

## Plan of action for decision VII/8f (European Union)

Through paragraph 11 (a) of decision VII/8f concerning the compliance of the European Union, the Meeting of the Parties to the Aarhus Convention has requested the Party concerned to submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the recommendations contained in that decision.

The text of decision VII/8f is available at: <https://unece.org/env/pp/cc/decision-vii8f-concerning-european-union>

In preparing its plan of action, the Party concerned was invited by the Compliance Committee to take into account the Committee's information note for Parties on preparing their plan of action. The Committee's information note, which contains step-by-step guidance for Parties on how to complete their plan of action, is available at: <https://unece.org/env/pp/cc/implementation-decisions-meeting-parties-compliance-individual-parties>

### **A. Description of the process by which the plan of action has been prepared**

This plan of action has been prepared by the European Commission, jointly by Directorate-General for Energy, Directorate-General for Climate Action and Directorate-General for Environment, and after consultation of other relevant Commission services. The public has been informed at an early stage. In particular, the draft plan of action has been published on the website of Directorate-General for Environment and has also been sent to the communicants and observers, with a 4-week period open for written comments. A meeting with communicants (and observers, in case of interest) will also be organised during this period. The outcome of these consultations will be taken into due account in the final plan. The plan of action will also be updated to include the link to the Commission proposal for a legislative amendment to Directive 2010/75/EU on industrial emissions<sup>1</sup> (the IED), as outlined in section c below. The final plan will then be formally submitted to the Aarhus Convention Compliance Committee, and published on the website of Directorate-General for Environment.

### **B. General character of the measures that will be needed to implement the recommendations in the MOP decision**

The recommendations in each of the three cases addressed in this action plan required significant efforts, and in each case, the Commission has proposed or (in the case of the IED Directive) is about to propose legislative amendments. As explained below, these legislative changes, where necessary, were and will be accompanied by additional, non-legislative action.

<sup>1</sup> Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control), Official Journal of the European Union, L 334 (2010), pp. 17–119.

<b>C. Detailed plan of action</b>	
<b>Recommendation: Para. 2 (a) (i) of decision VII/8f</b>	<p>In paragraph 2 (a) (i) of decision VII/8f, the Meeting of the Parties requests the Party concerned, as a matter of urgency:</p> <p>(a) To provide the Committee with evidence that it has adopted a proper regulatory framework and/or clear instructions for implementing article 7 of the Convention with respect to the adoption of National Energy and Climate Plans, and, in particular, to take the necessary legislative, regulatory or practical measures to:</p> <p>(i) Ensure that the arrangements for public participation in its member States are transparent and fair and that, within those arrangements, the necessary information is provided to the public;</p>
Proposed measures to fulfil recommendation	<p>The Commission would like to recall that the EU has made a significant progress towards compliance with the requirements of the Aarhus Convention when it comes to public participation in the adoption of the National Energy and Climate Plans (“NECP”) by Member States.</p> <p>The EU has in particular taken the following important steps:</p> <p>(i) The Commission has adopted the Governance Regulation<sup>2</sup> replacing National Renewable Action Plans by NECPs. Article 10 of the Governance Regulation together with recital 28 requires that Member States involve the public effectively and early in the context of the preparation of their NECP in line with the Aarhus Convention obligations, and attach a summary of the public’s views or provisional views to the NECP.</p> <p>(ii) Article 11 of the Governance regulation also requires Member States to establish a multilevel climate and energy dialogue in which local authorities, civil society organisations, business community investors and other relevant stakeholders and the general public are able actively to engage and discuss the different scenarios envisaged for energy and climate policies. Integrated NECPs may be discussed within this framework. Member States will have to biennially report on the progress in establishing such multilevel dialogue in accordance with Article 17(2)(b) of Governance Regulation.</p> <p>(iii) Moreover, following its assessment of the 28 draft NECPs, the Commission adopted on 18 June 2019 ad hoc recommendations on each draft NECP in accordance with the competence prescribed in Article 9 of the Governance</p>

<sup>2</sup> 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, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council.

