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REPORT FROM THE COMMISSION
AARHUS CONVENTION IMPLEMENTATION REPORT

**Aarhus Convention implementation report in accordance with Decision IV/4
(ECE/MP.PP/2011/2/Add.1)**

**The following report is submitted on behalf of the European Union
in accordance with Decisions I/8, II/10 and IV/4.**

Name of officer responsible for submitting the national report:
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Implementation report

Please provide the following details on the origin of this report

Party: European Union (EU)

Full name of the institution: European Commission
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I. Process by which the report has been prepared

Provide a brief summary of the process by which this report has been prepared, including information on the type of public authorities that were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account, as well as on the material that was used as a basis for preparing the report.

The European Commission prepared this report while keeping other relevant EU institutions and bodies informed. It was made available to the public for comments from 26 March to 26 April 2025.

II. Particular circumstances relevant for understanding the report

Report any particular circumstances that are relevant for understanding the report, e.g., whether there is a federal and/or decentralised decision-making structure, whether the provisions of the Convention have direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

This is the sixth report to describe the legislative, regulatory and other measures by which the EU implements the [Aarhus Convention](#). It updates previous reports from 2008, 2011, 2014, 2017 and 2021, and includes developments up to May 2025. The report's format and questions are predefined. To give a comprehensive picture of implementation, information already included in earlier versions partially needs to be repeated. The report will be uploaded to a database on the

United Nations Economic Commission for Europe (UNECE) website for online consultation. References are therefore given via hyperlinks when a measure is first mentioned. Equally, legal instruments are referred to by their ‘common’ names rather than their more technical legal denominations which can be consulted via the hyperlinks. This corresponds to calls by civil society to make the report as user-friendly as possible.

Both the EU and its Member States are Parties to the Aarhus Convention. A particular circumstance for the EU report is that the Convention is implemented at two levels: by the EU institutions and bodies, and by the Member States¹. For the two levels there are several legal acts in place that transpose the Convention and its three pillars on access to information, public participation and access to justice in environmental matters. They are indicated under the different sections, to the extent possible and where it was possible to separate the EU and Member States levels.

When indicating the EU legislative and other regulatory measures implementing the Aarhus Convention, reference has been made also to some provisions of primary law, such as the Treaty on European Union, the Treaty on the Functioning of the European Union and the Charter of Fundamental Rights. In this regard, even though primary law ranks higher than the Aarhus Convention in the hierarchy of norms in the EU legal order², some provisions of EU primary law have nevertheless similar content and effects to those of the provisions of the Aarhus Convention. It is then within this limited meaning that they can be considered as ‘implementing’ the Aarhus Convention.

Each section will start with the applicable legal acts to the EU institutions and bodies, followed by the legal acts and other relevant developments applicable to the national levels.

The report will be uploaded to the Aarhus Convention’s dedicated reporting site, where all previous versions are accessible and comparable with this version.

III. Legislative, regulatory and other measures implementing the general provisions in Article 3, paragraphs 2, 3, 4, 7 and 8 of the Aarhus Convention

List legislative, regulatory and other measures that implement the general provisions in Article 3, paragraphs 2, 3, 4, 7 and 8, of the Convention.

Explain how these paragraphs have been implemented. In particular, describe:

- (a) With respect to **paragraph 2**, measures taken to ensure that officials and authorities assist and provide the required guidance;*
- (b) With respect to **paragraph 3**, measures taken to promote education and environmental awareness;*

¹ See in particular more details on the declaration of competences annexed to Council Decision 2005/370/EC of 17 February 2005 on the conclusion, on behalf of the European Community, of the Convention on access to information, public participation in decision-making and access to justice in environmental matters, OJ L 124, 17.5.2005, p. 1.

² Judgment in Case C-352/19 P, *Région de Bruxelles Capitale / Commission*, para. 25 and case law quoted in the judgment.

(c) With respect to **paragraph 4**, measures taken to ensure that there is appropriate recognition of and support to associations, organisations or groups promoting environmental protection;

(d) With respect to **paragraph 7**, measures taken to promote the principles of the Convention internationally; including:

(i) Measures taken to coordinate within and between ministries to inform officials involved in other relevant international forums about Article

3, paragraph 7, of the Convention and the Almaty Guidelines, indicating whether the coordination measures are ongoing;

(ii) Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information was provided;

(iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g., inviting non-governmental organisation (NGO) members to participate in the Party's delegation in international environmental negotiations, or involving NGOs in forming the Party's official position for such negotiations), including the stages at which access to information was provided;

(iv) Measures taken to promote the principles of the Convention in the procedures of other international forums;

(v) Measures taken to promote the principles of the Convention in the work programmes, projects, decisions and other substantive outputs of other international forums;

(e) With respect to **paragraph 8**, measures taken to ensure that persons exercising their rights under the Convention are not penalised, persecuted or harassed.

Article 3, paragraph 2

Article 1(2) of the [Aarhus Regulation](#) (Regulation (EC) No 1367/2006 of the European Parliament and of the Council), which is the main instrument for implementing the Convention for the EU institutions and bodies, sets out public rights with regard to the three pillars of the Convention.

Article 6(4) of the [Access to documents Regulation](#) (Regulation No 1049/2001) also requires that the EU institutions and bodies assist citizens with access requests.

On access to environmental information in Member States, Article 3(5) of the [Environmental Information Directive](#) (Directive 2003/4/EC) requires Member States to ensure that public authorities provide guidance on access to environmental information.

The [Public Participation Directive](#) (Directive 2003/35/EC), which applies to Member States, stipulates that the public has to be informed about their participation rights

(Article 2(2)(a)) and about access to administrative and judicial review (Articles 3(7) and 4(4)).

Article 3, paragraph 3

Member States are primarily responsible for educational initiatives. The Commission promotes communication tools for young people like the initiatives in the [youth policy framework](#).

The [European Green Deal Communication](#) adopted in 2019 committed to promoting activities in support of education in climate and environmental matters. This was further supported by the [EU strategy on the rights of the child](#) adopted in 2021. EU countries adopted in [2022 a Council Recommendation](#) on learning for the green transition and sustainable development.

The Commission has many projects for raising environmental awareness, e.g. [EU Green Week](#), [the European Green Capital Award](#), [European Mobility Week](#), [European Sustainable Energy Week](#), the campaign on resource efficiency [Generation Awake](#) and on biodiversity [Biodiversity Is Us](#), the and [the EU Business & Biodiversity Platform](#). Under the [LIFE Programme](#), the Commission promotes information projects. It also supports an open science policy and open access to research outputs on the environment under [Horizon Europe](#).

Since November 2017, the Commission has been working closely with the European Environment Agency to develop and continuously improve the [European Air Quality Index](#). This provides citizens with objective, reliable and comparable up-to-date information on air quality. Since 2021, the index has also been available as a mobile application for [Android](#) and [iOS](#) with up-to-date air quality information and health recommendations in 24 EU languages.

Article 3, paragraph 4

The EU has an online database of ‘interest representatives’ (organisations, associations, groups and self-employed individuals), the [Transparency Register](#). To date, it has more than 9 500 registrants, including representative bodies, NGOs and think tanks. The Commission also supports relevant stakeholders via the Under the [LIFE Programme](#).

Article 3, paragraph 7

In negotiations under multilateral environmental agreements, Commission representatives strive as far as possible to enable, as appropriate, the participation of a wide circle of interested parties.

Article 3, paragraph 8

The EU is based on the rule of law, ensuring as a complete functioning system the application of the principles of the Convention, including this Article. Any decision by EU institutions that would penalise, persecute or harass a person on the sole ground that they have exercised rights under the Aarhus Convention would constitute a misuse of powers and be illegal.

The new Environmental Crime Directive ([Directive \(EU\) 2024/1203](#) on the protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC), which was adopted on 11 April 2024 and entered into force on 20 May 2024, establishes minimum rules for the definition of criminal offences and penalties in order to protect the environment more effectively, as well as measures to prevent

and combat environmental crime. Among its provisions, Article 14 relates to the protection of persons who report environmental criminal offences or assist investigations. Specifically:

Article 14 stipulates that: ‘Without prejudice to Directive (EU) 2019/1937, Member States shall take the necessary measures to ensure that any persons reporting criminal offences referred to in Articles 3 and 4 of this Directive, providing evidence or otherwise cooperating with competent authorities, have access to support and assistance measures in the context of criminal proceedings, in accordance with national law’. The necessary support and assistance measures under this provision should be available to such persons in accordance with their procedural rights in national law and should include, as a minimum, all support and assistance measures available to persons having corresponding procedural rights in criminal proceedings concerning other criminal offences. Those persons should, in accordance with their procedural rights in national law, also be protected from being persecuted for reporting environmental criminal offences or for cooperating in criminal proceedings.

The [Whistleblowers Protection Directive](#) aims to guarantee a consistently high level of protection for whistleblowers who report information on breaches of EU law in specific policy areas that they came across in their work-related activities by setting EU-wide minimum standards. The Directive plays a pivotal role in the enforcement of EU law in a number of important policy areas where breaches of EU law may cause harm to the public interest, including environmental protection.

The anti-SLAPP EU initiative, consisting of [Directive \(EU\) 2024/1069](#) on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings and [Commission Recommendation \(EU\) 2022/758](#) on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings, protects persons from strategic lawsuits against public participation (‘SLAPP’). The Directive provides procedural safeguards to all persons engaged in public debate, including environmental human right defenders, in cross-border civil proceedings. The Recommendation sets out guidance for Member States to take measures against SLAPP also in domestic cases, including criminal and administrative ones. Both the Directive and the Recommendation specifically address environmental rights defenders for the important role they play in European democracies.

IV. Obstacles encountered in the implementation of Article 3

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of Article 3 listed above.*

Answer:

None encountered.

V. Further information on the practical application of the general provisions of Article 3

*Provide further information on the **practical application of the general provisions of Article 3**.*

Answer:

In preparation for a working group or a Meeting of the Parties, the EU and its Member States regularly invite environmental NGOs to discuss various agenda items. This practice has a positive bearing on the relationship with environmental NGOs and follows the spirit of the Aarhus Convention to include civil society in environmental decision-making.

VI. Website addresses relevant to the implementation of Article 3

Give relevant website addresses, if available:

[Europa website](#)

[Environmental portal](#)

[Cooperation with judges](#)

[EU Forum of Judges for the Environment](#)

[European Youth Portal](#)

[Youth Opportunities initiative](#)

[Youth employment package](#)

[CORDIS website on EU-funded projects and activities](#)

[EU Green Week](#)

[European Mobility Week](#)

[European Sustainable Energy Week](#)

[EU Clean Air Forum:](#)

[A resource-efficient Europe](#)

[European Green Capital Award](#)

[EU Business & Biodiversity Platform](#)

[European Transparency Portal](#)

[Civil Society Portal](#)

[Openness and access to documents portal](#)

[Website of the Impact Assessments in the EU](#)

[INSPIRE](#)

[European Air Quality index](#)

[European Industrial Emissions Portal](#)

[EU Better Regulation: Have your say](#)

VII. Legislative, regulatory and other measures implementing the provisions on access to environmental information in Article 4

List legislative, regulatory and other measures that implement the provisions on access to environmental information in Article 4.

Explain how each paragraph of Article 4 has been implemented. Describe the transposition of the relevant definitions in Article 2 and the non-discrimination requirement in Article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Any person may have access to information without having to state an interest;
 - (ii) Copies of the actual documentation containing or comprising the requested information are supplied;
 - (iii) The information is supplied in the form requested;
- (b) Measures taken to ensure that the time limits provided for in **paragraph 2** are respected;
- (c) With respect to **paragraphs 3 and 4**, measures taken to:
 - (i) Provide for exemptions from requests;
 - (ii) Ensure that the public interest test at the end of paragraph 4 is applied;
- (d) With respect to **paragraph 5**, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action;
- (e) With respect to **paragraph 6**, measures taken to ensure that the requirement to separate out and make available information is implemented;
- (f) With respect to **paragraph 7**, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;
- (g) With respect to **paragraph 8**, measures taken to ensure that the requirements on charging are met.

Answer:

As indicated above and in previous reports, the EU has adopted secondary legislation to implement the provisions of the Aarhus Convention on access to environmental information with respect to EU institutions and bodies and with respect to Member States.

Access to information held by EU institutions and bodies:

Article 2, paragraph 2

Article 2(1) of the Aarhus Regulation contains definitions for ‘environmental information’, ‘Community institution or body’ and the ‘public’.

Article 3, paragraph 9

The applicable, relevant Treaty provisions were already communicated in previous reporting exercises.

Article 4, paragraph 1

Article 4, paragraph 1(a)

Article 3 of the Aarhus Regulation stipulates the right of any person to have access to environmental information held by EU institutions and bodies. It refers to the Access to documents Regulation, which applies, subject to specific rules in the Aarhus Regulation, also to requests for environmental information.

An applicant is not obliged to state reasons for the application (Article 6(1) of the Access to documents Regulation ([Regulation \(EC\) No 1049/2001](#) of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents). A specific application called [EASE \(Electronic Access to European Commission Documents\)](#) is available for handling requests. See also the [access to document request form](#) available on the European Chemicals Agency's (ECHA) website.

According to Article 6(2) of the Access to documents Regulation, EU institutions and bodies must ask the applicant to clarify the application if needed, and help the applicant in doing so.

When a fair solution under Article 6(3) of Regulation No 1049/2001 is sought with an applicant if their application relates to a very long document or a very large number of documents, such a fair solution relates to the content or the number of the documents and not to the deadlines. A fair solution is meant to enable the institution to respect the time limits of Regulation No 1049/2001.

Article 4, paragraph 1(b)

Article 10 of the Access to documents Regulation sets out in which format documents are made available. The applicant can either consult them on the spot or receive a copy, including electronic copies. In practice, electronic copies are the prevailing form for giving access.

A specific application called [EASE \(Electronic Access to European Commission Documents\)](#) is available for handling requests.

Article 4, paragraph 2

Articles 7 and 8 of the Access to documents Regulation specify the time limits for initial and confirmatory applications. The deadline for replies (15 working days) is shorter than the maximum allowed in the Aarhus Convention (one month). Furthermore, there is a general obligation to handle applications promptly.

In exceptional cases, for example if applications involve a very large number of documents, the deadline may be extended for another 15 working days. Again, this deadline is shorter than the maximum additional deadline under the Convention (another month).

Article 4, paragraphs 3 and 4

The grounds for exceptions under which EU institutions may refuse the requested information are set out in Article 4 of the Access to documents Regulation and Article 6(2) of the Aarhus Regulation.

