

# Access to Justice and Environmental Assessment Litigation in Germany



**Lea Schmutz**

*Research Associate*

*Environmental Assessments Research Group | Technische Universität Berlin*

*Germany*

<https://www.tu.berlin/en/umweltpruefungen>



# Introduction & Background

## About me:

- B.Sc. and M.Sc. in Environmental Sciences at ETH Zurich
- Since November 2025: Research Associate at **Technische Universität Berlin, Environmental Assessments Research Group**
- Current research project: **Participation of environmental NGOs in Strategic Environmental Assessment (SEA) procedures**

## Environmental Assessments Research Group:

- Group leader: Prof. Dr. Gesa Geißler
- Environmental impacts of projects, plans and policies
- Environmental planning and assessment instruments (EIA, SEA, planning procedures)
- Integration of environmental concerns into decision-making
- Public participation and environmental governance



# Access to Justice and Environmental Assessment Litigation in Germany

## Presentation Topics



Legal background and development of environmental litigation rights in Germany

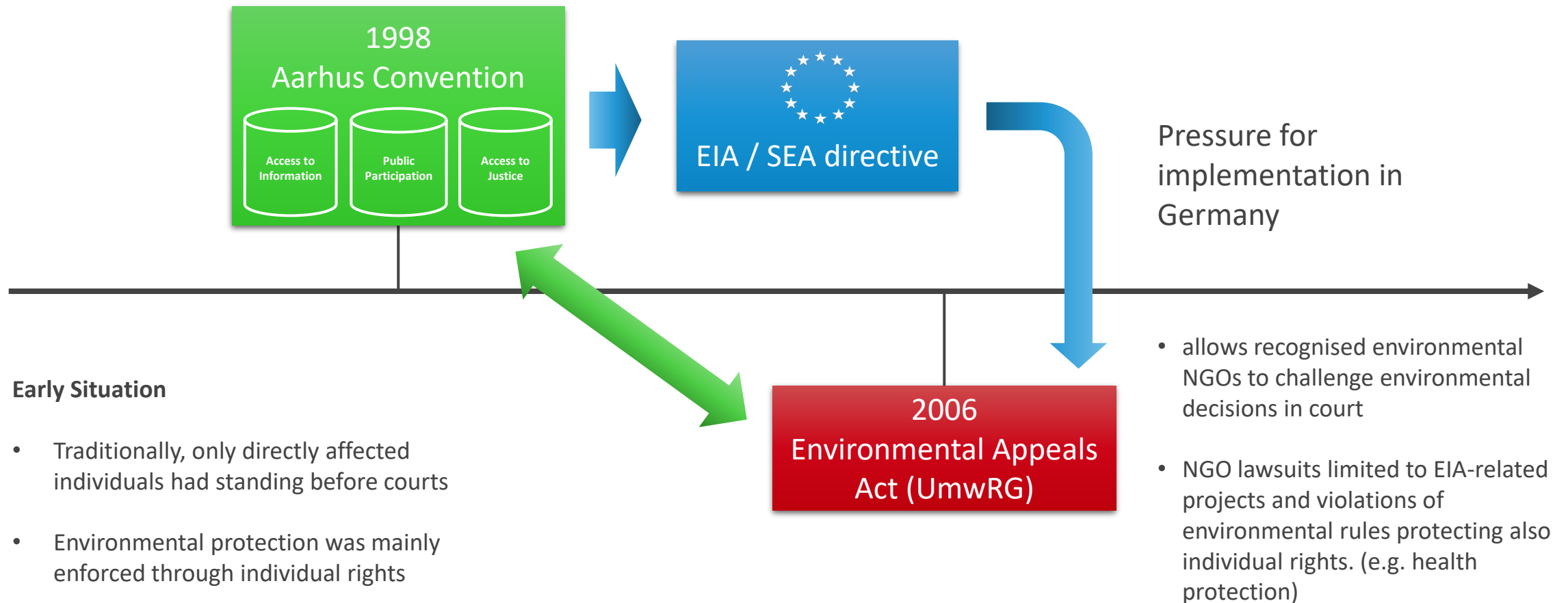


Current developments and challenges: planning acceleration vs. access to justice

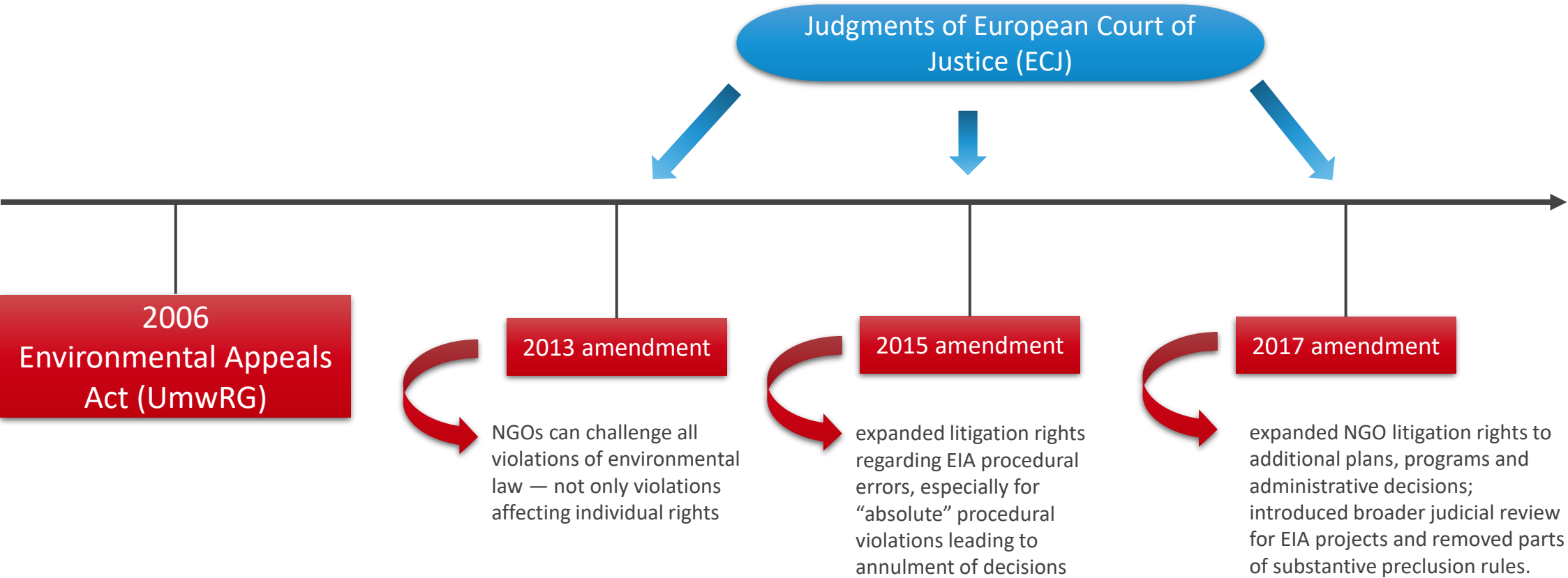


Empirical insights into environmental NGO litigation in practice

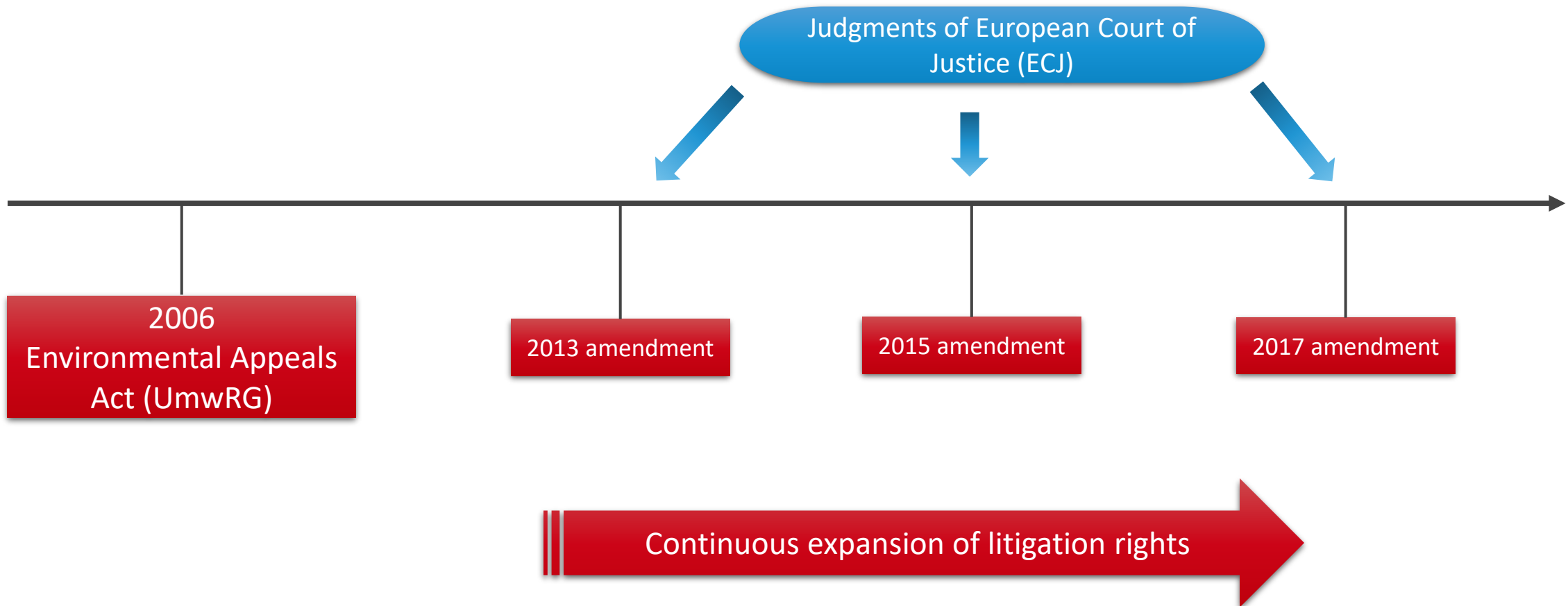
# How It Started — From Individual Rights to NGO Litigation



# Constant Changes and EU Pressure



## Constant Changes and EU Pressure



# The History of Litigation Rights in Germany: Not a Success Story



A **series of lost court cases and compliance proceedings** regarding environmental legal protection in Germany