	<p>Regulation, duly recalling in this regard Member States' obligations concerning public consultation in the preparation of their final NECPs<sup>3</sup>.</p> <p>(iv) Subsequently, at the meeting of 17 September 2019 of the Commission's Technical Working Group for Member States for the development of the NECPs, the Commission services gave a briefing on the obligations according to the Aarhus Convention and provided Member States with a guiding non-paper<sup>4</sup>.</p> <p>(v) Finally, on 17 September 2020 the Commission published a Communication on 'An EU-wide assessment of National Energy and Climate Plans'<sup>5</sup> following submission by all Member States of their final NECPs, in which the Commission recalls that early involvement of local authorities for continued public consultation and transparent planning is of utmost importance.</p> <p>(vi) Alongside this Communication, the Commission assessed the NECPs presented by the 27 Member States and it published, on 14 October 2020, the corresponding 27 Staff Working Documents which extensively evaluate NECPs. For each Member State, the Commission has verified whether or not public involvement has taken place at national level in the preparation of the final NECPs, on the basis of the information at its disposal<sup>6</sup>.</p> <p>The Commission is committed to continue to ensure full compliance with the Aarhus Convention and intends to take the following further measures to ensure that when adopting NECPs, public participation in its Member States are transparent and fair and that, within those arrangements, the necessary information is provided to the public:</p> <p>(i) Within a reasonable time before the submission by Member States of the upcoming draft updated NECP - due by 30 June 2023, and the following final updated NECPs, the Commission intends to engage with Member States to ensure they comply with their obligations pursuant the Aarhus Convention and, in particular, the provisions of article 10 of the Governance Regulation regarding public consultation in the preparation of their draft updated NECPs. Among others, Member States have to conduct a transparent and fair public consultation and to ensure that the necessary information is provided to the public at early stage when all options are open. Pursuant to Annex I of the Governance Regulation, NECPs (and updated NECPs) must provide an overview of the process for establishing the plan with respective dedicated focus on "<i>Involvement of local and regional authorities</i>" and "<i>Consultations of stakeholders, including social partners, and engagement of civil society and the general public</i>" (Part I, 1. 1.3 (ii) and (iii)). Within that part, Member States have to provide in the NECPs detailed and complete information on the steps taken</p>
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<sup>3</sup> [https://energy.ec.europa.eu/topics/energy-strategy/national-energy-and-climate-plans-necps\\_en](https://energy.ec.europa.eu/topics/energy-strategy/national-energy-and-climate-plans-necps_en).

<sup>4</sup> See footnote Ibid.

<sup>5</sup> See footnote Ibid.

<sup>6</sup> See footnote Ibid.

	<p>to comply with their public consultation obligations under Article 10 and under the Aarhus Convention, including reference to how they have taken into account the opinions of the public.</p> <p>(ii) As it has been done for the first draft NECPs submitted by 31 December 2018, following the next submission by 30 June 2023 of the updated draft NECPs, pursuant to Article 14(1), and by 1 January 2028 of the next NECPs pursuant to Article 9 of the Governance Regulation, the Commission will publish an assessment of each NECPs. The Commission intends to reflect in greater details if Member States provided in their (draft updated) NECPs enough precise information on the consultation process undertaken by each of them. Furthermore, the Commission intends to reflect the compliance with the requirements under Article 10 and Annex I of the Governance Regulation, in order to show in particular, if the participation in its Member States is transparent and fair, and that the necessary information is provided to the public at early stage when all options are open.</p> <p>(iii) Pursuant to Article 45 of the Governance Regulation, the Commission shall report on the operation of this Regulation to the European Parliament and to the Council within six months after the first global stocktake of the Paris Agreement in 2023. The Commission report may be accompanied by legislative proposals where appropriate. At that time, the Commission will take stock of the past NECP and updated NECP's processes and will assess the opportunity to review the Governance Regulation, including provisions related to the public participation.</p>
<p>Outline of the steps necessary to implement the proposed measures</p>	<p>1) Engagement with Member States, as parties to the Aarhus Convention</p> <p>The Commission will engage with Member States at the technical level for development of NECPs, on time before the draft updated NECPs submission in 30 June 2023. The Commission will remind that Member States are themselves parties to the Aarhus Convention and therefore committed to comply with relevant provisions concerning transparent and fair public consultations, including providing the necessary information to the public at early stage.</p> <p>2) Assistance of Member States in preparation of their updated NECPs</p> <p>The Commission will engage with Member States to assist them with due preparation of their draft NECPs. The assistance will reflect the obligations of Member States stemming from both the Aarhus Convention and Governance Regulation. Member States will be accompanied to provide in the NECPs for a description on how they ensured that public participation was transparent and fair, and that the necessary information was provided to the public.</p> <p>3) Assessment of draft updated NECPs after their submission on 30 June 2023</p> <p>The Commission will assess the draft updated NECPs, in accordance with Article 9(2) of Governance Regulation, and will make such assessment public.</p> <p>4) Report on the operation of the Governance Regulation</p>

