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Helping the environment gain its rights 50 environmental associations recognised as per Environmental Appeals Act

The Federal Environment Agency (UBA) recognised the 50th environmental association in July, thereby granting it the right to appeal. There are now 50 environmental associations throughout the country that are entitled to the special rights to file action provided for in the German Environmental Appeals Act (*UmwRG*) and act as advocates of the environment in a court of law. These associations can now have certain official decisions reviewed by a court of law as to their compliance with environmental regulations. "The associations' right to take action against statutory environmental violations will counteract any shortcomings in the execution of environmental law—and this will promote environmental protection", said UBA Vice President Dr. Thomas Holzmann.

The Environmental Appeals Act entered into force on 15 December 2006. The right to appeal granted by *UmwRG* enables associations to initiate a court review procedure of official authorisations to erect industrial facilities, waste incineration or energy production plants, large animal fattening farms, or to build roads. Unlike in civil law actions, the environmental associations need not be directly affected by a given official measure.

Recognised associations can file suit against any infractions of environmental law that would also entitle affected private individuals to do the same. "UBA proposes extending the right to appeal environmental regulations that exclusively govern protection of the environment and nature conservation. Legal protection by environmental associations is especially important in this area because private individuals can not file suit", says UBA Vice President Holzmann. The European Court of Justice is currently reviewing a bill submitted by the administrative court of appeal in North Rhine-Westphalia on whether European law ought to broaden the right of appeal.

The list of recognised environmental associations is here:

www.umweltbundesamt.de/umweltrecht/umweltvereinigungen.pdf

More information on recognition as per *UmwRG* and the right of appeal is available here:

www.umweltbundesamt.de/umweltrecht/verbandsklage/index.htm.

Dessau-Roßlau, 13 July 2009