with citizens who tend to be more sceptical about both environmental policy and democratic institutions and actors. The project is thus to expand the range of political instruments available to reach individuals who have not so far been open to the idea of getting involved in participation processes. In this way the project helps strengthen the legitimacy of environmental and sustainability policy and enhance trust in democratic institutions at federal level, as well as providing responses to the challenges posed by populism.⁶⁰
- Within the scope of the project Exemplary Public Participation II (*Vorbildliche Bürgerbeteiligung II*), commissioned jointly by the BMUV and UBA, the possible benefits, but also the challenges of realising citizens' assemblies in legislative processes were identified, under the premise of the sovereignty of the executive in the procedure. The introduction of citizens' assemblies as a form of deliberative public participation at federal level is a promising approach to foster political participation and strengthen the trust of citizens in political institutions. Experience gained in other countries, and at regional and municipal levels, indicate that citizens' assemblies can be an effective way of bringing a wider spectrum of perspectives and views into policy-making processes. The 2023 discussion paper on involving citizens' assemblies in the legislative processes of the executive looks at the main opportunities and challenges involved in introducing and realising citizens' assemblies that are attached to legislative processes of the executive at federal level, including producing draft legislation and ordinances.⁶¹

The Länder, too, have introduced effective instruments of public participation deployed when preparing environmentally relevant policies. In Baden-Württemberg, for example, a participation portal has been set up that ensures transparency and facilitates public involvement in the policy-making process. Participation in environmental pricing is documented there, as is the already concluded participation procedure for the Land's integrated energy and climate action plan.⁶²

⁵⁸ <https://www.kreislaufwirtschaft-deutschland.de/>.

⁵⁹ <https://www.bmu.de/download/leitlinien-fuer-gute-buergerbeteiligung-qualitaetssicherung>.

⁶⁰ <https://www.bmu.de/buergerservice/beteiligung/umweltpolitik-im-dialog-umwelt-populismus-und-demokratie>.

⁶¹ <https://www.bmu.de/download/buergerraete-und-ihre-einbeziehung-in-die-rechtsetzungsprozesse-der-exekutive>.

⁶² <https://beteiligungsportal.baden-wuerttemberg.de/de/informieren/projekte-und-berichte/buergerwerkstatt-umweltbepreisung/> and <https://um.baden-wuerttemberg.de/de/klima/klimaschutz-in-baden-wuerttemberg/integriertes-energie-und-klimaschutzkonzept/oeffentlichkeitsbeteiligung/>.

XXI. Obstacles encountered in the implementation of article 7

*Describe any **obstacles encountered** in the implementation of article 7.*

Answer:

No information was provided under this heading.

XXII. Further information on the practical application of the provisions of article 7

*Provide further information on the **practical application of the provisions on public participation in decisions on specific activities in article 7.***

Answer:

To support the implementation of the above-mentioned provisions of the UVPG, a research project was carried out with the aim of developing guidelines on strategic environmental assessment (SEA).⁶³ These guidelines help ensure that the assessment process, including public consultation, is demanding in substantive terms and is conducted effectively.

For certain types of plans and programmes, e.g. area development planning, a number of research projects have already been carried out and guidelines produced. A selection is available on the following websites.

In an extensive study based on 143 case studies covering all SEA use cases over the period 2005 to 2018, UBA commissioned an evaluation of practical strategic environmental assessments in Germany. The report was published in 2023.⁶⁴ The findings regarding public participation in strategic environmental assessments are ambivalent. While the stated views of the public are very much taken into account in environmental reports, the actual influence of these stated views on planning can be seen mainly in the fields of spatial planning and area development planning. Positive mention should be made of the fact that, “in about one quarter of the case studies, participation formats used went beyond what was required by law.”⁶⁵ In these cases the bodies responsible for planning thus appeared to recognise the benefits of actively involving the general public beyond what they were required to do by law.