Article 4(1) of the Access to documents Regulation lists absolute exceptions to disclosure where access must be refused if disclosure would cause harm. Article 4(2) contains relative exceptions where an overriding public interest in disclosure, to be proved by the applicant, leads to disclosure. The public interest has to be assessed on a case-by-case basis by balancing each argument in favour of and against disclosure.

Furthermore, under Article 6(1) of the Aarhus Regulation, an overriding public interest in disclosure is presumed where the requested information relates to emissions released into the environment.

Generally, the grounds for refusal have to be interpreted in a restrictive manner. The applicant is informed about these reasons.

As the Court of Justice of the European Union (CJEU) has held (see e.g. Joined Cases C-514/11 P and C-605/11 P, LPN, para. 85), the Aarhus Regulation does not affect the examination that the Commission must carry out pursuant to Regulation No 1049/2001 when a request for access concerns documents relating to an infringement procedure at the pre-litigation stage.

[T-354/21 Clientearth/Commission](#), which was then appealed by Client Earth, case C-249/23P relates to the interpretation of Article 6 of the Aarhus Regulation in so far as it excludes documents related to infringements from the overriding interest in the disclosure of environmental information.

Article 4, paragraph 5

Article 7 of the Aarhus Regulation specifies the procedure for when the EU institution or body does not hold the requested information.

Article 4, paragraph 6

Article 4(6) of the Access to documents Regulation concerns partial access.

Article 4, paragraph 7

Article 7 of the Access to documents Regulation specifies time limits and requirements for a refusal.

Article 4, paragraph 8

Article 10(1) of the Access to documents Regulation covers charges. Institutions may only charge for producing and sending copies. Less than 20 pages are free. Further copies may be charged at EUR 0.10 per page plus sending costs. However, the EU institutions do not currently have a practice of charging for access to documents.

Access to information held by Member States' authorities:

Article 2, paragraph 2

Article 2 of the Environmental Information Directive contains definitions of the terms 'environmental information' and 'public authority'.

Article 3, paragraph 9

Relevant Treaty and Charter provisions were already communicated under previous reporting exercises.

Article 4, paragraph 1

Article 4, paragraph 1 (a)

Article 3(1) of the Environmental Information Directive grants any person access to environmental information without having to state an interest.

Furthermore, pursuant to Article 33 of Regulation (EC) No 1907/2006, upon the request of a consumer any supplier of an article containing a substance identified as Substance of Very High Concern according with Article 59 in a concentration above 0.1% weight

by weight (w/w) must provide the consumer with sufficient information, available to the supplier, to allow safe use of the article, including as a minimum the name of the substance.

Article 4, paragraph 1 (b)

Article 3(4), first subparagraph of the Environmental Information Directive asks public authorities to provide environmental information in the form requested by the applicant.

Article 4, paragraph 2

Article 3(2) of the Environmental Information Directive specifies the time limits for replies, namely as soon as possible and at the latest within one month after receipt of the request (or two months for large and complex requests, in which case the applicant must be told as soon as possible). Failure to respond on time entitles the applicant to initiate an administrative review or court proceedings.

Article 4, paragraphs 3 and 4

Article 4 of the Environmental Information Directive sets out the exceptions on the grounds of which public authorities may refuse to provide the requested information. Every refusal must be justified.

The grounds for refusal must be interpreted in a restrictive way, taking into account the public interest served by disclosure. In every case, the public interest in disclosure is weighed against the interest served by refusal. This public interest test is contained in Article 4(2), second subparagraph of the Environmental Information Directive.

Article 4, paragraph 5

Article 4(1)(a) of the Environmental Information Directive specifies the procedure to be followed when the public authority does not hold the requested information.

Article 4, paragraph 6

Article 4(4) of the Environmental Information Directive addresses partial access.

Article 4, paragraph 7

Article 4(5) of the Environmental Information Directive specifies time limits and requirements for refusals.

Article 4, paragraph 8

Article 5 of the Environmental Information Directive covers charges.

VIII. Obstacles encountered in the implementation of Article 4

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of Article 4.*

Answer:

In [Case C-234/22, Roheline Kogukond e.a.](#), the CJEU interpreted the concept of ‘environmental information’ broadly to encompass coordinates for locating sample plots used for the periodic collection of data with a view to drawing up a national statistical forest inventory.

Relevant [resolution](#) by the European Parliament.

Relevant [report](#) from the European Ombudsman.

IX. Further information on the practical application of the provisions of Article 4

*Provide further information on the **practical application of the provisions on access to information in Article 4**, e.g., are there any statistics available on the number of requests made, the number of refusals and the reasons for such refusals?*

Answer:

As to application by the EU institutions, the Commission already adopted several reports on the application of the Access to documents Regulation. They also contain detailed statistical data.

The most recent is the [report](#) published in 2023 on the application of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents:.

The [Council](#) and the [European Parliament](#) have their own reports on access to documents.

For pesticides and biocides, the Commission proactively [publishes all documents](#) that have been subject to an access to document request under Regulation 1049/2001.

X. Website addresses relevant to the implementation of Article 4

Give relevant website addresses, if available:

[Fundamental rights](#)

Access to Commission documents: http://ec.europa.eu/transparency/access_documents/
<https://echa.europa.eu/about-us/the-way-we-work/procedures-and-policies/access-to-documents>

[European Ombudsman](#) <http://www.ombudsman.europa.eu/home>

[CJEU](#)

[EU Open Data Portal](#)

Health and Food Safety Department's [transparency commitment](#)

XI. Legislative, regulatory and other measures implementing the provisions on the collection and dissemination of environmental information in Article 5

List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in Article 5.

Explain how each paragraph of Article 5 has been implemented. Describe the transposition of the relevant definitions in Article 2 and the non-discrimination requirement in Article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Public authorities possess and update environmental information;
 - (ii) There is an adequate flow of information to public authorities;
 - (iii) In emergencies, appropriate information is disseminated immediately and without delay;
- (b) With respect to **paragraph 2**, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible;
- (c) With respect to **paragraph 3**, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks;
- (d) With respect to **paragraph 4**, measures taken to publish and disseminate national reports on the state of the environment;
- (e) Measures taken to disseminate the information referred to in **paragraph 5**;
- (f) With respect to **paragraph 6**, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products;
- (g) Measures taken to publish and provide information as required in **paragraph 7**;
- (h) With respect to **paragraph 8**, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public;
- (i) With respect to **paragraph 9**, measures taken to establish a nationwide system of pollution inventories or registers.

Answer:

Article 5, paragraph 1

Article 5, paragraphs 1 (a) and (b)

Reference is made to the previous implementation reports, with the following update:

Data dissemination on the implementation of the [Urban Waste Water Treatment Directive](#) has been further improved. The European Environment Agency has a [viewer](#) to facilitate data access.. The Commission and the European Environment Agency carried out a pilot project to develop a structured implementation and information framework in order to facilitate the active dissemination, exchange and assessment of data on the implementation of the Directive. In 2017, the Commission gave access to the

data reported by the Member States about the implementation of the Urban Waste Water Treatment Directive through 28 websites in a user-friendly way. These provide information about agglomerations, urban waste water treatment plants, discharge points, sensitive areas and national statistics. They allow users to cross different layers in order to better understand the environmental situation related to pollution from urban waste water.

Directive 2008/1/EC on integrated pollution prevention and control was repealed by the [Industrial Emissions Directive](#), now revised by Directive (EU) 2024/1785 amending Directive 2010/75/EU on industrial emissions and Council Directive 1999/31/EC on the landfill of waste. According to Article 14(1)(d)(i) under Directive 2010/75/EU (as per the consolidated version), Member States must ensure that the permit for operating an installation obliges the operator to inform the relevant authority regularly, and at least annually, on emissions monitoring. Pursuant to Article 20(1), the operator has to inform the relevant authority of any planned change to the installation that may have environmental consequences. Article 22 establishes that, where the activity involves hazardous substances, the operator must provide information on the state of soil and groundwater contamination. Moreover, pursuant to Article 23(1), operators must assist the relevant authorities in carrying out site visits, taking samples and gathering any information necessary for the purposes of the Industrial Emissions Directive. According to Article 23(6), following each site visit, the relevant authority prepares a report on the findings and conclusions on whether any further action is necessary. This report must be made public. Article 24 states that the public concerned must have access to information and be given early and effective opportunities to participate in the permit procedure.

The newly set up [European Industrial Emissions Portal](#) contains information on the largest industrial complexes in Europe, releases and transfers of regulated substances to environmental media, waste transfers as well as more detailed data on energy input and emissions for large combustion plants in EU Member States, Iceland, Liechtenstein, Norway, Serbia, Switzerland and the United Kingdom.

Data dissemination on the implementation of the Ambient Air Quality (AAQ) Directives [2008/50/EC](#) and [2004/107/EC](#) is facilitated through the [Central Data Repository](#), also made accessible through the [European Air Quality Portal](#). The public has access to the data free of charge, as guaranteed by Article 3(4) of [Implementing Decision 2011/850/EU](#) on laying down rules on reporting. Data dissemination covers all data that is reported pursuant to the AAQ Directives: Member States send validated data on air quality across their territory to the Commission once a year, and continuously transmit up-to-date (near real-time) air quality data, as well as detailed information on how air quality is assessed and what measures are taken to improve it where warranted. These Directives have been recently revised, and Directive (EU) 2024/2881 will replace them as of 12 December 2026. The revised Directive retains the above obligations, and also includes a new obligation for Member States to each develop their own air quality index, providing information to the public about current air quality and its impact on health, including information tailored to sensitive populations and vulnerable groups.

[Directive \(EU\) 2016/2284](#) (as amended in 2023) on the reduction of national emissions of certain atmospheric pollutants came into force on 31 December 2016, repealing the National Emission Ceilings Directive (Directive 2001/81/EC). According to Article 14(1) of that Directive, Member States are obliged to actively and systematically disseminate information on national air pollution control programmes, national emission inventories and projections, and accompanying reports, including on ecosystem monitoring. Member States also have to report this data to the Commission and the

European Environmental Agency and upload it in the [Eionet Central Data Repository](#). In accordance with Articles 14(2) and (3) of that Directive, the Commission publishes EU-wide information on emissions, the underlying assumptions for the determination of the national emission reduction potential, a list of relevant EU source-based air pollution control legislation and the results of the assessment of the national air pollution control programmes. Furthermore, it publishes on a regular basis [Clean Air Outlook](#) reports, which analyse the prospects for reducing air pollution in the EU up to 2030 and beyond.

There are 10 Environmental Data Centres that provide environmental data and information under the Joint Research Centre (Soils, Forests), Eurostat (Waste, Natural Resources, Products) and the European Environment Agency (Water, Biodiversity, Climate Change, Land Use, Air). Environmental information is also available from the Emissions Trading Scheme (ETS) information systems, the Common Emergency Communication and Information System and the Ozone-Depleting Substances database.

The [Offshore Safety Directive](#) also contains provisions on transparency and the sharing of information. On 13 October 2014, the Commission adopted [Implementing Regulation \(EU\) No 1112/2014](#) determining a common format for sharing information on major hazard indicators by the operators and owners of offshore oil and gas installations.

The ‘Energy Efficiency First Principle’ has been established by the [Governance of the Energy Union and Climate Action](#) (Regulation (EU) 2018/1999). The [Energy Efficiency Directive recast](#) introduced specific legal requirements for Member States to apply the principle to planning, policy and major investment decisions in the energy systems and non-energy sectors that have an impact on energy consumption. Notably, Member States have to make publicly available cost-benefit methodologies for the application of the principle. In July 2024, the Commission adopted a [Recommendation](#) with guidance to help EU Member States and stakeholders implement this principle.

Article 5, paragraph 1 (c)

In 2013, the European Parliament and the Council adopted Decision 1082/2013/EU on serious cross-border threats to health.

In November 2020, the Commission adopted the [Communication](#) on a European Health Union putting forward a set of proposals to strengthen the EU’s health security framework and the crisis preparedness and response role of key EU agencies.

Article 7 of the Industrial Emissions Directive provides that ‘[in] the event of any incident or accident significantly affecting the environment, Member States shall take the necessary measures to ensure that the operator informs the competent authority immediately.’ In addition, Article 8(2)(a) requires Member States to ensure that the operator immediately informs the relevant authority of any breach of the permit conditions.

Similarly, Article 30 of the Offshore Safety Directive provides that ‘Member States shall ensure that the operator or, if appropriate, the owner notifies without delay the relevant authorities of a major accident or of a situation where there is an immediate risk of a major accident’ and that in the course of the emergency response, the Member State must collect the information necessary for thorough investigation. Moreover, in accordance with Article 26, a non-confidential version of the findings of that investigation must be made publicly available.

Directive (EU) 2024/2881, which replaces Directives 2008/50/EC and 2004/107/EC, provisions of Articles 19 and 24 of Directive 2008/50/EC are reflected in Articles 15, 20 and 23 of the revised Directive. In addition, the [European Air Quality Index](#) has an embedded forecast function, which predicts the air quality in locations in Europe 24 hours ahead.

Article 5, paragraph 2

Article 3(5) of the Environmental Information Directive, Article 1(2) of the Aarhus Regulation and Article 11 of the Access to documents Regulation provide for the setting up of an electronically accessible [public register](#) of documents held by the European Parliament, the Council and the Commission.

Article 41(1) of [Regulation \(EC\) No 178/2002 on General Food Law](#)³ (Founding Regulation of the European Food Safety Authority (EFSA)), as amended by the Transparency Regulation⁴, provides among others that, where environmental information is concerned, Regulation (EC) No 1367/2006 of the European Parliament and of the Council would also apply to documents held by EFSA. Directive 2003/4/EC of the European Parliament and of the Council on the other hand would apply to environmental information held by Member States, notwithstanding the rules on confidentiality provided in Regulation (EC) No 178/2002.

Furthermore, Article 38(1) of the [Regulation](#) 178/2002 requires EFSA to operate with a high level of transparency, making public without delay proactively key documents such as: agendas, participant lists and minutes amongst others of its Scientific Panels /Scientific Committee and their working groups;all its scientific outputs, including the opinions of the Scientific Committee and the Scientific Panels after adoption, minority opinions and results of consultations performed during the risk assessment process always being included; all scientific data, studies and other information supporting applications, including supplementary information supplied by applicants, as well as other scientific data and information supporting requests from the European Parliament, the Commission and the Member States for a scientific output, taking into account the protection of confidential information and the protection of personal data; the information on which its scientific outputs are based, taking into account confidential information and the protection of personal data; annual declarations of interests; scientific studies performed by EFSA; and summary of presubmission advice provided to applicants once corresponding valid applications have been submitted.