	The Commission will prepare a report on the operation of Governance Regulation six months after the global stocktake agreed under Article 14 of the Paris Agreement. It will take stock of the past NECPs and updated NECPs and its implementation, and will assess the opportunity to review the Governance Regulation. This may include provisions related to the public participation as in Article 10 of Governance Regulation.
Actors involved	The actors involved are the Commission and the Member States.
Final date by when implementation of recommendation will be completed	30 June 2024
<b>Recommendation: Para. 2 (a) (ii) of decision VII/8f</b>	In paragraph 2 (a) (ii) of decision VII/8f, the Meeting of the Parties requests the Party concerned, as a matter of urgency: <ul style="list-style-type: none"> <li>(a) To provide the Committee with evidence that it has adopted a proper regulatory framework and/or clear instructions for implementing article 7 of the Convention with respect to the adoption of National Energy and Climate Plans, and, in particular, to take the necessary legislative, regulatory or practical measures to: <ul style="list-style-type: none"> <li>(ii) Ensure that the adopted regulatory framework and/or clear instructions ensure that the requirements of article 6 (4) and (8) of the Convention are met, including allowing for early public participation when all options are open, and ensuring that due account is taken of the outcome of the public participation;</li> </ul> </li> </ul>
Proposed measures to fulfil recommendation	The Commission would like to recall that the EU has made a significant progress towards compliance also with this recommendation, as already outlined above with regard to the Committee’s recommendation on para. 2 (a) (i) of decision VII/8f above (see, in particular, the six steps we highlighted under (i) to (vi)). <p>The Commission is committed to continue to ensure full compliance with the Aarhus Convention and intends to take the following further measures to ensure that when adopting NECPs, Member States allow for early public participation when all options are still open, and they take due account of the outcome of public participation:</p> <ul style="list-style-type: none"> <li>(i) Within a reasonable time before the submission by Member States of the upcoming draft updated NECP - due by 30 June 2023, and the following final updated NECPs, the Commission intends to engage with Member States to ensure they comply with their obligations pursuant the Aarhus Convention as themselves being party to that Convention. In particular, to ensure they enable early public participation when all options are still open, and that they take due account to the outcome of the public participation. Pursuant to Annex I of the Governance Regulation, NECPs (and updated NECPs) must provide an overview of the process for establishing the plan with respective dedicated focus on “<i>Involvement of local and regional authorities</i>” and “<i>Consultations of stakeholders, including social partners,</i></li> </ul>

	<p><i>and engagement of civil society and the general public” (Part I, 1. 1.3 (ii) and (iii)).</i> Within that part, Member States have to provide in the NECPs detailed and complete information on the steps taken to comply with their public consultation obligations under Article 10 and under the Aarhus Convention, including reference to how they have duly taken into account the opinions of the public.</p> <p>(ii) As it has been done for the first draft NECPs submitted by 31 December 2018, following the next submission by 30 June 2023 of the updated draft NECPs, pursuant to Article 14(1), and by 1 January 2028 of the next NECPs pursuant to Article 9 of the Governance Regulation, the Commission will publish an assessment of each NECPs. The Commission intends to reflect in greater details if Member States provided in their (draft updated) NECPs enough precise information on the consultation process undertaken by each of them. Furthermore, the Commission intends to reflect the compliance with the requirements under Article 10 and Annex I of the Governance Regulation, in order to show in particular, if the public participation was enabled when all options were open, and that due account was taken of the outcome of the public participation.</p> <p>(iii) Pursuant to Article 45 of the Governance Regulation, the Commission shall report on the operation of this Regulation to the European Parliament and to the Council within six months after the first global stocktake of the Paris Agreement in 2023. The Commission report may be accompanied by legislative proposals where appropriate. At that time, the Commission will take stock of the past NECP and updated NECP’s processes and will assess the opportunity to review the Governance Regulation, including provisions related to the public participation.</p>
<p>Outline of the steps necessary to implement the proposed measures</p>	<p>1) Engagement with Member States, as parties to the Aarhus Convention</p> <p>The Commission will engage with Member States at the technical level for development of NECPs, on time before the draft updated NECPs submission in 30 June 2023. The Commission will remind that Member States are themselves parties to the Aarhus Convention and therefore committed to comply with Article 6(4) and (8) of the Convention. The Commission will remind the obligation to allow early public participations when all options are open, and to take due account of the outcome of the public participation.</p> <p>2) Assistance of Member States in preparation of their draft updated NECPs</p> <p>The Commission will assist Member States with due preparation of their draft NECPs. The assistance will reflect the obligations of Member States stemming from both the Aarhus Convention and Governance Regulation. Member States will be accompanied to provide in the NECPs for a description on how the early public participations when all options are still open was conducted, and for an explanation of how the outcome of the public participation was duly taken into account.</p> <p>3) Assessment of draft updated NECPs after their submission on 30 June 2023</p> <p>The Commission will assess the draft updated NECPs, in accordance with Article 9(2) of Governance Regulation, and will make such assessment public. This assessment will cover the information provided in the NECP of how the Member State complied with public participation in compliance with the Aarhus Convention.</p>