XXIII. Website addresses relevant to the implementation of article 7

Give relevant website addresses, if available:

Germany’s National Sustainable Development Strategy:
<https://www.bundesregierung.de/breg-de/schwerpunkte-der-bundesregierung/nachhaltigkeitspolitik/eine-strategie-begleitet-uns>

Information provided by the BMUV:

⁶³ www.bmu.de/fileadmin/Daten_BMU/Download_PDF/Umweltpruefungen/sup_leitfaden_lang_bf.pdf

⁶⁴ https://www.umweltbundesamt.de/sites/default/files/medien/11850/publikationen/112_2023_texte_evaluati_on_der_praxis_der_strategischen_umweltpruefung_in_deutschland.pdf.

⁶⁵ https://www.umweltbundesamt.de/sites/default/files/medien/11850/publikationen/112_2023_texte_evaluati_on_der_praxis_der_strategischen_umweltpruefung_in_deutschland.pdf, p. 292

<https://www.bmuv.de/buergerservice/beteiligung/umweltpruefungen-uvp-und-sup>

Guidelines on strategic environmental assessment:

<https://www.bmuv.de/download/leitfaeden-zu-uvp-und-sup>

BMUV: Environmental dialogue on the National Sustainability Strategy:

<https://www.bmuv.de/themen/nachhaltigkeit/erfolgskontrolle-und-weiterentwicklung>

BMUV: Citizen participation:

<https://www.bmuv.de/buergerservice/beteiligung/ueberblick-beteiligung>

Information provided by UBA:

<http://www.umweltbundesamt.de/themen/nachhaltigkeit-strategien-internationales/umweltrecht/beteiligung>

<http://www.umweltbundesamt.de/themen/nachhaltigkeit-strategien-internationales/umweltpruefungen>

Internet site of the Association for the Assessment of Environmental Impacts (German EIA Association), which has also established a Working Group on Strategic Environmental Assessment: <http://www.uvp.de/de/>

Information by the Federal Nature Conservation Agency (BfN) on assessment procedures in relation to the EU Habitats Directive: <http://ffh-vp-info.de>

Information provided by the BNetzA: <https://www.netzausbau.de/home/de.html>

Information provided by the Federal Institute for Geosciences and Natural Resources (BGR): www.bgr.bund.de/DE/Home/homepage_node.html

EIA portal of the Länder:

www.uvp-verbund.de

XXIV. Efforts made to promote public participation during the preparation of regulations and rules that may have a significant effect on the environment pursuant to article 8

Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment, pursuant to article 8. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

German environmental law provides for broad stakeholder participation prior to the adoption of secondary legislation. The stakeholder groups involved (in particular, representatives – to be selected by the authorities – of the academic community, environmental groups and other affected persons and participating businesses) are regularly consulted before the adoption of executive regulations; see, for example, the third sentence of Section 4 (1) and Section 51 BImSchG, Section 66 (6) UVPG, Sections 5 and 20 of the Federal Soil Conservation Act (*Bundes-Bodenschutzgesetz* – BBodSchG), Sections 8 and 68 of the Closed Substance Cycle and Waste Management Act (*Kreislaufwirtschaftsgesetz* – KrWG), and Section 17 of the Chemicals Act (*Chemikaliengesetz* – ChemG).

See the 2021 report.

In some cases, German law also allows the “general” public to participate in processes that lead to the enactment of secondary legislation. Such opportunities exist, for example, under Land nature conservation law in the designation of conservation areas,⁶⁶ under Land water law in the designation of water conservation areas, and in some cases with regard to other protected areas,⁶⁷ as well as under Land soil conservation law in the designation of soil contamination areas.⁶⁸

XXV. Obstacles encountered in the implementation of article 8

*Describe any **obstacles encountered** in the implementation of article 8.*

Answer:

Given the controversial question as to the applicability of Article 8 of the Convention to the actions of ministries within the scope of the legislative procedure, Germany is of the view that Article 8 does not apply. This view is based on the provisions of Article 2 (2) of the Convention which expressly state that the term “public authority” does not include any organ or body that is acting in a legislative capacity. In Germany’s view this also applies to ministries that are elaborating draft legislation as provided for under German constitutional law, that is subsequently to be introduced by the Federal Government into the German Parliament and adopted by the latter.⁶⁹

The European Court of Justice (ECJ) has also found that the preparation and submission of draft legislation by ministries is part of the legislative procedure under the meaning of Article 2 (2) sentence 2 of the Convention, when it undertook a “functional interpretation” with regard to Article 2 (2) of the Convention. This states that ministries act in a legislative capacity, where they are part of the legislative process, in particular when they submit draft legislation or formulating opinions.⁷⁰

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XXVI. Further information on the practical application of the provisions of article 8

*Provide further information on the **practical application of the provisions on public participation in the field covered by article 8.***

Answer:

No information was provided under this heading.

⁶⁶ See, for example, Section 24 (2) of the Baden-Württemberg Nature Conservation Act (NatSchG B-W), Section 9 (2) of the Brandenburg Nature Conservation Act (BbgNatSchG), Section 15 (2) of the Mecklenburg-Western Pomerania Nature Conservation Act (NatSchG M-V), Section 19 (2) of the Schleswig-Holstein Nature Conservation Act (LNatSchG SH).

⁶⁷ See, for example, Sections 41 and 58 of the Bremen Water Act (BremWG), Section 91 (1) of the Lower Saxon Water Act (NWG), Section 122 (2) of the Mecklenburg-Western Pomerania Land Water Act (LWaG M-V), Section 130 (2) of the Saxon Water Act (SächsWG), Section 43 (3) of the Schleswig-Holstein Land Water Act (LWG SH).

⁶⁸ Cf., for example, Sections 7 ff. of the Bremen Soil Conservation Act (BremBodSchG).

⁶⁹ Comments of the Federal Republic of Germany, ACCC/C/2023/203, 10 May 2024

⁷⁰ ECJ judgement C-204/09 of 14 February 2012 (Flachglas Torgau), para 49

XXVII. Website addresses relevant to the implementation of article 8

Give relevant website addresses, if available:

BMUV:

<https://www.bmu.de/ministerium/gesetze>

BfN:

<https://www.bfn.de/verordnungs-und-gesetzgebungsverfahren> and

<https://www.bfn.de/anpassung-des-landesrechts>

BLANO joint working group of the Federal Government and the Länder for the North and Baltic Seas: Public participation in reporting on the implementation of the EU Marine Strategy Framework Directive:

<https://mitglieder.meeresschutz.info/de/berichte/zustandsbewertungen-art8-10.html>

XXVIII. Legislative, regulatory and other measures implementing the provisions on access to justice in article 9

List legislative, regulatory and other measures that implement the provisions on access to justice in article 9.

Explain how each paragraph of article 9 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

(a) With respect to **paragraph 1**, measures taken to ensure that:

(i) Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law;

(ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;

(iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;

(b) Measures taken to ensure that, within the framework of national legislation, members of the public concerned meeting the criteria set out in **paragraph 2** have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6;

(c) With respect to **paragraph 3**, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;

(d) With respect to **paragraph 4**, measures taken to ensure that:

- (i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;
- (ii) Such procedures otherwise meet the requirements of this paragraph;
- (e) With respect to **paragraph 5**, measures taken to ensure that information is provided to the public on access to administrative and judicial review.

Answer:

In Germany, pursuant to Article 19 (4) of the Basic Law (GG), should any person's rights be violated by a public authority, that person may have recourse to the independent courts. The relevant procedure is determined primarily by the Code of Administrative Court Procedure (*Verwaltungsgerichtsordnung – VwGO*).

(a) See the 2021 report.