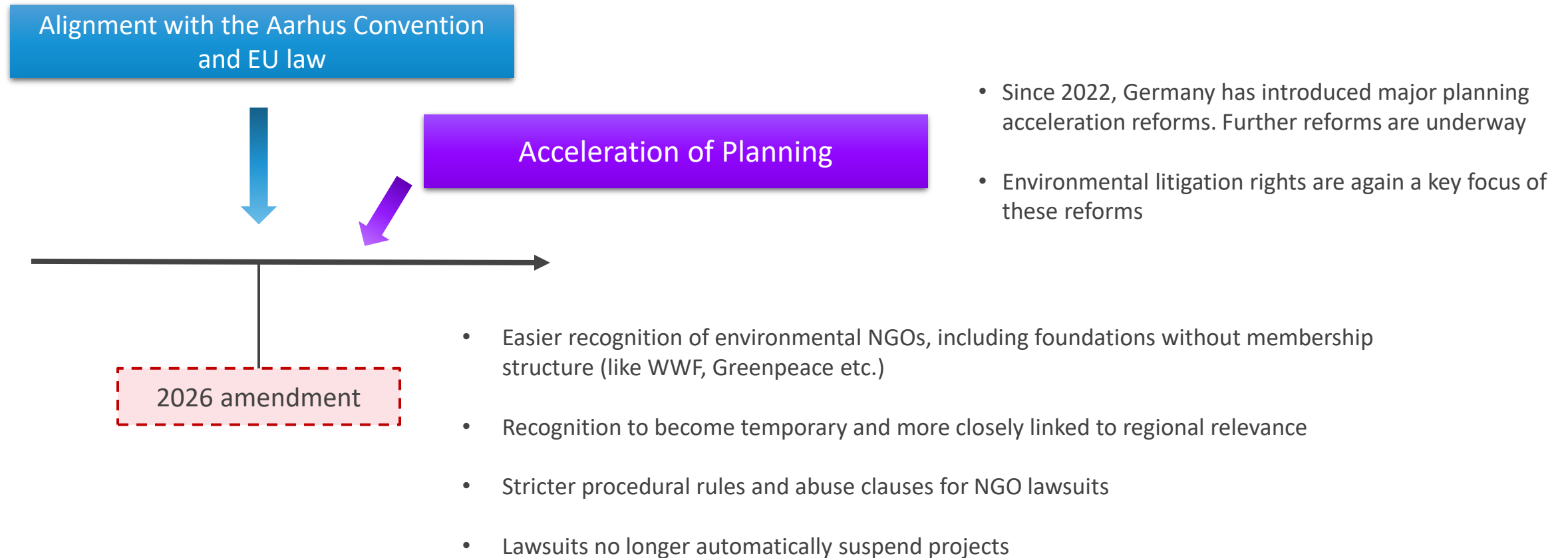


**Problem:** The Principle of the Injured Party's Action (Germany)  
vs. the Action by an Interested Party (EU)

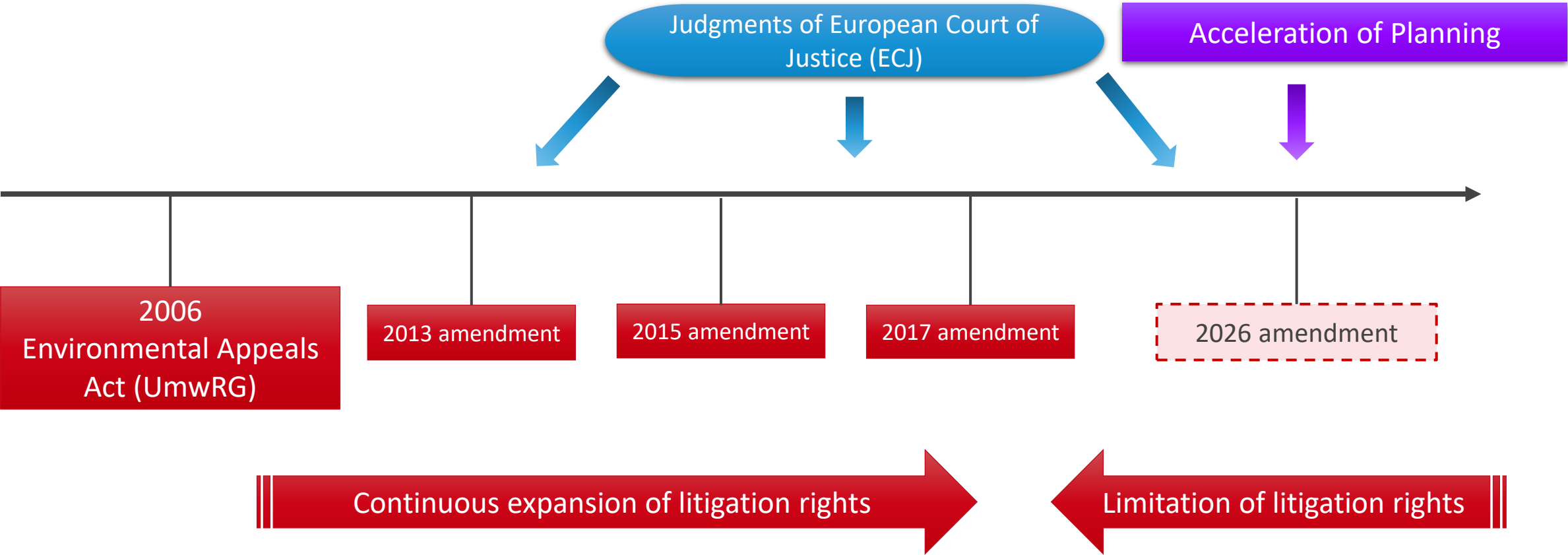
**Pressure for change from:**

- Conference of the Parties / Compliance Committee of the Aarhus Convention
- European Court of Justice
- National courts

# What's next? Faster Planning vs. Access to Justice



# Overall Development of the UmwRG



## Current debate

- Environmental NGOs are increasingly portrayed as obstacles to infrastructure and energy project
- This view is closely linked to current planning acceleration and energy transition policies
- Critics argue that environmental litigation causes delays, legal uncertainty and higher costs