	<p>4) Report on the operation of the Governance Regulation</p> <p>The Commission will prepare a report on the operation of Governance Regulation six months after the global stocktake agreed under Article 14 of the Paris Agreement. It will take stock of the past NECPs and updated NECPs and its implementation, and will assess the opportunity to review the Governance Regulation. This may include provisions related to the public participation as in Article 10 of Governance Regulation.</p>
Actors involved	The Commission and Member States.
Final date by when implementation of recommendation will be completed	30 June 2024
<b>Recommendation: Para. 2 (b) of decision VII/8f</b>	<p>In paragraph 2 (b) of decision VII/8f, the Meeting of the Parties requests the Party concerned, as a matter of urgency:</p> <p>(b) To adapt the manner in which it evaluates National Energy and Climate Plans accordingly;</p>
Proposed measures to fulfil recommendation	<p>The Commission is committed to continue to ensure full compliance with the Aarhus Convention and intends to take the following measure to ensure that its assessment of Member States' NECPs duly reflect requirements related public participation in accordance with Aarhus Convention.</p> <p>As it has been done for the first draft NECPs submitted by 31 December 2018, following the next submission by 30 June 2023 of the updated draft NECPs, pursuant to Article 14(1), and by 1 January 2028 of the next NECPs pursuant to Article 9 of the Governance Regulation, the Commission will publish an assessment of each NECP. The Commission intends to reflect in greater details if Member States provided in their (draft updated) NECPs enough precise information on the consultation process undertaken by each of them. Furthermore, the Commission intends to reflect the compliance with the requirements under Article 10 and Annex I of the Governance Regulation, in order to show in particular, if the participation in its Member States is transparent and fair, if the necessary information was provided to the public, if the public participation was enabled when all options were open, and that due account was taken of the outcome of the public participation.</p>
Outline of the steps necessary to implement the proposed measures	<p><b>Assessment of draft updated NECPs</b></p> <p>The Member States will submit their draft updated NECPs by 30 June 2023. Pursuant to Article 9(2), the Commission shall assess the draft NECPs, and may issue country-specific recommendations, no later than six months before the deadline for submitting the final updated NECPs. In this assessment, the Commission will reflect in greater details if Member States provided in their (draft updated) NECPs enough precise information on the consultation process undertaken by each of them. Furthermore, the Commission will assess the compliance with the requirements under Article 10 and Annex I of the Governance Regulation, in order to show in particular, if the participation in its Member States is transparent and fair, if the necessary information was provided to the public, if the public participation was enabled</p>

	when all options were open, and that due account was taken of the outcome of the public participation. If the Commission will come to conclusions that the above was not met, it may address the issue in the country specific recommendations.
Actors involved	The Commission and Member States.
Final date by when implementation of recommendation will be completed	31 December 2023
<b>Recommendation: Para. 8 (a) of decision VII/8f</b>	<p>In paragraph 8 (a) of decision VII/8f, the Meeting of the Parties recommends that the Party concerned take the necessary legislative, regulatory or other measures and practical arrangements to ensure that in public participation procedures within the scope of article 7 of the Convention carried out under the Trans-European Networks for Energy Regulation,<sup>7</sup> or any superseding legislation:</p> <p>(a) The main consultation documents, including the notification to the public, are provided to the public in all the official languages of the Party concerned;</p>
Proposed measures to fulfil recommendation	<p>The Commission would like to recall that in the context of the projects of common interest (“PCI”) lists, two distinct steps should be differentiated. First of all, the PCI selection process is a result of an assessment by the Commission of each candidate project on the basis of criteria measuring their contribution to energy policy objectives pursuant to Article 4 of Trans-European Networks for Energy Regulation (EU) No 347/2013 (“TEN-E Regulation”). Then, projects selected on the list are subject to national legislation with regards to their implementation.</p> <p>Therefore, the selection on the Union list of PCIs does not pre-empt further due diligence and assessment in line with transparency, participation and environmental legislation at national level. As such, the public consultation process at this stage is not aimed to address aspects of local implementation of the projects. For local implementation, separate permitting and strategic as well as environmental impact assessment procedures apply.</p> <p>At the PCI selection process stage, the related technical and background information of individual candidates subject to assessment and consultation is available only in English. It allows to ensure that the stakeholders concerned by these technical consultations are able to effectively and efficiently access the necessary information and reply to the consultations. Furthermore, it is often more effective to communicate in a single language throughout the process, while the PCI selection process relies heavily on the outcome of various stakeholder groups. Therefore, it would be unnecessary, disproportionate and practically impossible to provide all documents and all technical and other project details in all 24 EU official languages.</p>