Other measures that ensure a robust, independent and transparent risk assesment process by EFSA include – amongst others - :

- a notification obligation for applicants and laboratories when studies are commissioned at presubmission phase to EFSA and the creation of a database of commissioned studies: This provides a mechanism by which EFSA is able to

³ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

⁴ Regulation (EU) 2019/1381 of the European Parliament and of the Council of 20 June 2019 on the transparency and sustainability of the EU risk assessment in the food chain and amending Regulations (EC) No 178/2002, (EC) No 1829/2003, (EC) No 1831/2003, (EC) No 2065/2003, (EC) No 1935/2004, (EC) No 1331/2008, (EC) No 1107/2009, (EU) 2015/2283 and Directive 2001/18/EC (OJ L 231, 6.9.2019, p. 1).

double-check whether all studies commissioned by an applicant, in the context of its application for an authorisation, have been submitted;

- Consultation of stakeholders and of the general public on submitted studies during the risk assessment and before EFSA concludes its scientific output to ensure EFSA's comprehensive access to existing evidence underpinning its risk assessment.

Through the implementation of the REACH [Regulation 1907/2006](#), and in particular of the provisions referred to in its Articles 77(2)(e), 118 and 119, ECHA contributes to the achievement of the dissemination objective stemming from the Aarhus Regulation.

The Agency provides free and easy access to information held in its [database](#) concerning, among other things, the physicochemical properties of substances, pathways, and environmental fate and their classification. Similarly, on the basis of Article 67 of the Biocidal Products Regulation 528/2012, ECHA provides electronic public [access](#) to information on approved biocidal active substances and authorised biocidal products.

The minutes, key documents, opinions and decisions of ECHA's governing body and scientific committees are also published on the ECHA website.

The European Chemicals Agency (ECHA) actively [publishes](#) large data sets from REACH registration dossiers on the Dissemination Portal, as prescribed in Regulation (EC) No 1907/2006 (REACH Regulation). The portal has been qualitatively improved in 2024 to [EchaChem](#) in order to progressively and in a consistent manner share all its chemical datasets. The same is true under the Waste Framework Directive 2008/98 for the available [data](#) on substance of very high concern in articles and products. Finally, ECHA provides an online service that enables companies to find out how their substances are being regulated in the EU and what legal obligations they have, via the EU Chemicals Legislation Finder ([EUCLEF](#)).

As regards disseminating the quantity (tonnage bands) of chemicals manufactured/used per individual registrant, ECHA intends to look at the feasibility of this item in the long-term as part of the redesign and policy discussions surrounding the means and tools that make the data available. As regards information on exposure scenarios (contained in the chemical safety reports (CSR) attached to the registration dossier), ECHA has considered it more impactful to invest in the verification of exposure scenarios with the aim of improving the information for risk management in companies that are the main recipients of exposure scenario information.

As regards information on the presence of substances of very high concern in articles and the control of registrations, ECHA has since 2021 made available the first version of the public [SCIP⁵ database](#). The disseminated data provides greater transparency on the presence of hazardous substances in products to waste operators and consumers. Since October 2020 companies supplying articles containing substances of very high concern (SVHCs) on the candidate list in a concentration above 0.1% weight by weight (w/w) on the EU market have had to submit information on these articles to ECHA.

As regards the authorisation process, ECHA disseminates information that is not claimed as confidential, and justified as such, by the applicant. Further transparency

⁵ SCIP is the database for information on Substances of Concern In articles as such or in complex objects (Products) established under the revised Waste Framework Directive (WFD).

has been created through the publication of the registry of notifications from downstream users.

The Classification and Labelling Inventory (Article 40 of [Regulation 1272/2008](#) (the CLP Regulation)) is a database containing the classification and labelling information of hazardous substances, established and maintained by ECHA. Manufacturers and importers (or groups of manufacturers and groups of importers) have to notify the required information to ECHA; ECHA adds these data, together with the data from the registration dossiers submitted under REACH to the Classification and Labelling Inventory. Article 42 of CLP lists the data that ECHA needs to make publicly available. In cases where a notifier duly justifies why such publication is potentially harmful for its commercial interests or the commercial interests of any other concerned party, the information may not be made publicly available.

‘One substance – One assessment’ is a concept that was developed by the Commission as part of the [Chemical Strategy for Sustainability Towards a Toxic Free Environment](#)⁶ in 2020. It corresponds to a number of measures aimed at the more effective exchange of data on chemicals between EU authorities, with information required both in the chemical assessments as well as information on assessments themselves. The Commission prepared a [legal proposal establishing a common data platform on chemicals](#)⁷ that is currently in co-decision and planned for adoption in 2025. The proposal mandates the interoperability of chemicals data compiled by the EU agencies and the Commission and its integration into the platform, where it will be disseminated for the public and the authorities (access also to confidential data), alongside several services such as the above-mentioned EU Chemicals Legislation Finder, the Early Warning and Action System, the environmental sustainability database (to be developed) and an observatory for selected groups of chemicals (based on the existing [European Observatory for Nanomaterials](#)).

Under the Soil Monitoring Law proposal C(2023)416⁸ adopted by the Commission in July 2023, the Commission and the European Environment Agency aims to establish a digital soil health data portal to provide access in georeferenced spatial format to soil health data. In addition, Member States are required to draw up a register of contaminated sites and potentially contaminated sites and to make that register accessible to the public⁹.

Pursuant to Article 17(6) of the Nature Restoration Regulation (EU) No 2024/1991 Member States are to publish their national restoration plans. In addition, according to Article 20(8), Member States are to make public data generated by the monitoring obligations under that Article.

Pursuant to Article 17 of the revised [Drinking Water Directive](#)¹⁰, Member States have to ensure that adequate, up-to-date information on water intended for human consumption is available in accordance with Annex IV, while complying with applicable data protection rules. Member States have to ensure that all persons supplied

⁶ Communication on Chemicals Strategy for Sustainability Towards a Toxic-Free Environment COM/2020/667.

⁷ Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a common data platform on chemicals, laying down rules to ensure that the data contained in it are findable, accessible, interoperable and reusable and establishing a monitoring and outlook framework for chemicals, COM(2023) 779 final.

⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52023PC0416&qid=1694182848327>.

⁹ Under negotiations between the [European Parliament and the Council](#).

¹⁰ Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (recast).

with water intended for human consumption receive the information indicated in Article 17(2) regularly and at least once a year, without having to request it, and in the most appropriate and easily accessible form, for example on invoices or by digital means such as smart applications.

Pursuant to Article 12(1) of the [Bathing Water Directive](#), Member States have to ensure that information related to the classification of bathing waters, prohibitions or advice against bathing, etc. is actively disseminated and promptly made available during the bathing season in an easily accessible place in the near vicinity of each bathing water site. Moreover, according to Article 12(2), Member States have to use appropriate media and technologies, including the internet, to disseminate actively and promptly this information on bathing waters.

The European Investment Bank (EIB) applies the Aarhus Regulation as the Regulation provides for the application of the provisions of the Aarhus Convention to EU institutions and bodies. In 2007, the EIB adapted its public disclosure policy accordingly, translating this regulatory framework into practice for the EIB's rules and procedures. In 2021, the [EIB Group Transparency Policy](#) revised rules that govern its approach to transparency, access to information and stakeholder engagement in line with EU transparency requirements and international best practice.

The policy is user-friendly and aligned with applicable EU legislation. It commits the EIB to a high level of proactive dissemination of information via tools such as the EIB website, the [EIB public register of environmental documents](#) and the publication of data and information on its operations outside the EU based on the reporting standard of the International Aid Transparency Initiative.

Article 5, paragraph 3

Article 7(1) and (2) of the Environmental Information Directive and Article 4 of the Aarhus Regulation deal with electronic databases and the environmental information that Member State authorities, EU institutions and bodies are to make available and disseminate.

The public database on plant protection products managed by the Commission has been revamped and provides public information on the status of active substances in plant protection products and on emergency authorisations by Member States under Article 53 of Regulation 1107/2009. For more information, see [link](#).

The Commission proactively [publishes](#) the emergency authorisation granted under Article 51 of Regulation (EU) No 528/2012.

The [Water Framework Directive](#) requires Member States to establish and publish river basin management plans every six years. Draft plans are subject to public consultation. The plans include detailed information on the current status of all water bodies in the EU, including references to monitoring networks and maps, and an overview of all measures taken/planned to achieve good status at the latest by 2027. The information is made publicly available on [the European Environment Information and Observation Network](#), a partnership network of the European Environment Agency and its 38 member and cooperating countries. Furthermore, the reported data are assessed and translated into interactive maps, data viewers, European datasets and indicators, published in the [WISE database](#), which is a partnership between the Commission (DG Environment, the Joint Research Centre and Eurostat) and the European Environment Agency.

Regulation (EU) 2020/741 on minimum requirements for water reuse also includes provisions on transparency, whereby key information on any water reuse project is made available to the public.

The State of Nature in the EU¹¹ (2013-2018) provides comprehensive information on the conservation status and trends of EU-protected species and habitats, as well as the pressures and threats they face, based on the reports submitted by Member States. The European Environment Agency has also developed tools to facilitate the use of such information. This report and online tools help to ensure that public authorities possess and update environmental information that is relevant to their functions on the implementation of the Birds and Habitats Directives¹².

Article 5, paragraph 4

Article 7(3) of the Environmental Information Directive and Article 4(4) of the Aarhus Regulation concern reports on the state of the environment that Member State authorities, EU institutions and bodies have to publish.

Regular implementation reports are prepared in the context of the Environmental Implementation Review (EIR). The EIR is a tool to improve information on the implementation of EU environmental law and legislation:

http://ec.europa.eu/environment/eir/country-reports/index_en.htm. The new cycle of the EIR is expected to be published during the course of 2025, also focusing on the Aarhus Convention's three pillars.

Article 5, paragraph 5

Article 7(2) of the Environmental Information Directive and Article 4 of the Aarhus Regulation deal with the environmental information to be disseminated by Member State authorities, EU institutions and bodies. The Europa website, which is constantly updated and improved, contains information on policies, legislation and the work of the various departments and services. DG ENV has its own [portal](#).

The [EU Open Data Portal](#) is the single point of access to a growing range of data from the EU institutions and bodies.

The recast [Drinking Water Directive](#) entered into force on 12 January 2021. The reporting requirements were simplified. Rather than requiring Member States to submit a report, they have to establish datasets with their monitoring results only where they exceed the parameters in the Directive. They will also have to provide additional information such as risk assessments. Drinking water-relevant data will be gathered under this Directive in compliance with the INSPIRE Directive.

In addition, the Commission proposed two new pieces of legislation (on the reduction of the impact of certain plastic products on the environment and on water reuse – see Annex III) that were not covered by the fitness check but took its findings into account in drafting the monitoring and reporting provisions. They have been added to the rolling work programme (action 2).

The [Circular Economy Action Plan](#) was updated in March 2020 as part of the European Green Deal. The updated plan introduces new initiatives to accelerate the EU's transition to a circular economy, focusing on sustainable products, waste reduction and improved consumer information. The plan envisaged, among other things, a digital

¹¹ https://ec.europa.eu/environment/nature/knowledge/rep_habitats/index_en.htm#heading2013/18.

¹² Directive 2009/147/EC on the conservation of wild birds (OJ L 20 of 26.01.2010, p. 7) and Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (OJ L 206 of 22.7.1992, p. 7).

product passport providing information on e.g. product composition, reparability, recyclability or the environmental footprint.

The [Biodiversity Strategy](#) was adopted in May 2020. It is a key initiative that has a section devoted to enforcement – among other things, recognising the role of the European networks of environmental compliance assurance professionals and highlighting the need for access to information.

The Chemicals Strategy for Sustainability was adopted in October 2020 and envisages improving the availability of information on chemicals (progress elaborated under Article 5(2)). Under Action 1 of the action plan for nature, people and the economy¹³, the Commission developed, updated, translated and summarised several guidance documents in several official languages, and is still working on providing translations for the remaining ones¹⁴. For example, to support Member States, the Commission updated the guidance document on ‘Managing Natura 2000 sites: The provisions of Article 6 of the ‘Habitats’ Directive 92/43/EEC’¹⁵. It clarifies the legal framework based on the jurisprudence of the CJEU. Dissemination events were organised to promote the guidance documents on wind energy developments and EU nature legislation, and the methodological guidance for Article 6(3) and 6(4) in several Member States¹⁶.

Under Action 10 of the action plan, work was carried out to increase awareness of cohesion policy funding opportunities for nature and biodiversity, and improve synergies. For example, a ‘data story’ on cohesion policy support for biodiversity was developed¹⁷, offering also the possibility to explore cohesion policy investments/indicators per year, per Member State, etc. Furthermore, regional stakeholders were provided with targeted information on nature under the Interreg Europe policy-learning platform on environmental protection¹⁸. Throughout 2020, the Interreg community celebrated 30 years of Interreg cooperation¹⁹, with a green and

¹³ [COM\(2017\) 198](#) final, and [SWD\(2017\) 139](#).

¹⁴ https://ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm and https://ec.europa.eu/environment/nature/natura2000/management/best_practice_en.htm; summaries of the following guidelines have been published in all EU languages: ‘Guidance on aquaculture and Natura 2000’, ‘Inland waterway transport and Natura 2000’, ‘The Implementation of the Birds and Habitats Directive in estuaries and coastal zones’, ‘Non-energy mineral extraction and Natura 2000’.

¹⁵ https://ec.europa.eu/environment/nature/natura2000/management/docs/art6/EN_art_6_guide_jun_2019.pdf.

¹⁶ LV (19.9.2019), LT (20.9.2019), EE (17.10.2019), SE (6.11.2019), SV (7.11.2019), ES (20.11.2019), CY (15.1.2020), HR (23.1.2020), BE (24.1.2020 and 25.6.2020), FI (12.5.2020), DK (29.5.2020), LU+BE (25.6.2020), EL (26.6.2020).

¹⁷ <https://cohesiondata.ec.europa.eu/stories/s/gznm-sv2i>.

¹⁸ <https://www.interregeurope.eu/policylearning/knowledge-hub/>; For example, please see the policy briefs: https://www.interregeurope.eu/fileadmin/user_upload/2018-09-24_Policy_Brief_Heritage_in_coastal_and_fluvial_regions.pdf; https://www.interregeurope.eu/fileadmin/user_upload/plp_uploads/policy_briefs/TO6_April_2018_Policy_brief_on_cultural_heritage_and_sustainable_tourism.pdf; https://www.interregeurope.eu/fileadmin/user_upload/plp_uploads/policy_briefs/2017016_TO6_PB_Biodiversity.pdf; https://www.interregeurope.eu/fileadmin/user_upload/plp_uploads/policy_briefs/Policybrief_TO6_Ecosystem_services.pdf.