(b) In accordance with the Basic Law (GG), anyone who asserts that their rights may have been violated by the decision of a public agency may have recourse to the courts (section 42 (2) VwGO). Article 9 (2) of the Aarhus Convention and the provisions of Directive 2003/35/EC were enacted in German law by means of the Environmental Appeals Act (*Umwelt-Rechtsbehelfsgesetz – UmwRG*) of 7 December 2006. Pursuant to section 2 (1) UmwRG, domestic and foreign associations that are recognised pursuant to section 3 UmwRG may, without needing to claim that their own rights have been violated, seek remedy under the Code of Administrative Court Procedure. To amend the Act in 2017 the German legislature adopted the Act to Adjust the Environmental Appeals Act and Other Provisions to the Requirements of European and International Law (*Gesetz zur Anpassung des Umwelt-Rechtsbehelfsgesetzes und anderer Vorschriften an Europa- und völkerrechtliche Vorgaben*). For details, see the 2021 implementation report.

In addition, federal and Land nature conservation legislation has long provided nature conservation associations with more extensive options for taking legal action. For details please see the 2021 implementation report. (c) According to Decision V/9h of 2 July 2014 of the 5th Meeting of the Parties to the Aarhus Convention Germany has also failed to sufficiently meet its commitments under international law with regard to Article 9 para 3 of the Convention: in many of its sectoral laws Germany has not ensured the standing of environmental associations to challenge acts or omissions of public authorities or private persons which contravene provisions of national law relating to the environment.

The 2017 amendment to the UmwRG Act described in (b) above also transposes this part of the Decision into German law. To this extent, and with regard to additional more effective regulations for civil, criminal and administrative courts that are capable of forcing individuals and associations to comply with environmental provisions of German law and prevent contraventions of provisions of this sort by public authorities or private individuals, please see the information set out in the 2021 report.

XXIX. Obstacles encountered in the implementation of article 9

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 9.*

Answer:

The Federal Government intended to address the existing need to adapt the regulations on access to legal protection in environmental matters to the requirements of the Aarhus Convention and corresponding EU law requirements with a bill to amend the

Environmental Appeals Act (*Umwelt-Rechtsbehelfsgesetz* – UmwRG) and other environmental regulations.⁷¹ It tabled a pertinent bill on 21 August 2024 and submitted it to the two chambers of the German Parliament, the Bundestag and the Bundesrat. The bill was not, however, passed before the end of the parliamentary term of the 20th parliament. Under German law, a new legislative procedure must now be launched in the new parliament.

The amendments were firstly to enact resolution VII/8g of the 7th Meeting of the Parties (MOP) to the Aarhus Convention on 20 October 2021, under which the criterion for recognising the principle of internal democracy pursuant to section 3 (1) sentence 2 no. 5 of the Environmental Appeals Act contravenes international law. The Meeting of the Parties thus recommended deleting the requirements set out in section 3 (1) sentence 2 no. 5 of the UmwRG.

Secondly, European and national case law on the scope of application of the UmwRG was to be clarified, in particular the judgment of the European Court of Justice (ECJ) of 8 November 2022 (Case C-873/19). In this judgment, the ECJ established in principle that, according to the wording of Article 9 (3) of the Convention, legal criteria that Member States may stipulate may relate to the determination of the group of persons entitled to challenge the decision, but not to the subject matter of the action. It has ruled that EU Member States may not restrict the material scope of Article 9 (3) of the Convention by excluding certain categories of provisions of national environmental law from the scope of the action brought by recognised environmental associations. Moreover the Federal Administrative Court has ruled that, in the case of possible breaches of European environmental law, recognised environmental associations may bring action against decisions taken by public authorities regarding the authorisation of plans and programmes that are not subject to mandatory strategic environmental impact assessments (judgment of 26 January 2023 – 10 CN 1.23).