***Are environmental NGOs obstructing projects or ensuring lawful and environmentally sound decision-making?***

# Empirical Monitoring by the German Environment Agency (UBA)



**UfU** Independent Institute  
for Environmental Issues

**“Scientific Support for Access to Justice in Environmental  
Matters during the 19th Legislative Period”**

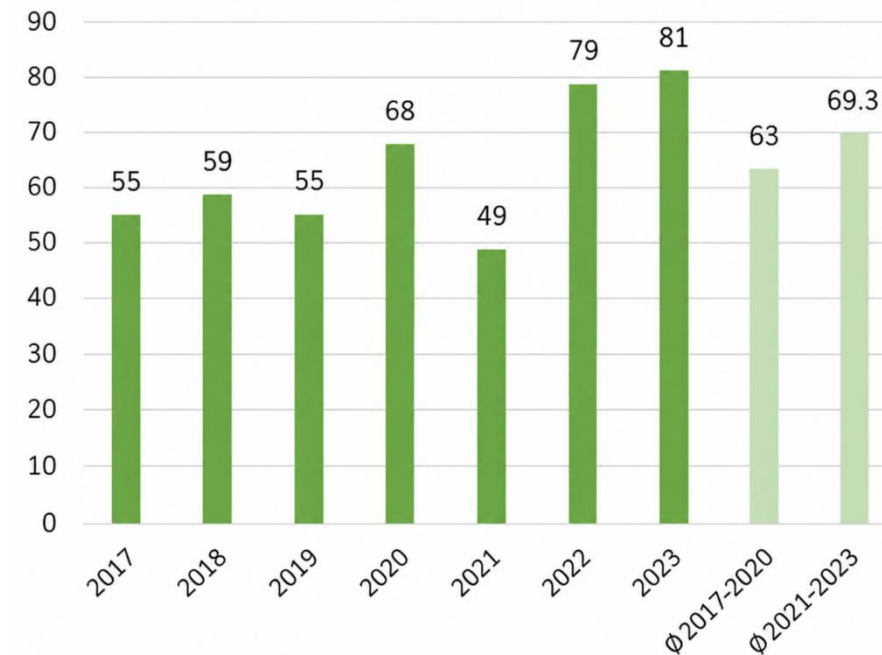
**“Scientific Support for Access to Justice in Environmental  
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- UBA monitoring projects on the impacts of the 2017 UmwRG reform (2017–2021 & 2021–2023)
- Conducted by the Independent Institute for Environmental Issues (UfU)