¹⁹ https://ec.europa.eu/regional_policy/en/policy/cooperation/european-territorial/interreg30years/.

climate resilient environment ('Green Connections') as one of the core themes²⁰. Several events²¹ took place to promote awareness among managing authorities.

Article 5, paragraph 6

The EU adopted regulatory acts on voluntary eco-labelling and eco-auditing schemes: The [EU Ecolabel Regulation](#) provides for the consultation of stakeholders when establishing EU ecolabel criteria for product groups (see in particular Article 7 of the Regulation). Information on products (goods and services) awarded with the EU ecolabel is available in the EU Ecolabel Catalogue ([ECAT](#)). Public data on such products is available on the [EU Open Data Portal](#). Under the [EMAS Regulation](#), organisations should produce and make publicly available periodic environmental statements providing the public and other interested parties with information on their compliance with applicable legal requirements relating to the environment and their environmental performance. The information to be contained in the environmental statement is regulated in Annex IV. All registered organisations and their public statements are made available in the EU-managed [EMAS Register](#).

Directive 2022/2464/EU (the Corporate Sustainability Reporting Directive) and Directive 2014/95/EU (the Non-Financial Reporting Directive) require large and listed companies to disclose information on their impact on people and the planet, and the risks and opportunities arising from social and environmental issues.

Regulation (EU) 2019/2088 on sustainability-related disclosures in the financial services sector requires providers of financial services and proprietors of financial products to evaluate and publicly share information related to environmental, social and governance (ESG) factors.

Article 5, paragraph 7

An example of information on the performance of public functions in the area of the Aarhus Convention are the annual reports on monitoring the application of EU law. These include comments on how EU environmental law is being applied by the Member States and enforced by the Commission (see http://ec.europa.eu/atwork/applying-eu-law/infringements-proceedings/annual-reports/index_en.htm).

The Commission also publishes an annual report on the application of the EU Charter: http://ec.europa.eu/justice/fundamental-rights/charter/application/index_en.htm.

Article 5, paragraph 8

The EU adopted several legislative acts to ensure that producers provide consumers with information about the energy efficiency and energy performance of their products: [the Energy Labelling Regulation](#), the Ecodesign Directive 2009/125/EC, the Tyre Labelling Regulation 1222/2009, and the Car Labelling Directive 1999/94/EC.

Pursuant to Article 12 of the Energy Labelling Regulation, the Commission has implemented a database where any product model to be placed on the EU market has

²⁰ <https://interreg.eu/interreg-30-years-together/>; https://europa.eu/regions-and-cities/programme/sessions/1088_en.

²¹ Meeting of the European Network of Environmental Authorities-Managing Authorities for Cohesion Policy (25 October 2017, Budapest); Meeting of the European Network of Environmental Authorities-Managing Authorities for Cohesion Policy (4 October 2018, Prague); Workshop - Biodiversity proofing Cohesion policy funds - DG ENV together with IEEP, 12 October 2017.

to be registered (before being placed on the market). The European Product Registry for Energy Labelling (EPREL) provides national market surveillance authorities with a tool to streamline their compliance control activity by making most if not all technical documentation necessary to perform their duties available online. The system also provides consumers with additional information, in addition to what is visible in the energy label, on all products that fall under the Energy Labelling Regulation and the Tyre Labelling Regulation²², available online²³.

In September 2020, the Commission published the inception impact assessment on a sustainable product initiative. It aimed to widen the scope of the Ecodesign Directive beyond energy-related products and to address, among other things, the availability of information on sustainability along value chains related to products placed on the EU market so that consumers can choose products with the smallest environmental footprint.

The initiative led to the entry into force, in July 2024, of the [Ecodesign for Sustainable Products Regulation](#). This replaced the Ecodesign Directive and established a framework for setting performance and information requirements on nearly all physical products on the EU market. Measures will be announced in advance in the multiannual working plan. The Regulation focuses on product information, including information on substances of concern present in the product and, as appropriate, the reparability or durability score, the carbon or environmental footprint, or information on how to install, use or repair the product.

The Ecodesign for Sustainable Products Regulation introduces a new way to communicate information on product sustainability along the value chains: a digital product passport. All products for which ecodesign requirements will be adopted will have a passport, where all required information will be included and will be accessible through a data carrier. Apart from the digital product passport, delegated acts setting out ecodesign requirements may also require that information is present on the product itself, on the product's packaging or on the mandatory label. This enables consumers to make informed environmental choices.

Pursuant to the [Energy Performance of Buildings Directive](#), all EU Member States have established energy performance certificates for buildings. These certificates include information on the energy performance of buildings and recommendations on how to improve it. They are obligatory for new buildings, buildings that are sold or rented and for certain large public buildings.

Article 5, paragraph 9

The EU ratified the UNECE Protocol on Pollutant Release and Transfer Registers. It was implemented through the [European Pollutant Release and Transfer Register Regulation](#) (E-PRTR).

The [Industrial Emissions Portal Regulation](#) replaces the E-PRTR Regulation. It provides public access to key environmental data from industrial facilities in EU Member States, Iceland, Liechtenstein, Norway, Switzerland, Serbia and the United

²² Some 30 products groups in total, over 600 000 registered products in May 2021.

²³ E.g. by scanning the QR code on the label, people get access to the full public information on the products as required by the specific delegated act. Online stores also have direct access to the EPREL labels and product fiches via specific application programming interfaces.

Kingdom through the [Industrial Emissions Portal](#). It is subject to a separate reporting stream under the PRTR Protocol.

XII. Obstacles encountered in the implementation of Article 5

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of Article 5.*

Answer:

The implementation of Article 5 on the collection and dissemination of environmental information is being continuously improved.

Public authorities in Member States still face problems related to finding data and information managed by other public authorities. Information and data that meet their needs are not always available or affordable (where public-to-public charging practices apply), while access and use conditions pose additional obstacles. These challenges were communicated under the ‘Governance’ chapters to Member States as part of the Environmental Implementation Review reports last published in 2022. The new reports are currently being drawn up and will be made available on the relevant Commission [website](#).

XIII. Further information on the practical application of the provisions of Article 5

*Provide further information on the **practical application of the provisions on the collection and dissemination of environmental information in Article 5**, e.g., are there any statistics available on the information published?*

Answer:

Reference is made to the Europa website, which is constantly updated and expanded.

XIV. Website addresses relevant to the implementation of Article 5

Give relevant website addresses, if available:

European Business and Biodiversity [Platform](#).

Ecodesign for Sustainable Products [Regulation](#) and the [European Industrial Emissions Portal](#).

XV. Legislative, regulatory and other measures implementing the provisions on public participation in decisions on specific activities in Article 6

List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in Article 6.

Explain how each paragraph of Article 6 has been implemented. Describe the transposition of the relevant definitions in Article 2 and the non-discrimination requirement in Article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) The provisions of Article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;
 - (ii) The provisions of Article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment;
- (b) Measures taken to ensure that the public concerned is informed early in any environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in **paragraph 2**;
- (c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of **paragraph 3**;
- (d) With respect to **paragraph 4**, measures taken to ensure that there is early public participation;
- (e) With respect to **paragraph 5**, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit;
- (f) With respect to **paragraph 6**, measures taken to ensure that:
 - (i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in Article 6 that is available at the time of the public participation procedure;
 - (ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;
- (g) With respect to **paragraph 7**, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity;
- (h) With respect to **paragraph 8**, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;
- (i) With respect to **paragraph 9**, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;
- (j) With respect to **paragraph 10**, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied, making the necessary changes, and where appropriate;

(k) With respect to **paragraph 11**, measures taken to apply the provisions of Article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

Answer:

As EU institutions and bodies do not adopt decisions to permit the proposed activities listed in Annex I to the Aarhus Convention, implementation of Article 6 is focused on the Member States.

The relevant definitions of Article 2 of the Aarhus Convention are to be found in Articles 3(1) and 4(1)(b) of the Public Participation Directive.

The EU adopted several legal acts that touch upon environmental permitting.

[Council Regulation \(EU\) 2022/2577](#) lays down a framework to accelerate the deployment of renewable energy (as amended by Regulation (EU) 2024/223). The Regulation applies until 30 June 2025 and establishes temporary rules of an emergency nature to accelerate the permit-granting process applicable to the production of energy from renewable energy sources. Recital 20 of the Regulation specifically stipulates that ‘the provisions of the Aarhus Convention (...) and in particular, the obligations of Member States relating to public participation (and to access to justice), remain applicable’.

amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources provides for the speedy approval of certain renewable energy project. It also affirms that rules on public participation (and access to justice) as well as transboundary consultations continue to apply according to international commitments under the Aarhus and Espoo Conventions. Recital 30 in particular states that the provisions of the Aarhus Convention remain applicable.

[Directive \(EU\) 2023/2413](#) of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources while the Directive provides for speedy approval of certain renewable energy project, it affirms that rules on public participation (and access to justice) as well as transboundary consultations continue to apply according to international commitments under the Aarhus and Espoo Conventions. Recital 30 states that the provisions of the Aarhus Convention remain applicable. Recital 33 states that the obligations of the Espoo Convention remain applicable.

Two further instruments were adopted that also aim to strike a fair balance between sustainable economic progress and environmental democracy, namely the [Critical Raw Materials Act](#) and the [Net-Zero Industry Act](#). Both acts have dedicated Recitals and Articles that reaffirm that obligations under UNECE Conventions remain applicable.

The [Communication from the Commission – Guidelines on State aid for climate, environmental protection and energy 2022](#) also contains provisions for public involvement in certain measures that could have an impact on the environment.

Article 6, paragraph 1

Article 6 of the Aarhus Convention is implemented by the Industrial Emissions Directive (IED) as amended by Directive (EU) 2024/1785²⁴, and the (revised) [Environmental Impact Assessment Directive](#) as amended by Directive 2014/52/EU.

The revised IED (i) broadens the instances within the permit granting or review procedures where the public is invited to participate; (ii) further improves the publication of relevant documents and related information produced during the permit application or review; and (iii) strengthens access to justice.

Article 6, paragraph 2

The ‘public concerned’ is defined in Article 3(1) of the Public Participation Directive as the public ‘affected or likely to be affected, or having an interest in the environmental decision-making procedures’. An NGO that promotes environmental protection is expressly deemed to have such an interest.

While Euratom is not a Party to the Aarhus Convention, several directives adopted under the Euratom Treaty contain provisions related to transparency, access to information and public participation similar to those of Aarhus Convention.

The Nuclear Safety [Directive 2014/87/Euratom](#) amending Directive 2009/71/Euratom, sets more specific requirements as to the type of information to be provided to the general public as well as to the opportunities to participate in the relevant phases of the decision-making process related to nuclear installations.

The Spent Fuel and Radioactive Waste Management [Directive 2011/70/Euratom](#) regulates both public participation and access to information (Article 10).

The Round table, building on the transparency philosophy shared by the Aarhus Convention and the Nuclear Safety Directive was held in January 2025 under the initiative of the Nuclear Transparency Watch network involving the European Nuclear Safety Regulators Group (ENSREG) and the National Association of Local Information Committees and Commissions (ANCCLI). It addressed the topics of transparency, public participation, and the interaction between the nuclear regulatory system and civil society concerning nuclear safety.

Article 6, paragraph 3

Article 3(4) of the Public Participation Directive sets reasonable time frames for effective public participation. The public is informed early in the environmental decision-making process and, at the latest, as soon as information can reasonably be provided.

Article 6, paragraphs 4 to 10

Those provisions of the Aarhus Convention are implemented in Articles 3(4) to (6) of the Public Participation Directive and the Environmental Impact Assessment (EIA) Directive. Previous EU implementation reports provide further details.

Article 6, paragraph 11

The amendment to the Aarhus Convention on genetically modified organisms (GMOs) was adopted in May 2005. It specifies the obligations of Parties with regard to public

²⁴ ELI: <http://data.europa.eu/eli/dir/2024/1785/oj>.

participation in decision-making processes concerning GMOs. Any Party whose regulatory framework is consistent with the GMO amendment is also in line with Article 6, paragraph 11 of the Convention. Reference is therefore made to part XXXIII and following of the current report.

XVI. Obstacles encountered in the implementation of Article 6

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of Article 6.*

Answer:

A pending compliance case against the EU concerning Article 6, ACCC/C/2014/121, has been published on the [UNECE website](https://unece.org/transport/industry/ied/evaluation).

In relation to case ACCC/C/2014/121, as part of the European Green Deal, the Commission has reviewed EU measures to address pollution from industrial installations, including in particular Directive 2010/75/EU on industrial emissions²⁵. The review looked at the sectoral scope of the legislation and at how to make it fully consistent with the European Green Deal commitments, in order to make progress towards the EU's zero-pollution ambition for a toxic-free environment and to support climate, energy and circular-economy policies.

Directive (EU) 2024/1785 of the European Parliament and of the Council of 24 April 2024 amending Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC on the landfill of waste (the IED) has been adopted by the EU co-legislators and was published in the EU Official Journal on 15.7.2024.

The amendment of Article 24 IED was endorsed by the co-legislators as proposed by the Commission, and contains the necessary changes to bring the IED fully in line with the Convention, i.e. to ensure that, 'when a public authority in a Member State of the Party concerned reconsiders or updates permit conditions pursuant to national laws implementing Article 21(3), (4) and (5)(b) and (c) of the Industrial Emissions Directive, or the corresponding provisions of any legislation that supersedes that Directive, the provisions of Article 6(2)–(9) will be applied, *mutatis mutandis* and where appropriate, bearing in mind the objectives of the Convention'.

In addition, the agreed revisions introduced other changes aimed at further improving the publication of relevant documents and related information produced during the permit application or review.

Furthermore, Article 25 on access to justice has been upgraded, to comply with the highest standards set by the CJEU.

XVII. Further information on the practical application of the provisions of Article 6

*Provide further information on the **practical application of the provisions on public participation in decisions on specific activities in Article 6**, e.g., are there any statistics or other information available on public participation in decisions on specific activities or on decisions*

²⁵ <https://ec.europa.eu/environment/industry/stationary/ied/evaluation.htm>.

not to apply the provisions of this article to proposed activities serving national defence purposes.

Answer:

XVIII. Website addresses relevant to the implementation of Article 6

Give relevant website addresses, if available:

https://environment.ec.europa.eu/topics/industrial-emissions-and-safety_en

<https://industry.eea.europa.eu/>

https://ec.europa.eu/environment/eia/index_en.htm.

XIX. Practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment pursuant to Article 7

List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment, pursuant to Article 7. Describe the transposition of the relevant definitions in Article 2 and the non-discrimination requirement in Article 3, paragraph 9.

