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The Secretary-General

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Brussels,  
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Mr Jeppe Tranholm-Mikkelsen  
Secretary General  
European Council  
Rue de la Loi 75  
B-1048 Brussels

Dear Mr Tranholm-Mikkelsen,

*dear Jeppe!*

Please find enclosed the Commission's response to the Council's request under Article 241 TFEU, by way of Council Decision (EU) 2018/881 of 18 June 2018 requesting the Commission to submit a study on the Union's options for addressing the findings of the Aarhus Convention Compliance Committee in case ACCC/C/2008/32 and, if appropriate in view of the outcomes of the study, a proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1367/2006.

Yours sincerely,



Martin Selmayr

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**The Commission's response to the Council's request under Article 241 TFEU, by way of Council Decision (EU) 2018/881 of 18 June 2018 requesting the Commission to submit a study on the Union's options for addressing the findings of the Aarhus Convention Compliance Committee in case ACCC/C/2008/32 and, if appropriate in view of the outcomes of the study, a proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1367/2006**

The Commission agrees that it is important to explore ways and means to comply with the Aarhus Convention in a way that is compatible with the fundamental principles of the Union legal order and with its system of judicial review. The Commission has committed to this at the Meeting of the Parties to the Aarhus Convention in Budva in September 2017.

The Commission recalls that the *Roadmap on EU implementation of the Aarhus Convention in the area of access to justice in environmental matters*, published on 8 May 2018, provides for a detailed external, independent study meant to evaluate the redress possibilities in environmental matters covered by EU law which are currently available both in EU courts and via the courts of its Member States. The study will examine the functioning of the existing system, identify possible shortcomings and, if relevant, will also examine the options for addressing them and assess their respective impacts.

The Commission has launched the tendering procedure for this study on 8 June 2018 and expects the results of the study to be available by end September 2019.

In the study, follow-up options will be identified and thoroughly assessed especially for their legal and administrative implications. The Commission cannot, however, prejudge at this stage the follow-up option which, as is also recognised in the Council Decision, will depend on the outcomes of the study. It falls under the right of initiative of the Commission.

The Commission also takes this occasion to reaffirm its full commitment towards the Aarhus Convention and its firm determination to continue implementing it, in a way compatible with the EU legal order.