XXX. Further information on the practical application of the provisions of article 9

*Provide further information on the **practical application of the provisions on access to justice pursuant to article 9**, e.g., are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?*

Answer:

Since 2019, a UBA-sponsored research project has explored issues relating to the options for environmental associations to take legal action following the 2017 amendment to the UmwRG. One focus of the research is the question of how the number of actions taken by associations has developed; a further one is whether decision-making processes have become lengthier as a result, particularly following the abolition of substantive preclusion. This research project came to an end in September 2021. The research project was wound up in September 2021. The project found that the number of actions taken had increased, but not primarily concerning matters that had been introduced by the amendment. It did not provide evidence that decision-making had become lengthier. The relatively high success rate of the collective actions, on the other hand, indicates that the legal action thus open to environmental associations also makes an important contribution to reducing enforcement deficits in the application of environmental regulations. The project was also designed to prepare a report for the Federal Government to present to the German Bundestag. When it adopted the amended UmwRG in 2017, the Bundestag called on the Federal Government to report on practical experience gained in enforcing the act by mid-2021.

⁷¹ <https://dserv.bundestag.de/btd/20/130/2013081.pdf> .

Table: Empirical findings concerning the overall number of legal actions taken by environmental associations⁷² in the period 2017 – 2020 (data as of 1 December 2021)

Overall number	won	partial success (incl. settlements)	lost	resolved	unresolved
222	57	22	74	1	68
100%	25.7%	9.9%	33.3%	0.45%	30.6%

In a study commissioned by UBA, which was published in March 2025, the monitoring of collective actions was continued for the period 1 January 2021 to 31 December 2023 and advisory services were delivered to the BMUV on current legal issues arising regarding the further development of legal protection instruments. In contrast to the results of the study published in 2021, there was a significant shift in the subjects of legal action towards the new section 1 (1) sentence 1 nos. 4 to 6 UmwRG introduced in the 2017 amendment to the UmwRG; actions under this section accounted for around two thirds of all legal actions in 2023. There were no changes in the duration of court decisions and the success rate of legal actions remained at a similarly high level as in the 2017 to 2020 study period. The study also records for the first time which environmental associations recognised by the Federal Government and the Länder exercised their rights to bring legal action in the course of the 2021 to 2023 study period. Only 34 out of a total of 399 recognised associations exercised their right to take legal action at least once during the period under investigation.

Table: Empirical findings concerning the overall number of legal actions taken by environmental associations⁷³ in the period 2021 – 2023 (as at February 2025)

Overall number	Annual average	Won	Partial success (including settlements)	Lost	Resolved	Unresolved (only urgent procedure)
208	69.33	49	8	51	3	96
100%		44.1%	7.2%	46%	2.7%	

⁷² Number of cases in which, due to actions or applications by officially recognised environmental associations in Germany, at least one court ruling has been issued.

⁷³ Number of cases in which, due to actions or applications by officially recognised environmental associations in Germany, at least one court ruling has been issued. <https://www.umweltbundesamt.de/publikationen/wissenschaftliche-unterstuetzung-des-rechtsschutzes-0>

XXXI. Website addresses relevant to the implementation of article 9

Give relevant website addresses, if available:

Information provided by the BMUV:

<https://www.bmuv.de/ministerium/gesetze>
<https://www.bmuv.de/themen/naturschutz/ueberblick-naturschutz>

Information provided by UBA on the recognition of environmental associations and on legal remedies in environmental matters:

<https://www.umweltbundesamt.de/themen/nachhaltigkeit-strategien-internationales/anerkennung-von-umwelt-naturschutzvereinigungen>
www.umweltbundesamt.de/en/recognition-of-environmental-nature-protection
<https://www.umweltbundesamt.de/themen/nachhaltigkeit-strategien-internationales/umweltrecht/rechtsschutz-verbandsklage>
www.umweltbundesamt.de/en/access-to-justice

Information provided by the BfN:

<https://www.bfn.de/bundesrecht>
<https://www.bfn.de/landesrecht>

Online databases provided by the JURIS Legal Information System for the Federal Republic of Germany:

www.juris.de/jportal/index.jsp

Articles 10-22 are not for national implementation.