Answer:

Public participation concerning Member State authorities' plans and programmes relating to the environment by is ensured through the following legislation:

the Public Participation Directive: see Article 2 in conjunction with Annex I;

the [Strategic Environmental Assessment Directive](#), Directive 2001/42/EC ('SEA Directive');

The [Water Framework Directive](#), Directive 2000/60/EC;

The [Flood Risk Management Directive](#), Directive 2007/60/EC, which provides for public involvement in Article 9 and requires, in Article 10, that relevant assessments, maps and plans be made available to the public;

The [Seveso III Directive](#) (Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC), which obliges operators to provide sufficient information on risks for the purpose of land-use planning. Detailed procedural requirements for public participation are provided for and a reference is included to Article 2 of the Public Participation Directive for public participation in the preparation of general plans and programmes. Public participation on external emergency plans is also addressed;

The [Marine Strategy Framework Directive](#), Directive 2008/56/EC, which in Article 19 provides for public consultation on Member States' marine strategies and the participation of interested parties in the implementation of the Directive;

The [Governance Regulation on the Governance of the Energy Union and Climate Action](#), which in Article 10 requires Member States to ensure that the public is given early and effective opportunities to participate in the preparation of the draft integrated national

energy and climate plan (and, as regards the plan for the 2021–2030 period, in the preparation of the final plan well before its adoption) as well as of the long-term strategies referred to in Article 15. Each Member State has to set reasonable timeframes allowing sufficient time for the public to be informed, to participate and express its views;

Policy developments in the context of Regulation (EC) No 1907/2006 (REACH) and Regulation (EC) No 1272/2008 (CLP) are discussed in the meetings of the competent authorities for REACH and CLP (CARACAL), with the participation of stakeholders from industry and NGOs;

The [Nature Restoration Regulation](#), Regulation (EU) No 2024/1991, which stipulates in Article 14(20) that the preparation of the national restoration plan must be open, transparent, inclusive and effective and that the public, including all relevant stakeholders, must be given early and effective opportunities to participate in its preparation;

Article 9 of the Aarhus Regulation, combined with the definitions in Article 2, ensure public participation in the preparation of environmental-related plans and programmes produced by EU institutions and bodies. The Aarhus Regulation requires EU institutions and bodies to provide early and effective opportunities for the public to participate in the preparation, modification or review of environmental-related plans or programmes when all options are still open;

Elements provided under section XV on new EU legislative developments are also pertinent under this section.

XX. Opportunities for public participation in the preparation of policies relating to the environment provided pursuant to Article 7

Explain what opportunities are provided for public participation in the preparation of policies relating to the environment, pursuant to Article 7.

Answer:

A number of recent environmental instruments include requirements for public participation in drawing up environmental plans.

Partnership is one of the key principles that govern EU Cohesion policy. The respect of the partnership principle remains a legal requirement in the new Common Provisions Regulation for the 2021-2027 programming period. A new article establishes the possibility for Member States to allocate an appropriate percentage of resources coming from the Funds for administrative capacity-building among civil society organisations, which may include environmental NGOs.

The Commission has also [established](#) the European Network of Environmental Authorities - Managing Authorities for the Cohesion Policy (ENEA-MA), which brings together experts from environmental administrations, authorities managing cohesion policy and other organisations (such as Bankwatch). It contributes to the integration of environment and sustainable development in the cohesion policy programmes and projects.

The Commission has set up a '[structured dialogue](#)' with partners working in the field of the European Structural and Investment Funds (ESIF). This is a mutual trust-building mechanism in order to bring the ESIF closer to civil society, to assist the Commission

in the development of this policy in the different areas of expertise and to discuss ESIF implementation.

Together with the Member States and stakeholders, the Commission has set up a ‘common implementation strategy’ for implementing the Water Framework Directive 2000/60/EC. In this framework, technical guidance documents are developed in close cooperation with all relevant stakeholders, including representatives from civil society. All documentation is made publicly available on the relevant [CIRCABC website](#).

The [Framework Directive for Maritime Spatial Planning](#) 2014/89/EU aims at ensuring effective implementation of maritime spatial planning in EU waters and integrated coastal management in the coastal areas of Member States. Article 2 of the Public Participation Directive is highlighted in recital 21 as a good example of a public consultation provision. Consultation is addressed in Article 9.

As part of its [Communication to the European Parliament on ‘a new approach for a sustainable blue economy in the EU – Transforming the EU’s Blue Economy for a Sustainable Future’](#), the European Commission established the European Blue Forum. The European Blue Forum is intended to be a pan-European Stakeholder group, able to come together to discuss shared challenges and priorities over the medium term with the aim of finding consensus, synergies and solutions towards a common vision.

The recovery and resilience plans that set out a coherent package of reforms and investment initiatives to be implemented up to 2026 are to be supported by the Recovery and Resilience Facility (RRF). The Commission provided Member States with clear guidance to support them in the preparation of the recovery and resilience plans in September 2020. It [updated this guidance](#) in January 2021 to assist Member States. Plans should also include a summary of the consultation process at national level as well as a presentation of the controls and audit system put in place to ensure that the EU’s financial interests are protected.

The EU strategy on the rights of the child,²⁶ which is not legally binding per se, was formally adopted on 24 March 2021 and proposed a series of targeted actions across six thematic areas, each one defining the priorities for EU action in the coming years. Thematic area 1 is the child’s participation in political and democratic life. Children were consulted on the strategy with the help of the leading child rights organisations and should be involved in the implementation and monitoring of the strategy. Under the EU strategy on the rights of the child, the Commission pledged to: ‘establish, jointly with the European Parliament and child rights organisations, an EU Children’s Participation Platform, to connect existing child participation mechanisms at local, national and EU level, and involve children in the decision-making processes at EU level; conduct child-specific consultations for relevant future initiatives; and strengthen expertise and practice on child participation among Commission staff and the staff of EU agencies.’

XXI. Obstacles encountered in the implementation of Article 7

*Describe any **obstacles encountered** in the implementation of Article 7.*

Answer:

Pending compliance cases covering the EU framework within the ambit of Article 7 are published on the UNECE website.

²⁶ [EU Strategy on the Rights of the Child](#).

XXII. Further information on the practical application of the provisions of Article 7

*Provide further information on the **practical application of the provisions on public participation in decisions on specific activities in Article 7.***

Answer:

In 2022 the Commission published the revised booklets gathering extracts from rulings of the CJEU related to the provisions of the EIA Directive and SEA Directive²⁷.

New updated guidance on SEA implementation is aimed to be published during the course of 2025. The seven-yearly SEA implementation report (as required by Article 12 of the SEA Directive) will also be published this year. A recent study published²⁸ on the implementation of the SEA Directive highlighted that the process of implementation of the SEA-related obligations in relation to the energy and the climate sector in particular is ongoing, with some Member States authorities experiencing challenges in coordination between the different sectors.

XXIII. Website addresses relevant to the implementation of Article 7

Give relevant website addresses, if available:

[Your Voice in Europe](#)

Commission transparency [portal](#)

[European Network of Environmental Authorities](#)

[Structured Dialogue](#) with the ESIF expert group

XXIV. Efforts made to promote public participation during the preparation of regulations and rules that may have a significant effect on the environment pursuant to Article 8

Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment, pursuant to Article 8. To the extent appropriate, describe the transposition of the relevant definitions in Article 2 and the non-discrimination requirement in Article 3, paragraph 9.

Answer:

Reference is made to the previous EU implementation reports and, insofar as Article 8 of the Convention would cover the preparation of EU legislative acts, to the explanations on the Commission's impact assessment and better regulation schemes under Section XI.

²⁷ Environmental impact assessment of projects - Publications Office of the EU

²⁸ Study supporting the preparation of the report on the application and effectiveness of the SEA Directive (Directive 2001/42/EC) - Publications Office of the EU

Reference is made to the previous reports submitted by the EU as regards the definitions under Articles 2 and 3(9).

XXV. Obstacles encountered in the implementation of Article 8

*Describe any **obstacles encountered** in the implementation of Article 8.*

Answer:

None encountered.

XXVI. Further information on the practical application of the provisions of Article 8

*Provide further information on the **practical application of the provisions on public participation in the field covered by Article 8.***

Answer:

Article 41(1) of Regulation (EC) No 178/2002, as amended by the Transparency Regulation, provides among others that, where environmental information is concerned, Regulation (EC) No 1367/2006 of the European Parliament and of the Council would also apply to documents held by EFSA. Directive 2003/4/EC of the European Parliament and of the Council on the other hand would apply to environmental information held by Member States, notwithstanding the rules on confidentiality provided in Regulation (EC) No 178/2002. To this end,

The EFSA Management Board was empowered to adopt legally binding practical arrangements for implementing Regulation (EC) No 1049/2001 and Articles 6 and 7 of Regulation (EC) No 1367/2006 by 27 March 2020, ensuring as wide access as possible to the documents in its possession. Indeed, these practical arrangements have been adopted and are to be found [online](#).

Furthermore, the Founding Regulation of EFSA – as amended by the Transparency Regulation (EU) No 2019/1381 – provides for a number of measures regarding **proactive transparency**, especially in the context of pre-market authorisations/approvals in the area of food chain early on in the risk assessment process, for all application dossiers launched as of 27 March 2021. More specifically, all scientific data, studies and other information supporting applications, including supplementary information supplied by applicants must be made public, early on in the risk assessment process with the exception of duly justified confidential information. These data are then subject to public consultation so that EFSA can identify whether other relevant scientific data or studies are available on the subject matter concerned by the relevant application before EFSA concludes its scientific output. (see section above xxx at p. 16.) Finally, all applicants are required to notify EFSA of all studies commissioned at presubmission phase providing EFSA with a mechanism to double-check whether all studies commissioned by an applicant, in the context of its application for an authorisation, have been submitted;

These measures are also applicable in the area of plant protection products. Studies supporting an application are to be notified when commissioned to EFSA, are to be included in the application dossier for the dossier to be considered admissible and must be made proactively public early on in the risk assessment process with the exception

of duly justified confidential information; these studies are then subject to a public consultation before EFSA concludes its risk assessment.

There were more studies available on and greater involvement in the procedure on the renewal of active substance approvals for pesticides under Commission Implementing Regulation (EU) 2020/1740 of 20 November 2020. This Implementing Regulation sets out the provisions for implementing the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council, and repealing Commission Implementing Regulation (EU) No 844/2012.

Notifications on studies intended to be conducted to support a renewal application are to be submitted, and a public consultation must take place following such notification. Submitted studies must be notified and made public, and a public consultation on these studies must also take place.

All **draft** acts and review reports concerning decisions on active substances in plant protection products are also made available via the Comitology Register.

A large participatory process involving a wide range of stakeholders to define specific protection goals (SPGs) for non-target organisms for the environmental risk assessment was launched in 2018. For the provisions in Regulation (EC) No 1107/2009 of ensuring ‘no unacceptable effects on the environment and on biodiversity’, the objective is to translate these provisions into SPGs i.e. what, when and how long to protect if pesticides are used. The initiative builds on a method developed by EFSA in 2010/2016²⁹ and takes into consideration relevant and recently available scientific knowledge.

Regulation (EU) No 528/2012 on biocidal products provides for a public consultation carried out by the European Chemicals Agency on active substance candidate for substitution during which interested parties can submit relevant information on potential alternatives³⁰. The European Chemicals Agency also organises a public consultation on active substances meeting the exclusion criteria during which interested third parties can submit information on whether these active substances would meet or not meet the derogation criteria set in the legislation to still be approved³¹. The opinions of the European Chemicals Agency are made publicly available³², and all draft Commission proposals on the approval of active substances, on the Union authorisation of biocidal products and other decisions related to the implementation of the Regulation (EU) No 528/2012 are made available via the Comitology Register.

Regulation 1907/2006 (REACH) provides for public consultations within the processes of adoption of several measures. In particular, Article 64(2) provides for a public consultation in relation to applications for authorisation for the use of substances of very high concern listed in Annex XIV to the Regulation. Pursuant to Articles 69(6) and (1) interested parties are also invited to submit comments and information in relation to dossiers for proposals for restrictions of substances. Such restrictions are adopted by the

²⁹ EFSA Panel on Plant Protection Products and their Residues (PPR); Scientific Opinion on the development of specific protection goal options for environmental risk assessment of pesticides, in particular in relation to the revision of the Guidance Documents on Aquatic and Terrestrial Ecotoxicology (SANCO/3268/2001 and SANCO/10329/2002). EFSA Journal 2010;8(10): 1821. [55 pp.] EFSA Scientific Committee, 2016. Guidance to develop specific protection goals options for environmental risk assessment at EFSA, in relation to biodiversity and ecosystem services. EFSA Journal 2016; 14(6):4499. 50 pp.

³⁰ <https://echa.europa.eu/current-candidates-for-substitution-and-derogations-conditions>

³¹ <https://echa.europa.eu/current-candidates-for-substitution-and-derogations-conditions>

³² <https://echa.europa.eu/about-us/who-we-are/biocidal-products-committee>

Commission if there is an unacceptable risk for human health or the environment arising from the manufacture, use or placing on the market of a substance.

In addition draft Commission proposals are public in the Commitology register and, as regards, proposal for restrictions, interested parties may submit further comments in the 'Have your Say portal' after an opinion is issued in the REACH Committee.

[Regulation \(EU\) 2024/1991](#), the Nature Protection Regulation, lays down in Article 14(20) that consultations (with regard to the preparation of national restoration plans) must comply with the requirements of Directive 2001/42/EC (SEA Directive).

XXVII. Website addresses relevant to the implementation of Article 8

Give relevant website addresses, if available:

See the links provided in Section XI.

XXVIII. Legislative, regulatory and other measures implementing the provisions on access to justice in Article 9

List legislative, regulatory and other measures that implement the provisions on access to justice in Article 9.

Explain how each paragraph of Article 9 has been implemented. Describe the transposition of the relevant definitions in Article 2 and the non-discrimination requirement in Article 3, paragraph 9. Also, and in particular, describe

(a) With respect to **paragraph 1**, measures taken to ensure that:

(i) Any person who considers that his or her request for information under Article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law;

(ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;

(iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;

(b) Measures taken to ensure that, within the framework of national legislation, members of the public concerned meeting the criteria set out in **paragraph 2** have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of Article 6;

(c) With respect to **paragraph 3**, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;

(d) With respect to **paragraph 4**, measures taken to ensure that:

(i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;

(ii) Such procedures otherwise meet the requirements of this paragraph;

(e) With respect to **paragraph 5**, measures taken to ensure that information is provided to the public on access to administrative and judicial review.