- Quantitative analysis of NGO litigation and expert interviews on legal developments

## What the Data Shows

- Of **399** officially recognised environmental organisations: only **34** NGOs (approx. **8.5%**) actually used their litigation rights
- In 2023, German administrative courts received:
  - **84,993** cases excluding asylum proceedings
  - Only **81** cases qualified as environmental NGO lawsuits under the UmwRG
- Environmental NGO litigation represents only a very small share of overall court proceedings in Germany.

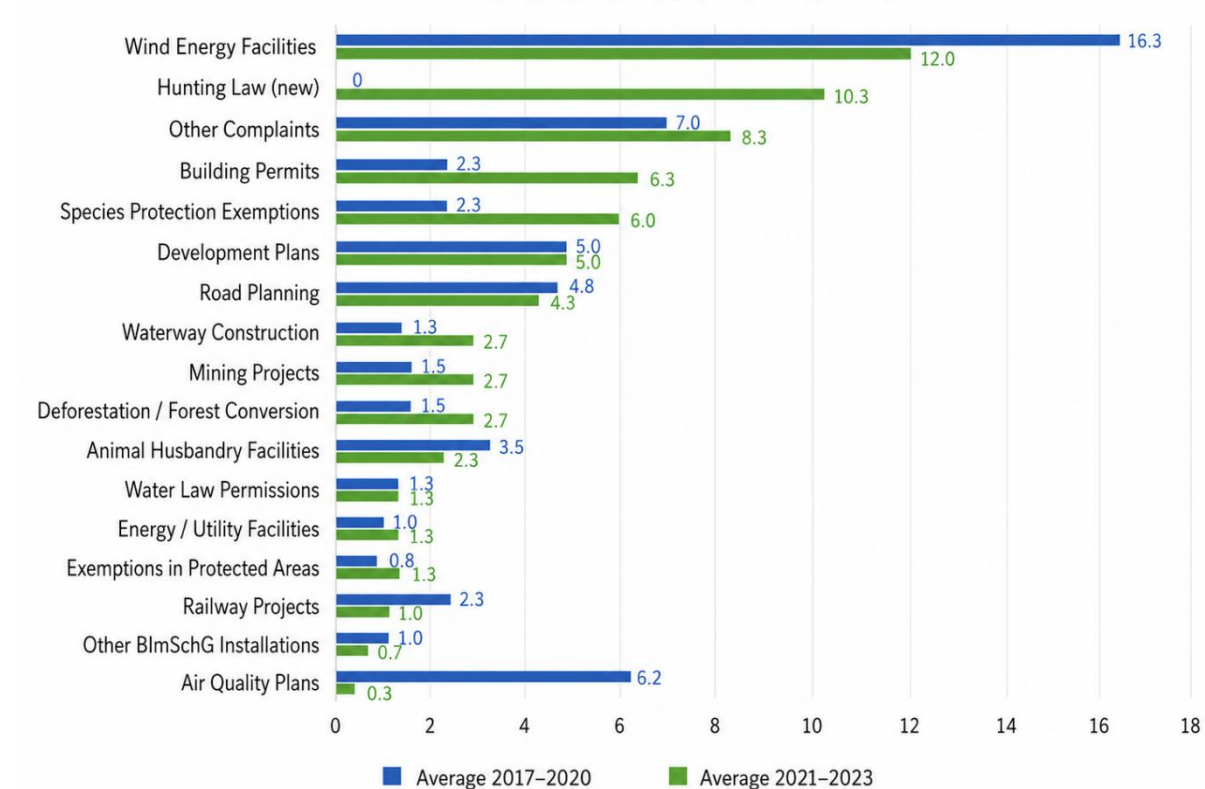
Development of the Number of Environmental Association Lawsuits 2017–2023