XXXII. General comments on the Convention's objective

If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

Answer:

The Federal Government takes the view that transparency and participation by civil society are key instruments of a modern environmental policy. The provision of information to, and participation of, the public are of crucial importance as prerequisites for opinion-forming and the shaping of the political process in a democracy. Only an informed public can demand compliance with environmental standards and play an active role in the conservation of the environment. A right of free access to environmental information is the key to effective monitoring and control of the activities of the administration and greater acceptance of administrative decisions. At the same time, by tapping into the knowledge held by the public, the factual basis available to the authorities can be broadened, thus enhancing the quality of decision-making.

National regulations on access to information, public participation in decision-making processes, and access to the courts in environmental matters supplement and enhance the existing statutory provisions. They thus make a procedural contribution to the fulfilment of the constitutional goal of environmental protection enshrined in Article 20a of the Basic Law

(GG), under which, mindful also of their responsibility towards future generations, all the state's institutions are obliged to protect the natural resource base.

XXXIII. Legislative, regulatory and other measures implementing the provisions on genetically modified organisms pursuant to article 6 bis and Annex I bis

Concerning legislative, regulatory and other measures that implement the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, describe:

- (a) With respect to **paragraph 1 of article 6 bis** and:
 - (i) **Paragraph 1** of annex I bis, arrangements in the Party's regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis;
 - (ii) **Paragraph 2** of annex I bis, any exceptions provided for in the Party's regulatory framework to the public participation procedure laid down in annex I bis and the criteria for any such exception;
 - (iii) **Paragraph 3** of annex I bis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorisation for the deliberate release or placing on the market of such genetically modified organisms, as well as the assessment report where available;
 - (iv) **Paragraph 4** of annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential;
 - (v) **Paragraph 5** of annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example:
 - a. The nature of possible decisions;
 - b. The public authority responsible for making the decision;
 - c. Public participation arrangements laid down pursuant to paragraph 1 of annex I bis;
 - d. An indication of the public authority from which relevant information can be obtained;
 - e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments;
 - (vi) **Paragraph 6** of annex I bis, measures taken to ensure that the arrangements introduced to implement paragraph 1 of annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market;
 - (vii) **Paragraph 7** of annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to paragraph 1 of annex I bis;
 - (viii) **Paragraph 8** of annex I bis, measures taken to ensure that the texts of decisions subject to the provisions on annex I bis taken by a public authority are made publicly available along with the reasons and the considerations upon which they are based;
- (b) With respect to **paragraph 2 of article 6 bis**, how the requirements made in accordance with the provisions of annex I bis are complementary to and mutually

supportive of the Party's national biosafety framework and consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biodiversity.

Answer:

The aim of the amendment to the Aarhus Convention adopted through decision II/1 at the second meeting of the Parties in Almaty (Kazakhstan) on 27 May 2005 (Almaty Amendment) is to supplement the Convention with minimum requirements for public participation in decisions on the release and placing on the market of genetically modified organisms (GMOs). The Federal Republic of Germany approved the Almaty Amendment by means of a ratification act and adopted it, with effect under international law, on 20 October 2009.

European and German law on genetic engineering had already long provided for public participation in decisions on the release and placing on the market of GMOs. Decisions on the placing on the market of GMOs are taken at EU level, decisions on experimental releases are taken by the Member States. The more detailed specification of the participation procedure in relation to GMOs achieved by the amendment to the Aarhus Convention is in line with the relevant legislative provisions of the European Union on GMOs.