Answer:

As far as access to justice with respect to an action or omission of EU institutions and bodies is concerned:

The Treaty of Lisbon replaced Article 230 of the Treaty establishing the European Community with Article 263 of the Treaty on the Functioning of the European Union (TFEU). The rules on admissibility for natural and legal persons are now broader. Direct actions were widened so that natural or legal persons can challenge not only acts addressed to them or which are of direct and individual concern to them, but also regulatory acts which are of direct concern to them and do not entail implementing measures. For everyone whose rights and freedoms guaranteed by EU law are violated, Article 47 of the Charter provides for a right to an effective remedy and to a fair trial.

Furthermore, Article 267 TFEU provides a means whereby national courts can put questions to the CJEU on the validity of EU legislation and acts. Accordingly, for measures that cannot be challenged directly before the EU courts, it is possible to challenge the implementing measure adopted at national level and then, if the EU measure is considered invalid, to question the legality of that underlying EU measure, a question which national courts are obliged to refer to the CJEU.

Definitions

Article 2 (1) of the Aarhus Regulation contains relevant definitions.

Article 3, paragraph 9

See the comments on the implementation of the non-discrimination principle in the context of Article 4 of the Convention.

Article 9, paragraph 1

Article 3 of the Aarhus Regulation refers to the Access to documents Regulation under which the following review procedure is available: under Article 8, in the event of a total or partial refusal of the documents requested, the applicant may make a confirmatory application asking the EU institution to reconsider its position. Failure by the institution to reply within the prescribed time-limit is considered a negative reply and entitles the applicant to institute court proceedings and/or to make a

complaint to the European Ombudsman, under the terms of the Treaties. The judgment of the General Court in joined cases T-554/20 and T-371/20 (*Pollinis France v Commission*) on 14 September 2022 was appealed by the Commission. On 16 January 2025, in case C-726/22P, the General Court ruled in favour of Pollinis France by upholding the judgment in joined cases T-554/20 and T-371/20. It confirmed that exceptions to access to documents based on the protection of an ongoing decision-making process should be interpreted strictly and must be justified thoroughly. The General Court also stated that Regulation (EC) No 1049/2001 applies to information related to comitology work, including the position of Member States.

Article 9, paragraph 2

Article 9, paragraph 2, is not applicable to EU institutions or bodies, since Article 6 of the Convention is not relevant in the absence of any permitting decision taken by an EU institution or body in respect of the activities listed in Annex I to the Convention.

Article 9, paragraph 3

Title IV of the Aarhus Regulation, as amended by Regulation (EU) 2021/1767 (Articles 10 to 12), sets out the conditions under which an EU institution or body is required to review certain actions that may contravene environmental law it has adopted (an ‘administrative act’), or to review its failure to act.

An NGO or other members of public which meet the criteria set out in Article 11 of the Aarhus Regulation are entitled to make a request for internal review to the EU institution or body which adopted the administrative act. According to the case law developed under Article 10 of Regulation No 1367/2006, requesting parties are ‘required to put forward the facts or legal arguments of sufficient substance to give rise to substantial or serious doubts as to the assessment made in that act by the EU institution or body. Where the [institution] concludes that the evidence adduced by a party requesting an internal review is substantial and liable to raise serious doubts as to the formal or substantive lawfulness of the grant of that authorisation, it is required to examine all relevant information of its own motion’ (see judgment of 18 October 2023, *TestBioTech v Commission*, T-606/21).

According to Article 12 of the Aarhus Regulation, a requesting party whose request for review was unsuccessful may institute proceedings before the EU courts in accordance with the relevant Treaty provisions. The Court reviews only the validity of the institution’s decision adopted in accordance with Article 10 of Regulation No 1367/2006 (the review decision), not that of the underlying administrative act itself.

During the entire administrative and judicial review procedure, the initial administrative act of the EU institution remains in force since neither the IRR (internal review requests) nor proceedings before the EU courts have a suspensive effect. However, the Commission does need to follow up if the CJEU annuls a Commission reply to the IRR after finding a breach of EU environmental law at administrative level. If the Court concludes that an IRR is admissible (in cases where the Commission rejected the request as inadmissible), the Commission is required to examine the request on substance (if it has not already done so) and must also interpret admissibility criteria in line with the Court’s ruling in future cases.

In case the Commission considers the request for internal review justified, the choice of measures that could be adopted are entirely at the Commission’s discretion, provided that it draws the appropriate consequences. The measures taken by the

Commission could be, but are not limited to, amending the underlying administrative act, suspending its effects, or withdrawing it completely.

Regulation (EU) 2021/1767, which amended Regulation (EC) No 1367/2006, significantly broadened the possibilities for seeking administrative review. Prior to this amendment, certain NGOs were only able to challenge individual acts contributing to the pursuit of environmental policy objectives that were directly addressed to a person or where the person affected could be distinguished individually. Under the revised Aarhus Regulation, NGOs, and now other members of the public as well, that meet certain criteria may request an internal review of any non-legislative act adopted by the EU institution or body, irrespective of the policy objectives of the act, provided that the act has legal and external effects and contains provisions that may contravene environmental law.

The General Court, in its judgments of 14 June 2012 in Cases T-338/08, *Stichting Natuur en Milieu v Commission* and T-396/09, *Vereniging Milieudefensie v Commission*, found that the right to administrative review by the EU institutions should also cover regulatory acts of a general nature rather than only those of an individual scope. (Legislation is, however, exempt). In its appeal judgments of 13 January 2015 in [Joined Cases C-401/12 P to C-403/12 P](#) and [Joined Cases C-404/12 P and C-405/12 P](#), the CJEU set aside the earlier judgments. The CJEU found that Article 9(3) of the Aarhus Convention lacks the clarity and precision for that provision to be relied on before the EU judiciary for the purposes of assessing the legality of the Aarhus Regulation. The CJEU further stated that the obligations deriving from Article 9(3) of the Convention, as EU law currently stands, fall primarily under the responsibility of Member States.

Since the amendment of the Aarhus Regulation the number of IRRs and subsequent court cases has substantially increased. Since the revision of the Aarhus Regulation in 2021, the Commission has received 57 requests for internal review (as of March 2025) concerning different administrative acts and omissions. For comparison, before the revision of the Aarhus Regulation, the Commission received 48 requests over 14 years, equal to an average of 3-4 requests annually. After the broadening of the scope of the internal review procedure laid down in the Aarhus Regulation to include non-legislative acts of a general scope, the average number of requests received annually has increased to 12. Around 40% of Commission replies to IRRs are challenged before the CJEU.

Judgments:

Regarding the replies to IRRs concerning integrated national energy and climate plans (NECPs) the following judgments have been issued. In all of them the actions were dismissed:

- Judgment of the General Court of 17 April 2024, *NLVOW v Commission*, T-331/22.
- Judgment of the General Court (Third Chamber) of 17 April 2024, *Stichting Nationaal Kritisch Platform Windenergie v Commission*, T-344/22.
- Judgment of the General Court of 17 April 2024, *Föreningen Svenskt Landskapsskydd v Commission*, T-346/22³³.

33 The judgment in case T-346/22 (not appealed) is notable in that the General Court considered that a plea of illegality under Article 277 TFEU could not be raised by the applicant in support of an action lodged under Article

- Judgment of the General Court of 17 April 2024, *Stöttingfjällets Miljöskyddsförening v Commission*, T-345/22.
- T-534/23 and T-535/23 (emergency regulation on the deployment of renewable energy sources);
- T-577/22 and T-648/22;
- and T-342/24 (total allowable catches).

Regarding the replies to IRRs concerning plant health legislation, the following judgement has been issued. The action was dismissed:

- Judgment of the General Court of 21 February 2024, *PAN Europe v Commission*, T-536/22 (under appeal - C-316/24 P).

By the order of the Court, the case T-526/24, concerning the Commission reply to the IRR in relation to first mid-term tender announced on AggregateEU, was removed from the Register of the General Court:

- *Global Legal Action Network v Commission* (Case T-526/24).

The judgment issued in *ClientEarth v EIB*, T-9/19, upheld on appeal in case C-212/22P and not yet included in the Report, provided an important interpretation of the notion of ‘environmental law’ under Article 10 of Regulation No 1367/2006. The Court held that EIB guidelines setting environmental criteria for its lending policy constitute ‘environmental law’ within the meaning of Article 10, hence a lending decision that would contravene such EIB guidelines is reviewable. This broad interpretation is aligned with the objectives of Article 9, paragraph 3 of the Convention.

Judgments in the GMO area: Judgments of the General Court of 18 October 2023 in Case T-605/21 (*TestBio Tech vs Commission*) and Case T-606/21 (*TestBio Tech vs Commission*), dismissed two actions for annulment of replies to IRRs regarding authorisations for the placing on the market of products containing, consisting of, or produced from genetically modified maize and genetically modified soy bean, respectively.

Pending court cases:

The highest number of court cases concern Commission replies to the internal review request concerning plant health legislation, e.g.:

- *PAN Europe v Commission* (Case T-412/22)
- *Pollinis France v Commission* (Case T-94/23)
- *Aurelia Stiftung v Commission* (Case T-565/23)
- *PAN Europe v Commission* (Case T-1164/23)
- *PAN Europe v Commission* (Case T-1148/23)
- *Pollinis France v Commission* (Case T-75/24)
- *Collectif des maires anti-pesticides and Others v Commission* (Case T-399/24)
- *Deutsche Umwelthilfe v Commission* (Case T-467/24)
- *Antidote Europe v Commission* (Case T-503/24)
- *Bündnis für eine enkeltaugliche Landwirtschaft v Commission* (Case T-576/24)

12 of Regulation No 1367/2006, on the ground that a Commission’s reply to an internal review request is not an implementing measure for the legislation the applicant was challenging the legality.

- *PAN Europe and Others v Commission* (Case T-639/24)
- *Deutsche Umwelthilfe and Aurelia Stiftung v Commission* (Case T-578/24)
- *Secrets Toxiques and Others v Commission* (Case T-636/24)
- *Deutsche Umwelthilfe v Commission* (Case T-50/24)
- *Association Générations futures v Commission* (Case T-201/24)

Five pending court cases concern Commission replies to the internal review requests concerning Commission Delegated Regulation (EU) 2021/2139 and Commission Delegated Regulation (EU) 2022/1214 amending or supplementing Regulation (EU) 2020/852 of the European Parliament and of the Council by establishing the technical screening criteria for determining the conditions under which an economic activity qualifies as contributing substantially to climate change mitigation or climate change adaptation and for determining whether that economic activity causes no significant harm to any of the other environmental objectives (the Taxonomy Regulation):

- *Robin Wood and Others v Commission* (Case T-575/22)
- *Fédération environnement durable and Others v Commission* (Case T-583/22)
- *ClientEarth v Commission* (Case T-579/22)
- *Greenpeace and Others v Commission* (Case T-214/23)
- *ClientEarth and Others v Commission* (Case T-215/23)
- *Dryade and Others v Commission* (Case T-449/24).
- T-514/21; T-1151/23 (establishing that the notion of ‘omission to act’ under Article 10 Regulation 1367/2006 must have the same interpretation as under Article 265 TFEU).

Two pending court cases concern Commission replies to IRRs on maritime affairs and fisheries, namely the reply to the request for internal review of a Commission letter objecting to the entry into force of an international resolution, and the reply to the request for internal review of Commission Implementing Regulation (EU) 2024/1382 of 23 May 2024 extending a derogation from Council Regulation (EC) No 1967/2006 as regards the prohibition to fish above protected habitats, the minimum distance from the coast and the minimum sea depth for the ‘gangui’ trawlers fishing in certain territorial waters of France (Provence-Alpes-Côte d’Azur):

- *Bloom v Commission*, T-1049/23
- *Bloom v Commission*, Case T-659/24

One pending court case concerns Commission reply to IRR concerning Commission Implementing Decision (EU) 2023/1319 of 28 June 2023 amending Implementing Decision (EU) 2020/2126 to revise Member States’ annual emission allocations for the period from 2023 to 2030:

- *Global Legal Action Network and CAN-Europe v Commission*, T-120/24

The new Environmental Crime Directive (i.e. [Directive \(EU\) 2024/1203](#) on the protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC), which was adopted on 11 April 2024 and entered into force on 20 May 2024, establishes minimum rules with regard to the definition of criminal offences and penalties in order to protect the environment more effectively, as well as measures to prevent and combat environmental crime. Among its provisions, Article 15 of the Directive relates to participation in criminal proceedings concerning environmental criminal offences. More specifically:

- Article 15 states that: “Member States shall ensure that persons affected or likely to be affected by the criminal offences referred to in Articles 3 and 4 of this Directive and persons having a sufficient interest or maintaining the impairment of a right, as well as non-governmental organisations that promote environmental protection and meet requirements under national law, have appropriate procedural rights in proceedings concerning those offences, where such procedural rights for the public concerned exist in the Member State in proceedings concerning other criminal offences, for instance as a civil party. In such cases, Member States shall also ensure, in accordance with their national law, that the information on the progress of the proceedings is shared with the public concerned, where that is done in proceedings concerning other criminal offences”. This Directive does not require Member States to introduce new procedural rights for the members of the public concerned. However, when such procedural rights for members of the public concerned exist in a Member State in equivalent situations concerning criminal offences other than those provided for pursuant to the Directive, such as the right to participate in proceedings as a civil party, such procedural rights should also be granted to the members of the public concerned in proceedings concerning the environmental criminal offences defined in the Directive. The rights of the members of the public concerned are without prejudice to the rights of victims as set out in Directive 2012/29/EU of the European Parliament and of the Council.

The revised CLP Regulation (Regulation (EC) No 1272/2008) has a new Article 46(1a), which stipulates that ‘For the purpose of paragraph 1, the authorities responsible for enforcement referred to in Article 43 of this Regulation shall follow up on complaints or reports related to non-compliance with this Regulation, and verify that the corrective action referred to in Article 3, point (16), of Regulation (EU) 2019/1020 has been taken.’

Article 9, paragraph 4

Reference is made to the earlier EU implementation reports, where the procedural guarantees are outlined.

Article 9, paragraph 5

Article 1(2) of the Aarhus Regulation stipulates that EU institutions and bodies must endeavour to assist the public with regard to access to justice in environmental matters.

As far as access to justice with respect to an action or omission of Member States’ authorities is concerned:

For relevant definitions, see Article 2 of the Environmental Information Directive, Article 1(2)(e) of the EIA Directive, Article 1(1)(17) of the Industrial Emissions Directive, Article 3(18) of the Seveso III Directive and Article 4(45) of the Ambient Air Quality Directive.

Article 3, paragraph 9

See the comments made on the implementation of Article 3, paragraph 9 in the context of Article 4 of the Convention.