Adapted and translated from: Independent Institute for Environmental Issues (UfU), *Environmental Legal Protection in the 20th Legislative Period – Executive Summary* (2025). [UfU Executive Summary PDF](#)

# What the Data Shows

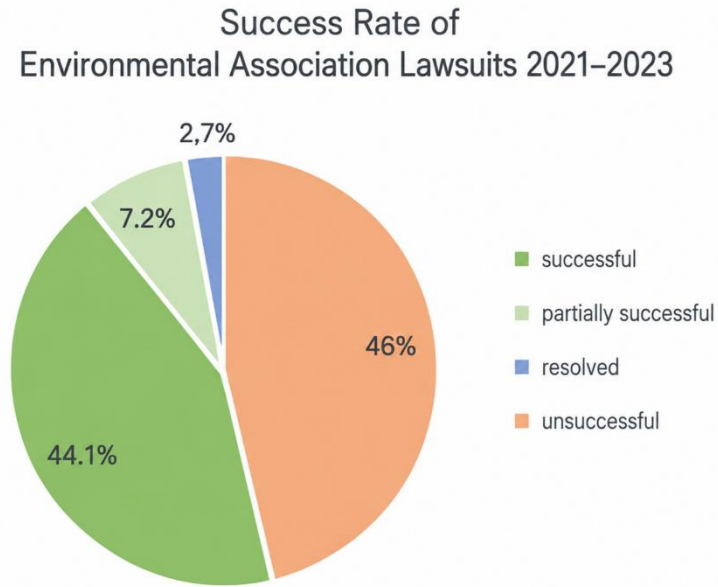
Average Number of Cases per Year and Complaint Type  
in the Periods 2017–2020 and 2021–2023



- Shift in NGO litigation focus toward wildlife protection, building permits and species protection exemptions
- **Fewer lawsuits against major infrastructure** and wind energy projects

Adapted and translated from: Independent Institute for Environmental Issues (UfU), *Environmental Legal Protection in the 20th Legislative Period – Executive Summary* (2025). [UfU Executive Summary PDF](#)

## What the Data Shows



- Environmental NGOs had a **high success rate** between 2021–2023, with over 51% of lawsuits fully or partly successful
- NGOs usually bring **carefully selected cases** with strong chances of success, helping to address enforcement deficits in environmental law

Adapted and translated from: Independent Institute for Environmental Issues (UfU), *Environmental Legal Protection in the 20th Legislative Period – Executive Summary* (2025). [UfU Executive Summary PDF](#)

# Key Takeaways



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- EU law and the Aarhus Convention forced Germany to expand NGO litigation rights
- Implementation remains contested, while planning acceleration creates new restrictions
- Environmental NGO lawsuits are comparatively successful and essential for safeguarding environmental interests in planning procedures

***“Fish cannot walk into court.”***

— Advocate General Eleanor Sharpston, Case C-115/09 (Trianel)



# Let's continue the conversation!

Message me your questions or comments in the IAIA26 app.

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