

Request ACCC/C/M/2017/3 – Third (2020) Progress Report by the
European Union

ACCC/C/2008/32 (Part II)

30 September 2020

1. The EU needs better implementation and enforcement of existing environmental legislation. It will therefore come forward with a proposal to revise the Aarhus Regulation to improve access to justice for NGOs at EU level. It will also work closely with Member States to improve access to justice in environmental matters before their national courts.
2. Following the submission of its second progress report on 28 October 2019 the Commission has commenced work towards the adoption of a proposal for an amendment to the Aarhus Regulation and an accompanying communication.
3. Our efforts to adopt the proposal and communication referred to above follows up on the commitment of the Commission made in December 2019, in its '*Communication on the European Green Deal*¹ in which it committed to '*consider revising the Aarhus Regulation to improve access to administrative and judicial review at EU level for citizens and NGOs who have concerns about the legality of decisions with effects on the environment*' and to '*take action to improve their access to justice before national courts in all Member States*'.
4. In view of the Green Deal commitments, the Commission published a Roadmap on 6 March 2020 that was open for feedback until 3 April² outlining the possible legislative initiative and an accompanying communication on access to justice in environmental matters.

¹ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, The European Green Deal, COM/2019/640 final.

² Available online at: <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12165-Access-to-Justice-in-Environmental-matters>

5. In March 2020, an open video-conference session was held with the participation of the Commission services, the ACCC and NGOs where the Commission informed the ACCC and NGOs of the progress made and on the preparation to follow-up on the commitments made under the European Green Deal Communication.
6. The Commission, as already communicated to the ACCC, to NGOs, as well as to the Presidency of the EU and to EU Member States, aims to adopt the proposal and the communication within the shortest possible timelines, and will keep all involved informed of progress without delay.