Article 9, paragraph 1

Article 6 of the Environmental Information Directive provides for access to justice concerning requests for information. There is equally a right to administrative and judicial review of acts or omissions in relation to requests for information under the Seveso III Directive.

Article 9, paragraph 2

Article 11 of the EIA Directive, Article 25 of the Industrial Emissions Directive and Article 23 of the Seveso III Directive contains provisions on access to justice for projects.

The case law developed further during the reference period. The following cases can be mentioned in particular:

All the rulings before the reference period delivered by the CJEU are summarised in the Commission [Notice on access to justice](#) in environmental matters. The updated Notice on access to justice, including all judgments mentioned below, will be adopted and published in 2025.

[C-826/18](#), *Stichting Varkens in Nood and others*, judgment of 14 January 2021, a preliminary ruling concerning the interpretation of Article 9(2) of the Aarhus Convention regarding administrative decisions authorising projects subject to environmental impact assessments under the EIA Directive.

[C-575/21](#), *WertInvest Hotelbetriebs GmbH*, judgment of 25 May 2023, a preliminary reference regarding the question of whether urban development projects, especially those in areas of historical or cultural significance, require an environmental impact assessment under the EIA Directive.

[C-721/21](#), *Eco Advocacy CLG*, judgment of 15 June 2023, a preliminary reference regarding necessary measures public authorities must take when deciding not to conduct an environmental impact assessment, including ensuring transparency and enabling effective judicial review of their decision.

Article 9, paragraph 3

There are several EU instruments that facilitate access to justice in general and which also apply in the environmental field, such as the [Mediation Directive](#), Directive 2008/52/EC on certain aspects of mediation in civil and commercial matters.

The [Brussels I Regulation](#), Regulation (EU) No 1215/2012 (recast), entered into force on 10 January 2015. It provides for international jurisdiction of EU courts in civil and commercial cases, such as civil liability actions that may be covered by Article 9 of the Convention. The new Regulation abolishes *exequatur* (for getting judgments recognised in other Member States) and thus facilitates the recognition and enforcement of judgments in civil and commercial (including environmental) matters, in other Member States.

The [Commission Recommendation on Collective Redress](#), Recommendation 2013/396/EU, recommends that Member States put in place injunctive and compensatory collective redress mechanisms. The aim is to facilitate access to justice, stop illegal practices and enable injured parties to obtain compensation in mass harm situations caused by violations of rights granted under EU law, including in the environmental field.

Provisions on access to justice are also contained in sectoral legislation, as in

- Article 13 of the [Environmental Liability Directive](#), Directive 2004/35/EC (ELD);
- Article 23 of the [SEVESO III Directive](#);
- Article 23 of the [Ship Recycling Regulation](#), Regulation (EU) No 1257/2013;
- Article 31, 32 of the [Deforestation Regulation](#), Regulation (EU) 2023/1115;
- Article 25 of the [Urban Wastewater Treatment Directive](#), Directive (EU) 2024/3019 (UWWTD);
- Article 27 of the revised [Ambient Air Quality Directive](#), Directive (EU) 2024/2881 (AAQD), replacing Directives 2008/50/EC and 2004/107/EC;
- Article 26(6) of the [Corporate Sustainability Due Diligence Directive](#).

Additional provisions are currently being negotiated between the European Parliament and Council, as in

- Proposal for a Directive of the European Parliament and of the Council on Soil Monitoring and Resilience (Soil Monitoring Law), [COM\(2023\) 416 final](#),
- Proposal for a Regulation of the European Parliament and of the Council on preventing plastic pellet losses to reduce microplastic pollution, [COM\(2023\) 645 final](#),
- Proposal for a Directive of the European Parliament and of the Council on substantiation and communication of explicit environmental claims (Green Claims Directive), [COM\(2023\) 166 final](#),
- Proposal for a Directive of the European Parliament and of the Council on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, [COM\(2025\) 173 final](#).

The ELD aims at preventing and remedying environmental damage based on the polluter-pays principle. Natural and legal persons affected or likely to be affected by environmental damage or having a sufficient interest as NGOs promoting environmental protection and meeting any requirements under national law are entitled to request that the competent authority take action in the event of environmental damage or imminent threat of such damage. These parties also have access to a court or independent and impartial public body to review the procedural and substantive legality of the decision, act, or failure to act by the competent authority in observed instances of environmental damage. In 2021, the Commission adopted guidelines that clarify the scope of the term ‘environmental damage’ under the ELD. The second evaluation of the ELD was finalised in 2025. On the ELD participatory mechanism the evaluation concluded that, in practice, the effectiveness of this mechanism has been limited.

On [16 December 2020](#) the European Parliament formally adopted the [revised Drinking Water Directive](#). The Directive entered into force on 12 January 2021. It makes a reference to effective access to justice and the Aarhus Convention.

On 31 May 2023 the EU adopted the [Deforestation Regulation](#). It aims to minimise the European Union’s contribution to deforestation and forest degradation by regulating the trade of commodities associated with these activities. It requires operators and traders to conduct due diligence to ensure that commodities such as coffee, cocoa, palm oil and timber are not linked to deforestation or illegal production.

The UWWTD aims to protect the environment from the adverse effects of wastewater discharges, requiring Member States to ensure the collection, treatment, and discharge

of urban wastewater is carried out in compliance with EU standards. The Directive aims to improve water quality and reduce pollution, particularly in sensitive areas.

On 23 October 2024, the revised AAQD was adopted, replacing Directives 2008/50/EC and Directive 2004/107/EC (as of 12 December 2026). The revised and current Ambient Air Quality Directives aim to establish air quality standards for key air pollutants and ensure the protection of human health and the environment. Member States must monitor air quality, assess pollution levels, and take corrective action when air quality standards are breached. One of the novel elements in the *revised* AAQD of 2024 is the introduction of a bespoke access to justice provision: Article 27 of Directive (EU) 2024/2881. The Article is intended to reflect the existing EU case law, i.e. ⁽¹⁶⁾ judgment of the Court of Justice of 25 July 2008, *Dieter Janecek v Freistaat Bayern*, C-237/07, ECLI:EU:C:2008:447, paragraph 42; judgment of the Court of Justice of 19 November 2014, *Client Earth v The Secretary of State for the Environment, Food and Rural Affairs*, C-404/13, ECLI:EU:C:2014:2382, paragraph 56; judgment of the Court of Justice of 26 June 2019, *Lies Craeynest and Others v Brussels Hoofdstedelijk Gewest and Brussels Instituut voor Milieubeheer*, C-723/17, ECLI:EU:C:2019:533, paragraph 56; and judgment of the Court of Justice of 19 December 2019, *Deutsche Umwelthilfe eV v Freistaat Bayern*, C-752/18, ECLI:EU:C:2019:1114, paragraph 56.

New rulings regarding Article 9, paragraph 3 include:

C-873/19, *Deutsche Umwelthilfe eV*, judgment of 8 November 2022, a request for a preliminary ruling on the standing of environmental organisations when challenging administrative decisions, such as the approval of vehicle software that may contravene EU environmental law.

[C-432/21](#), *Commission v Poland*, judgment of 2 March 2023, a referral to the court regarding Poland's failure to fulfill its obligations under the Habitats and Birds Directive by not ensuring that forest management plans undergo appropriate assessments of their environmental impacts and confirming *Lesoochronarske zoskupenie VLK* (C-243/15).

[C-252/22](#), *Societatea Civilă Profesională de Avocați AB&CD*, judgment of 11 January 2024, on a request for a preliminary ruling on the admissibility of legal actions brought by entities such as law firm partnerships under the Aarhus Convention.

[C-436/22](#), *ASCEL*, judgment of 29 July 2024, a preliminary ruling on NGO standing rights regarding hunting permits under the Habitats Directive.

Article 9, paragraph 4

Article 11 of the EIA Directive, Article 25 of the Industrial Emissions Directive, Article 23 of the Seveso III Directive, Article 25 of the Urban Wastewater Treatment Directive and the Article 27 of the revised Ambient Air Quality Directive all include procedural guarantees such as standing rights or requirements for timely and not prohibitively expensive procedures.

Article 19(1) of the Treaty on European Union (TEU) incorporates the principle of effective judicial protection into the Treaty: 'Member States shall provide remedies sufficient to ensure effective legal protection in the fields covered by EU law.'

Article 9, paragraph 5

Article 4(5) of the Environmental Information Directive, Article 11 of the EIA Directive, Article 25 of the Industrial Emissions Directive, Article 23 of the Seveso III Directive, Article 27(5) of the AAQD and Article 25(4) of the UWWTD all stipulate that practical information is to be made available to the public on review procedures.

The [European e-Justice Portal](#), launched in 2010, is an electronic ‘one-stop shop’ for information on European justice and access to European judicial procedures. It provides a single entry point for all justice-related questions and online procedures on criminal, civil or administrative law. It is targeted at different groups of users such as citizens, lawyers, judges, national authorities and businesses. Member States’ provisions on access to justice for environmental matters are incorporated in the site. It was last updated in 2021.

The ‘Cooperation with judges’ programme is a forum for discussion with Member States’ judges on the application of EU legislation, including access to justice rules in environmental matters, in national legal orders. The programme has been ongoing since 2008. Between six and nine training events are organised every year. Since 2021 there have been so-called tailor-made events targeted at participants from a single Member State.

Several training events have focused specifically on access to justice in environmental matters; in other modules this aspect has been touched upon briefly. Attention is also paid to the preliminary ruling procedure, which remains an important instrument for ensuring correct implementation.

The Commission adopted a [Notice on access to justice in environmental matters](#) in 2017 (2017/C 275/01). Another update of the Notice covering case law between 2020-2024 will be published in 2025.

In its Communication on access to justice in environmental matters, the Commission announced four priority areas to safeguard the rights of individuals and NGOs: (i) Member States are to improve transposition of EU law; (ii) co-legislators are to include provisions on access to justice in EU legislative proposals; (iii) Member States are to remove obstacles barring access to justice in national legal systems; and (iv) national courts are to guarantee the rights of individuals and NGOs to an effective remedy under EU law.

The Communication also highlighted the need to improve the monitoring of rules on access to justice in Member States. To facilitate this, the e-Justice Portal was updated in 2021.

XXIX. Obstacles encountered in the implementation of Article 9

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of Article 9.*

Answer:

Pending compliance cases against the EU under Article 9 are published on the UNECE website.

As regards the implementation of Article 9(2) and (4) from the perspective of transposition and implementation of EU law, the Commission has examined Member States’ systems, in particular on standing, costs and scope of review. As a result, the Commission has brought infringement actions based on Article 258 TFEU against

some Member States. Assessment of implementation of Article 9(3) by Member States is ongoing.

XXX. Further information on the practical application of the provisions of Article 9

*Provide further information on the **practical application of the provisions on access to justice pursuant to Article 9**, e.g., are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?*

Answer:

Access to justice issues are covered by the country reports prepared in the context of the Environmental Implementation Review (EIR). The EIR is a tool to improve implementation of EU environmental law and legislation (see http://ec.europa.eu/environment/eir/country-reports/index_en.htm). The new reports on implementation, also covering certain elements of the three pillars of the Aarhus Convention, are planned to be published during the course of 2025.

As for EU courts, and as further detailed already in earlier EU implementation reports, proceedings before the General Court and the Court of Justice are in principle free of charge. The unsuccessful party may be ordered to pay the costs if this has been applied for in the successful party's pleadings. Legal aid is available.

As for case law of the CJEU related to Article 9 of the Aarhus Convention, reference is made to the earlier EU implementation reports and the relevant sections above.

In C-565/19 *Armando Carvalho and Others v European Parliament and Council of the European Union*, the Court declared that an action for annulment against several EU acts associated with greenhouse gas (GHG) emissions was not admissible, due to the lack of individual concern. This case, often referred to as the 'People's Climate Case', was brought by ten families from Europe, Kenya, and Fiji, along with a Swedish association representing indigenous Sami youth (Sáminuorra), who are disproportionately impacted by climate change.

XXXI. Website addresses relevant to the implementation of Article 9

Give relevant website addresses, if available:

http://curia.europa.eu/jcms/jcms/Jo1_6308

<https://e-justice.europa.eu/home.do?action=home>

<http://ec.europa.eu/environment/aarhus/consultations.htm>

Articles 10-22 are not for national implementation.

XXXII. General comments on the Convention's objective

If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and

future generations to live in an environment adequate to his or her health and well-being.

Answer:

The implementation of the Aarhus Convention helps in further developing EU environmental legislation relating to the three pillars of the Convention, as indicated in the sections above.

XXXIII. Legislative, regulatory and other measures implementing the provisions on genetically modified organisms pursuant to Article 6 bis and Annex I bis

Concerning legislative, regulatory and other measures that implement the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in Article 6 bis, describe:

- (a) With respect to **paragraph 1 of Article 6 bis** and:
 - (i) **Paragraph 1** of annex I bis, arrangements in the Party's regulatory framework to ensure effective information and public participation for decisions subject to the provisions of Article 6 bis;
 - (ii) **Paragraph 2** of annex I bis, any exceptions provided for in the Party's regulatory framework to the public participation procedure laid down in annex I bis and the criteria for any such exception;
 - (iii) **Paragraph 3** of annex I bis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorisation for the deliberate release or placing on the market of such genetically modified organisms, as well as the assessment report where available;
 - (iv) **Paragraph 4** of annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential;
 - (v) **Paragraph 5** of annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example:
 - a. The nature of possible decisions;
 - b. The public authority responsible for making the decision;
 - c. Public participation arrangements laid down pursuant to paragraph 1 of annex I bis;
 - d. An indication of the public authority from which relevant information can be obtained;

e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments;

(vi) **Paragraph 6** of annex I bis, measures taken to ensure that the arrangements introduced to implement paragraph 1 of annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market;

(vii) **Paragraph 7** of annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organised pursuant to paragraph 1 of annex I bis;

(viii) **Paragraph 8** of annex I bis, measures taken to ensure that the texts of decisions subject to the provisions on annex I bis taken by a public authority are made publicly available along with the reasons and the considerations upon which they are based;

(b) With respect to **paragraph 2** of Article 6 bis, how the requirements made in accordance with the provisions of annex I bis are complementary to and mutually supportive of the Party's national biosafety framework and consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biodiversity.

Answer:

The EU ratified the Amendment to the Convention related to GMOs on 18 December 2006, by means of [Council Decision 2006/957/EC](#).

The relevant EU legislation governing the deliberate release and placing on the market of GMOs consists in particular of Directive 2001/18/EC on the deliberate release into the environment of GMOs (the [Deliberate Release Directive](#)) and [Regulation](#) (EC) No 1829/2003 on genetically modified food and feed. Their provisions on access to information and public participation in decision-making on GMOs are consistent with the amendment to the Convention.

