



Grand Chamber hearing concerning mandatory membership of landowner in hunting association

The European Court of Human Rights is holding a Grand Chamber¹ hearing today **Wednesday 30 November 2011 at 9.15 a.m.** in the case of **Herrmann v. Germany** (Application no. 9300/07).

The case concerns the applicant's complaint about being forced to accept hunting on his land, even though he is morally opposed to hunting.

The hearing will be broadcast from 2.30 p.m. on the Court's Internet site (www.echr.coe.int). After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage.

The applicant, Günter Herrmann, is a German national who was born in 1955 and lives in Stutensee (Germany). As the owner of two plots of land in Rhineland-Palatinate which are smaller than 75 hectares, he is automatically a member of the Langsur hunting association under German Federal Hunting Law (*Bundesjagdgesetz*) and has to tolerate the hunt on his premises. Being opposed to hunting on ethical grounds, he filed a request with the hunting authority to terminate his adherence to the association, which was rejected. A request to the same effect was rejected by the administrative court, whose judgment was upheld by the appeal court and the Federal Administrative Court.

In December 2006, the Federal Constitutional Court declined to consider Mr Herrmann's constitutional complaint, holding in particular that the Federal Hunting Law aimed to preserve game animals in a way that was adapted to the rural conditions, and to ensure a healthy and varied wildlife. In the court's view, the obligatory adherence to a hunting association was an appropriate and necessary means to achieve these aims and did not violate Mr Herrmann's property rights or his rights to freedom of conscience or of association. His right to equal treatment had not been violated either, as the law was binding on all landowners, and the owners of land of more than 75 hectares, while not being automatically members of a hunting association, were equally obliged to either exercise the hunt themselves or tolerate it on their premises.

Mr Herrmann complains that the obligation to tolerate the exercise of hunting rights on his premises violates his right to the peaceful enjoyment of his possessions under Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights and, relying on Article 1 of Protocol No. 1 taken together with Article 14 (prohibition of discrimination) of the Convention, that the Federal Hunting Law discriminates against him. He further alleges a violation of Article 9 (freedom of thought, conscience and religion) and of Article 11 (freedom of assembly and association) alone and taken together with Article 14.

Procedure

The application was lodged with the European Court of Human Rights on 12 February 2007. In its Chamber judgment of 20 January 2011, the Court, by a majority, declared the complaint under Article 11 taken on its own and in conjunction with Article 14 inadmissible and held that there had been no violation of Article 1 of Protocol No.1 or Article 14 and no violation of Article 9. On 20 June 2011, the case was referred to the Grand Chamber at the applicant's request.

¹ Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

The following organisations were given leave to intervene in the written procedure:
Deutscher Jagdschutz Verband (DJV)
Bundesarbeitsgenossenschaft der Jagdgenossenschaften und Eigenjagdbesitzer (BAGJE)
 European Centre for Law and Justice (ECLJ)

Composition of the Court

The case will be heard by a Grand Chamber, composed as follows:

Nicolas **Bratza** (the United Kingdom), *President*,
 Françoise **Tulkens** (Belgium),
 Josep **Casadevall** (Andorra),
 Nina **Vajić** (Croatia),
 Dean **Spielmann** (Luxembourg),
 Corneliu **Bîrsan** (Romania),
 Boštjan M. **Zupančič** (Slovenia)
 Khanlar **Hajiyev** (Azerbaijan),
 Egbert **Myjer** (the Netherlands),
 David Thór **Björgvinsson** (Iceland),
 Nona **Tsotsoria** (Georgia),
 Nebojša **Vučinić** (Montenegro),
 Angelika **Nußberger** (Germany),
 Paulo **Pinto de Albuquerque** (Portugal),
 Linos-Alexandre **Sicilianos** (Greece),
 Erik **Møse** (Norway),
 André **Potocki** (France), *judges*,
 Vincent A. **de Gaetano** (Malta),
 Päivi **Hirvelä** (Finland),
 Ján Šikuta (Slovakia), *substitute judges*,
 and also Michael **O’Boyle**, *Deputy Registrar*.

Representatives of the parties

Government

Almut **Wittling-Vogel**, *Agent*,
 Stefanie **Schmahl**, *Counsel*,
 Sonja **Winkelmaier**, Doris **Friedrich** and Axel **Heider**, *Advisers*;

Applicant

Michael **Kleine-Cosack**, *Counsel*,
 Dominik **Storr** and Hélène **Seppain**, *Advisers*.

The applicant, Günter **Herrmann**, will also attend the hearing.

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court’s press releases, please subscribe to the [Court’s RSS feeds](#).

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.