

Outcomes of the Workshop
“Transboundary Access to Justice for
Environmental NGOs”
held October 15th 2010, Berlin

Daniel Lamfried
Federal Environmental Agency, Germany
(Umweltbundesamt)

**Fifth Seminar on Cooperation on the EIA Convention in the Baltic
Sea Region**
Sopot, October 27–28, 2011

Role of the Umweltbundesamt

- Since 2006 Umweltbundesamt is competent authority for the recognition of associations working on the federal level and foreign associations
- Only recognized NGOs are entitled to bring special NGO lawsuits in the field of environmental protection and nature conservation
- 2008 UBA-Workshop on Access to Justice within Germany
- Scope of the 2010 Workshop “Transboundary Access to Justice for Environmental NGOs”

A G E N D A	
Transboundary Access to Justice for Environmental NGOs International Workshop	
Date:	Friday, 15th October 2010
Location:	Federal Environment Agency, Bismarckplatz 1, 14193 Berlin, Germany, Room 1134
Chair:	Michael Marty, Head of Section "Environmental Law", Federal Environment Agency, Dessau
10:00 – 10:15	Arrival and Coffee
10:15 – 10:30	Welcome Michael Marty, Head of Section "Environmental Law", Federal Environment Agency, Dessau
	Keynote Address Jörg-Andreas Krüger, Nature and Biodiversity Conservation Union Germany, Berlin
<u>Session 1</u>	Setting the Scene
10:30 – 11:00	Transboundary Access to Justice for Environmental NGOs - the Legal Concept according to International, European and German Law Prof. Dr. Sabine Schlacke, University of Bremen, Faculty of Law
11:00 – 11:15	The Recognition of Foreign Environmental NGOs in Germany – Requirements and Procedure pursuant to § 3 Environmental Appeals Act Daniel Lamfried, Section "Environmental Law", Recognition Authority, Federal Environment Agency, Dessau Discussion
<u>Session 2</u>	Country Reports: National Legal Requirements for and Specific Experiences with Transboundary Access to Justice
11:40 – 12:00	Austria Thomas Alge, Oekobuero, Vienna
12:00 – 12:20	Hungary Dr. Ágnes Gajdics, Environment Management and Law Association, Budapest Discussion
12:40 – 13:40	Lunch break
13:40 – 14:00	The Netherlands Prof. Dr. Chris Backes, Maastricht University, Faculty of Law
14:00 – 14:20	Poland Magdalena Bar, Environmental Law Center, Wroclaw Discussion
14:40 – 15:00	Romania Catalina Radulescu, Center for Legal Ressources, Bucharest
15:00 – 15:20	Switzerland Roman Hapka, Swiss Foundation for Landscape Conservation, Bern Discussion
15:40 – 16:00	Coffee break
<u>Session 3</u>	Case Reports
16:00 – 16:40	Nord Stream Pipeline Jochen Lamp, World Wide Fund For Nature Germany, Stralsund Jüri-Ott Salm, Estonian Fund for Nature, Tartu Discussion
17:00 – 17:10	Closing Remarks N.N.
The workshop language is English.	

Outcomes 1: Few Cases

- So far small number of cases, i.e. lawsuits of env. NGOs before foreign courts
- Famous cases:
 - Nord Stream Pipeline (Several Estonian NGOs)
 - Emssperrwerk (Dutch NGOs Waddenvereniging and Natuurmonumenten)
- Number of transboundary access to justice cases expected to rise as a result of an increase in transboundary participation
- Why so few cases?

Outcomes 2: Legal barriers?

- Access to justice for env. NGOs governed by EU and international law
- Directive on PP (2003/35/EC): Access to justice (also) for (foreign) env. NGOs is obligatory but details are open to regulation by MS
- Diverse legal arrangements in MS concerning access to justice for NGOs
- Foreign NGOs in most national legal systems not expressly mentioned (hence not explicitly excluded from access to justice)
- Discussion: Should there be specific regulation on access to justice for foreign NGOs?

Outcomes 3: Practical barriers

- Lack of capacity
 - limited manpower, funding
 - NGOs hardly cope with the national cases
- Lack of knowledge of a different legal system
- Language
 - Documents available only in the national language
- Participation deficits
 - Problems in the phase of participation affect Access to Justice
- International cooperation between NGOs

More Information

- The Agenda, all presentations and two thesis papers are available on the website of the Umweltbundesamt
<http://www.umweltbundesamt.de/umweltrechte/verbandsklage/index.htm>
- On the same website you can also obtain English-language information on the requirements and the procedure of the recognition of env. NGOs in Germany

Thanks for your attention !

Questions ?

Daniel Lamfried

Federal Environment Agency
Section „Environmental Law“

Wörlitzer Platz 1

06844 Dessau-Roßlau

tel: +49-340-2103-2041, fax: +49-340-2104-2041

E-Mail: daniel.lamfried@uba.de

www.umweltbundesamt.de