



## EUROPEAN COMMISSION

Office of the First Vice-President Mr Frans Timmermans

Head of Cabinet

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Dear Mr Wates,

The President of the European Commission, Mr Jean-Claude Juncker, and the First Vice-President, Mr Frans Timmermans, have asked me to thank you for your letter of 24 November 2015 on the Circular Economy Package and your letter of 9 December 2015 in which you express your support and present your arguments for an EU legislative initiative on access to justice in environmental matters.

The Commission considers that the Package adopted on 2 December 2015 is ambitious in a number of respects. It covers the full cycle of a product: from design and production to consumption, waste management and markets for secondary raw materials. In addition, the Package also announces a number of sectorial initiatives and is action-oriented. We focus primarily on concrete, pragmatic actions to be put in place during this Commission's term of office.

As regards waste management, our proposals to increase recycling and to phase out landfilling remain ambitious. At the same time they take into account the situation of individual Member States in particular those with low current recycling rates. Please also note that the proposals contain a review according to which the Commission will re-assess the 2030 targets by 2025 with the view to increasing them.

Regarding food waste, the EU and its Member States are committed to meeting the Sustainable Development Goal of halving per capita food waste by 2030. To help to achieve this, the waste proposals call on Member States to reduce food waste at each stage in the food supply chain, monitor food waste levels using appropriate indicators and targets and report on progress made.

Whether one headline target would be sufficient to measure resource efficiency in a way that captures the economic dynamics and overall impact is debatable. In any case, the Commission attaches the utmost importance to monitoring the transition to the circular economy and we have therefore included the development of a monitoring framework in the action plan.

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Mr Jeremy WATES  
Secretary General  
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With regard to access to justice, I note that, in addition to arguments you presented earlier in 2015, you have stressed the need, in the wake of the "dieselgate" controversy, to strengthen not only inspection and enforcement capacities but also the oversight role of the public.

In response, I would like to reassure you that our ambitions as regards the fulfilment of the actions, including on access to justice, outlined in the 7th Environment Action Programme, have not lost momentum.

Ensuring the sustainability of our environment, the preservation of our natural resources and the conservation of our marine biological resources continue to be key policy objectives requiring action at all levels. This is directly underpinned by our commitment to improve implementation of environmental legislation and integrate environmental protection into all areas of EU policies, in accordance with the Treaty provisions.

The Commission is considering ways how to regulate better and how to improve application of the law in the Member States. In the case of environment, there is clearly a need to ensure that regulatory oversight is effective and credible in the case of controversies such as the one you mention. There is also a need to ensure a broad approach in accessing national courts to challenge decisions or omissions by public administrations, as required under the Aarhus Convention and in line with the principles of EU law such the principle of an effective judicial protection and effective remedies.

We are aware that there are disparities within the EU resulting from the fact that Member States have a certain degree of discretion when implementing the commitments made under the Aarhus Convention. However, we can also see that Member States are not doing enough and therefore we believe that the best way forward would be to take an EU level initiative on access to justice in environmental matters in order to remove existing national barriers of accessing national courts.

For that reason the Commission announced in its work programme for 2016 "to take forward work to clarify access to justice in environmental matters". In line with our commitments, the Commission will address the deficiencies within its powers under the Treaties. As you know, services in DG ENV are in regular contact with your organisation to discuss the details of the ongoing work in this area.

Yours sincerely,



Ben SMULDERS