The relevant provisions at EU level, especially Directive 2001/18/EC of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and Regulation (EC) 1829/2003 of 22 September 2003 on genetically modified food and feed, already contain provisions on public participation in decision-making on GMOs which are in line with the amendment to the Aarhus Convention. With regard to placing on the market, Articles 6, 18, 29 and 30 of Regulation (EC) 1829/2003 contain provisions on public participation in decision-making on GMOs and the confidentiality of information. In order to further improve transparency, these provisions were amended by Article 2 of Regulation (EU) 2019/1381. Articles 9 and 24 of Directive 2001/18/EC on deliberate release contain provisions on public participation. Articles 7, 8, 16, 18, 19, 20, 23 and 31 of Directive 2001/18/EC contain provisions on the provision of and public access to information. Furthermore, Article 25 of the Directive lays down which information must not be treated as confidential.

These provisions are transposed in Germany primarily by Part Three of the Genetic Engineering Act (*Gentechnikgesetz* – GenTG). Section 18 (2) GenTG stipulates that a consultation procedure must be conducted before a decision on authorising release is made. The details of the consultation procedure, e.g. when the duty to consult ceases to apply if additional information is submitted under the simplified procedure, are regulated in the Ordinance on Consultation Procedures in Accordance with the Genetic Engineering Act (*Gentechnik-Anhörungsverordnung* – GenTAnhV). These provisions ensure effective public participation in accordance with the criteria laid down in Annex 1^{bis} of the Aarhus Convention. It should be noted that the provisions are also compatible with the Cartagena Protocol on Biosafety with regard to the handling of living modified organisms (LMOs).

XXXIV. Obstacles encountered in the implementation of article 6 bis and annex I bis

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6 bis and annex I bis.*

Answer:

No information was provided under this heading.

XXXV. Further information on the practical application of the provisions of article 6 bis and annex I bis

*Provide further information on the **practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis**, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?*

Answer:

Decisions concerning the placing on the market of GMOs are taken in an EU-wide approval procedure and apply for all the EU Member States. In this respect, public participation is governed by Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed and Directive 2001/18/EC of 12 March 2001 on the deliberate release into the environment of genetically modified organisms. The competent authorities of all the EU Member States are involved in the approval procedures. The Federal Office of Consumer Protection and Food Safety (BVL) is the competent German authority. Opinions on applications to place GMOs on the market and decisions concerning experimental releases are issued by the BVL, *inter alia* in consultation with the Federal Agency for Nature Conservation (BfN), the Federal Institute for Risk Assessment (BfR) and the Robert Koch Institute (RKI). The Julius Kühn Institute – Federal Research Centre for Cultivated Plants (JKI) – and other participating authorities submit their opinions to the BVL.

All releases of GMOs applied for in Germany are recorded in a database and made available in an overview by the BVL. A site register administered by the BVL records the precise locations of sites on which GMOs are released or cultivated. The aim of the site register is to improve the observation of possible undesirable impacts on the environment, as well as human and animal health. At the same time, the public is to be informed in order to guarantee transparency and coexistence.

XXXVI. Website addresses relevant to the implementation of article 6 bis

Give relevant website addresses, if available, including website addresses for registers of decisions and releases related to genetically modified organisms:

Information provided by the Federal Office of Consumer Protection and Food Safety (BVL): www.bvl.bund.de/DE/06_Gentechnik/gentechnik_node.html
BVL: Database of GMO release projects:
https://zag.bvl.bund.de/freisetzung/index.jsf;jsessionid=QOI1cS6yNEoF6j7mhdtsjOr-ZmZUnjnzK_cDyJv.s-9200m?dswid=2564&dsrid=656
BVL: Register of GMO release and cultivation sites:
apps2.bvl.bund.de/stareg_web/showflaechen.do

Information provided by the European Commission:

Biosafety Clearing-House (BCH) of the Cartagena Protocol on Biosafety:
<http://bch.cbd.int/>

XXXVII. Follow-up on issues of compliance

If, upon consideration of a report and any recommendations of the Compliance Committee, the Meeting of the Parties at its last session has decided upon measures concerning compliance by your country, please indicate (a) what were the measures; and (b) what specific actions your country has undertaken to implement the measures in order to achieve compliance with the Convention.

Please include cross-references to the respective sections, as appropriate.

Answer:

No information was provided under this heading.