In cases of notifications for the placing on the market of GMOs, Article 24 of the Deliberate Release Directive provides that the Commission must make available to the public the summary dossier that accompanies those notifications. It also requires the Commission to make available to the public the assessment report issued by the competent authority of the Member State that received the notification. The public may make comments on the summary dossier and on the assessment reports to the Commission within 30 days. The Commission must immediately forward the comments to the competent authorities. Finally, the assessment reports and the opinions of the EFSA for all GMOs that have received written consent for placing on the market or whose placing on the market was rejected must be made available to the public.

As regards deliberate releases into the environment for any other purpose than for placing on the market (e.g. for field trials), Article 9 of the Deliberate Release Directive provides that Member States are to consult the public on the proposed release. In doing so, Member States must lay down arrangements for this consultation, including a reasonable time period, to give the public the opportunity to express an opinion.

Member States are to make available to the public information on all intentional releases of GMOs into the environment in their territory, and the Commission is to make available to the public the information contained in the system of exchange of information established in accordance with Article 11 of the Directive.

In accordance with Article 31(2) of the Directive, information on genetic modifications in authorised GMOs is listed in a public register available on the Commission website.

Article 25 of the Directive specifies which information in notifications may or may not be considered confidential.

According to the Regulation on genetically modified food and feed, the EFSA is to make available to the public a summary of the application for authorisation of placing on the market of GM food (Article 5(2)(b)(ii)). Similarly, when delivering its opinion, the EFSA must make it public, after deletion of any information identified as confidential (Article 6(7)). The public may make comments to the Commission within 30 days of such publication. A similar procedure applies in the event of modification, suspension and revocation of authorisations (Article 10(1)). Similar provisions also exist with regard to the authorisation of GM feed (Articles 17(2)(b)(ii), 18(7) and 22(1)). Authorised genetically modified food and feed is entered into a public register (Article 28). Article 30 of the Regulation specifies which information may or may not be considered confidential.

On the right of public access to documents, Article 29 of the Regulation provides that the application for authorisation, supplementary information from the applicant, opinions from the competent authorities, monitoring reports, and information from the authorisation holder are to be made accessible to the public in accordance with the principles of Regulation (EC) No 1049/2001.

XXXIV. Obstacles encountered in the implementation of Article 6 bis and annex I bis

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of Article 6 bis and annex I bis.*

Answer:

No information is presented under this heading.

XXXV. Further information on the practical application of the provisions of Article 6 bis and annex I bis

*Provide further information on the **practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in Article 6 bis**, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?*

Answer:

No further information is indicated in addition to the above comments.

XXXVI. Website addresses relevant to the implementation of Article 6 bis

Give relevant website addresses, if available, including website addresses for registers of decisions and releases related to genetically modified organisms:

Answer:

http://ec.europa.eu/food/index_en.htm

http://ec.europa.eu/food/plant/gmo/authorisation/authorisation_applications_1829-2003_en.htm

<http://www.efsa.europa.eu/en/faqs/faqgmo.htm>

<http://www.efsa.europa.eu/en/panels/gmo.htm>

<http://gmoinfo.jrc.ec.europa.eu/>

http://ec.europa.eu/food/dyna/gm_register/index_en.cfm

XXXVII. Follow-up on issues of compliance

If, upon consideration of a report and any recommendations of the Compliance Committee, the Meeting of the Parties at its last session has decided upon measures concerning compliance by your country, please indicate (a) what were the measures; and (b) what specific actions your country has undertaken to implement the measures in order to achieve compliance with the Convention.

Please include cross-references to the respective sections, as appropriate.

Answer:

By Decision V/9g, the Meeting of the Parties (MOP) in Maastricht in June 2014 endorsed the findings of the Aarhus Convention Compliance Committee (ACCC) that the EU had failed to comply with the Convention as regards Communication ACCC/C/2010/54 in relation to the National Renewable Energy Action Plan (NREAP) in Ireland. It was recommended that the EU ‘adopt a proper regulatory framework and/or clear instructions for implementing Article 7 of the Convention with respect to the adoption of NREAPs.’

As follow-up to MOP Decision V/9g, the EU submitted three progress reports in December 2014, October 2015 and October 2016, outlining its measures to adopt clear instructions for implementing Article 7 of the Convention in relation to NREAPs in the Member States. The Commission formally reminded Member States of their obligations under the Aarhus Convention and gained the possibility to properly monitor the implementation of these requirements, through the assessment of the NREAPs. The Commission’s Communication on a Framework Strategy for the Energy Union, adopted on 25 February 2015 (COM(2015)80), stipulates that the Energy Union needs an integrated governance and monitoring process to streamline planning and reporting requirements in order to ensure full compliance with the Aarhus Convention requirements.

Updates on ACCC/C/2017/3 are provided in the relevant sections above.

At the sixth MOP, which took place in Budva, Montenegro, in September 2017, the Commission reaffirmed its earlier commitment to implement Decision V/9g. Following the sixth MOP, the EU reported on the course of the measures taken to address the recommendations in V/9g as regards Communication ACCC/C/2010/54 in October 2018, 2019 and 2020.

In particular, the Commission informed the Committee about the entering into force of Article 10 of the Governance Regulation³⁴ relating to public involvement in the preparation by Member States of National Integrated Energy and Climate Plans (NECPs) and about its work in assisting Member States in respecting their obligations under the Aarhus Convention in the context of this article.

Indeed, in 2019 the Commission provided guidance and advice to Member States on how to adhere to their obligations for public participation at the dedicated website of the Commission for the NECPs, highlighting the advice provided by the Aarhus Convention Compliance Committee (ACCC) in May 2019 and the importance of effective arrangements for public participation in relation to the NECPs.

Moreover, the Commission incorporated in its assessment³⁵ of the 27 Member States' NECPs information on how they had involved the public in the preparation of NECPs in order to ensure traceability and visibility as to how Member States have addressed their obligations under the Aarhus Convention.

The EU's implementation of Decision V/9g is publicly available, with all relevant supporting documents, on the UNECE website (see [EU Decision V/9g](#)).

In its [report](#) on compliance by the European Union with its obligations under the Convention, the ACCC found that the EU had not yet fulfilled the requirements of paragraph 3 of decision V/9g. While welcoming the steps taken by the Party concerned to date in that direction, the ACCC expressed its concern at the slow progress by the EU and recommended that the MOP reaffirm Decision V/9g and, in particular, reiterate paragraphs 2, 3 and 4 of Decision V/9g in their entirety.

By [Decision VII/8f](#) on compliance by the European Union with its obligations under the Convention, adopted at its seventh session (Geneva, Switzerland, 18-21 October 2021), the MOP reaffirmed Decision V/9g and requested that the EU, *inter alia*, submit a plan of action, including a time schedule, to the Committee regarding the implementation of the recommendations in paragraphs 2, 8 and 10 of Decision VII/8f and provide detailed progress reports to the Committee on the measures taken and the results achieved in the implementation of the plan of action and the recommendations in paragraphs 2, 8 and 10 of Decision VII/8f. The MOP undertook to review the situation at its eighth session.

In follow-up to Decision VII/8f, the Commission submitted to the ACCC Secretariat the [final progress report](#) on the measures the European Union had taken and the results achieved in the implementation of the [plan of action](#) and the recommendations in paragraphs 2, 8 and 10 of Decision VII/8f.

In paragraph 11(a) of Decision VII/8f, the Meeting of the Parties to the Aarhus Convention asked the European Union, as the Party concerned, to submit a plan of

³⁴ Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action.

³⁵ European Commission's individual recommendations and assessment of each NECP, link - [National energy and climate plans](#)

action, including a time schedule, to the Committee by 1 July 2022, regarding the implementation of the recommendations contained in decision VII/8f. The Commission submitted the final version of the plan of action on 31 July 2022.

Having reviewed the plan of action, the ACCC by [letter](#) of 3 December 2022 informed the Commission that the European Union's plan of action appeared to be only partially appropriate. The Compliance Committee invited the European Union to attend an open session with the Committee and to discuss the plan of action with a view to providing a first progress report by 1 October 2023.

On 29 September 2023 the Commission submitted to the ACCC the [first progress report](#) of the European Union on the measures it had taken by 1 October 2023, and the results achieved, to implement the recommendations in paragraphs 2, 8 and 10 of Decision VII/8f.

After reviewing the first progress report of the EU, at its eighty-second meeting (Geneva, 20-23 February 2024), the Committee prepared its [first progress review](#), which was sent to the Commission on 10 June 2024. In its first progress review, the Committee generally welcomed the level of engagement demonstrated by the EU in the Committee's follow-up procedure on Decision VII/8f. However, the Committee considered that the EU had not yet demonstrated that it had fulfilled the requirements of paragraphs 2 (a) (i) and (ii) and (b) of Decision VII/8f. The Committee strongly encouraged the Commission, in its report on the operation of the Governance Regulation to be submitted to the European Parliament and Council, to propose measures that, once taken, would amount to a 'proper regulatory framework and/or clear instructions' to implement the requirements of paragraph 2 (a) of Decision VII/8f, so that the Party concerned would finally no longer be in non-compliance in this regard. The Committee also invited the EU to provide to the Committee, together with its final progress report, the practical measures, including the criteria, it had applied to assess the extent to which the public participation procedure carried out by the Member State on its draft updated NECP met the requirements of paragraph 2(a)(i) and (ii) of Decision VII/8f, together with any other measures the EU had taken to implement paragraph 2(b) of Decision VII/8f, and to explain in its final progress report how those measures fulfil that paragraph.

The Commission took due note of the considerations of the ACCC and of the conclusions in its first progress review of the implementation by the European Union of Decision VII/8f, notified on 10 June 2024, and addressed them in the [final progress report](#), submitted to the ACCC on 1 October 2024.

On 28 May 2025, the Commission has published the Communication³⁶ "EU-wide assessment of the final updated national energy and climate plans. Delivering the Union's 2030 energy and climate objectives" accompanied by a staff working document, which assesses the public consultation process for preparing the final NECPs provided in the plans. The Commission will continue to work with Member States to ensure effective and timely public participation supported by sufficient information, in line with the Aarhus Convention and also invited Member States to continue carrying out participative public consultation in implementing their plans.

On 17 March 2021, the ACCC issued its non-compliance findings and recommendations in case ACCC/C/2015/128 concerning the possibility for members

³⁶ [Communication delivering the Union's 2030 energy and climate objectives - European Commission](#) and [Commission Staff Working Document: Delivering the Union's 2030 energy and climate objectives - European Commission](#).

of the public to challenge decisions on State aid measures taken by the Commission under Article 108(2) of the Treaty on the Functioning of the European Union (TFEU). The MOP postponed the endorsement of the findings in case ACCC/C/2015/128 until the next ordinary MOP in 2025.

In the context of the [revision of the Aarhus Regulation](#), the Commission gave a [statement](#) in which it committed to follow-up on the ACCC findings in case ACCC/C/2015/128 by (i) carrying out an analysis of the implications of the ACCC findings, and (ii) if appropriate, coming forward with measures to address this issue, taking into account rules under EU law regarding State aid.

The Commission put forward three measures³⁷ to follow up on the ACCC findings with the aim of creating a new procedure and carried out consultations of stakeholders. In its [2023 Communication](#), the Commission noted that the views of the stakeholders were split, which strengthened the need for a careful assessment in a view of finding an optimal solution to address the findings of the ACCC on the review of State aid decisions while taking into account the special characteristics of State aid law.

In its Communication, the Commission also acknowledged the need for an adjustment of the existing legal framework and concluded that such adjustment should be designed so as to both preserve the efficiency of control over State aid and complement in the most efficient manner the possibilities for review at national level, while simultaneously taking into account the EU's obligations under the Aarhus Convention.

The Commission followed up on its Communication with a [Call for Evidence](#) launched on 30 May 2024, followed by a [Targeted Consultation](#) open from 1 July 2024 to 6 September 2024. The overview of the feedback received and further progress are outlined in the [progress report](#) on the findings in case ACCC/M/2021/4 (European Union) submitted by the Commission to the Committee on 1 October 2024.

Following the assessment of the feedback provided by stakeholders and the assessment of the three measures, the Commission concluded that measure 2 seemed to be both adequate and proportionate, providing both access to justice and preserving the efficiency of State aid control. Therefore, in order to address the ACCC findings in case ACCC/C/2015/128 the Commission proposed draft amendments to the State aid Implementing Regulation (EC) No 794/2004 and State aid Best Practices Code.

From 7 February to 21 March 2025, the Commission held a consultation³⁸ of stakeholders, seeking the views of Member States and/or public authorities, citizens, companies, business associations and organisations (including environmental NGOs), lawyers and academics on the draft amendments to the State aid Implementing Regulation and the Best Practices Code (BPC).

The Commission adopted amendments to the [State aid Implementing Regulation \(EC\) No 794/2004](#) and the [State aid BPC](#) on 12 May 2025, to provide public access to justice

³⁷ Measure 1: Amending the Aarhus Regulation to include State aid decisions within the scope of the Regulation; Measure 2: Amending the State aid Best Practices Code to introduce an internal review mechanism similar to the one applicable under the Aarhus Regulation but adapted to the specific characteristics of State aid control. This amendment would be combined with a review of the State Aid Implementing Regulation on State aid notifications, requiring Member States to provide the Commission with assurances that the aid measure and the aided activity comply with EU environmental law. Measure 3: Amending the Council State Aid Procedural Regulation, introducing an internal review mechanism similar to the one under the Aarhus Regulation.

³⁸ [2025 state aid environmental matters - European Commission](#)

in environmental matters in relation to EU State aid decisions³⁹. The revised rules set out a new mechanism which allows NGOs to request a Commission review of certain State aid decisions, in order to establish whether they contravene EU environmental law. The revised rules are accompanied by a Commission [Staff Working Document](#) assessing the scope, content and likely impacts of the new procedure and summarising the information received during the consultation activities organised by the Commission.

Through this new mechanism the Commission is ensuring that the EU upholds its international commitments related to the Aarhus Convention while also taking into account the specificities of State aid control.

The Compliance Committee under the Convention previously found the EU to be in non-compliance with the Convention's access to justice provisions in case ACCC/C/2008/32. On 6 October 2021, the EU adopted Regulation (EU) 2021/1767 amending Regulation 1367/2006. The amendment also took into account the provisions of Article 9(3) and (4) of the Aarhus Convention and the findings and advice of the Aarhus Convention Compliance Committee in case ACCC/C/2008/32.

³⁹ The press release is available [here](#). A dedicated webpage on DG Competition website, available [here](#), presents the rules of this new mechanism.