<sup>7</sup> Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009 Text with EEA relevance.



	<p>Nevertheless, the accessibility to the information provided for each candidate project has been strengthened in the process of revising the TEN-E Regulation, which is undergoing last procedural steps prior to entry into force. The EU follows a carefully considered and comprehensive strategy on public consultations. So far, to ensure a wider and proportionate access to information, the Commission provides links to project-specific websites. Following the TEN-E Regulation revision, under Annex VI (6), the aim is that the project-specific websites will include translations of their content in all languages of the Member States concerned by the project. Therefore, for each PCI, a project promoter have to carry out a project-specific permit granting process. This process will be carried out in the local language(s), so that all information disclosed to stakeholders and members of the public will also be available in the local language(s). Consequently, before any binding decision is taken by national authorities with regard to any PCI, local communities and individuals living in close vicinity of the project will receive information about that project and will be able to communicate their views on that project in their own languages.</p> <p>Annex VI (6) of the revised TEN-E Regulation proposal of the Commission reads as follow:  <i>“the project website referred to in Article 9(7) shall at least publish the following information:</i>  <i>(a) the date when the project website was updated last;</i>  <i>(b) translations of its content in all languages of the Member States concerned by the project or on which the project has a significant cross-border impact in accordance with point (1) of Annex IV; (...).”</i></p>
Outline of the steps necessary to implement the proposed measures	<p>The implementation of Annex VI (6) of the revised TEN-E Regulation will be effective after its publication in the Official Journal of the European Union. It is recalled that under article 288 of the Treaty on the Functioning of the European Union, regulations are binding in their entirety and directly applicable in all Member States.</p> <p>Following trilogue negotiations, the European Parliament and the Council reached a political agreement in December 2021. The Regulation is expected to enter into force in June, following the April plenary vote of the European Parliament.</p>
Actors involved	The main involved actors in the adoption of the revised TEN-E Regulation were the Commission, the European Parliament and the Council.
Final date by when implementation of recommendation will be completed	Subject to modifications, in the current calendar schedule the adoption of the revised TEN-E Regulation is indicated for June 2022.
<b>Recommendation: Para. 8 (b) of decision VII/8f</b>	In paragraph 8 (b) of decision VII/8f, the Meeting of the Parties recommends that the Party concerned take the necessary legislative, regulatory or other measures and practical arrangements to ensure that in public participation procedures within the scope of article 7

	<p>of the Convention carried out under the Trans-European Networks for Energy Regulation,<sup>8</sup> or any superseding legislation:</p> <p>(b) Due account of the outcomes of the public participation is taken, in a transparent and traceable way, in the decision-making;</p>
Proposed measures to fulfil recommendation	<p>Following the Aarhus Convention Compliance Committee findings, the Commission took further steps to improve the current framework as regards the way account is taken of the outcomes of public participation in the implementation of PCI at the local level.</p> <p>The EU is therefore currently reviewing the TEN-E Regulation, which is undergoing last procedural steps before its entry into force.</p> <p>Article 9(4) of the revised TEN-E Regulation is aiming to oblige project promoters to draw up a report summarizing the outcomes of public consultations as well as the manner in which the feedback was considered. This report will become a part of the application file submitted to national competent authorities and will be considered in the issuing of comprehensive decisions by such authorities.</p> <p>Article 9(4) of the revised TEN-E Regulation proposal of the Commission reads as follow:  <i>“Where it is not already required under national law at the same or higher standards, at least one public consultation shall be carried out by the project promoter, or, where required by national law, by the competent authority, before submission of the final and complete application file to the competent authority pursuant to Article 10(1)(a). That public consultation shall be without prejudice to any public consultation to be carried out after submission of the request for development consent pursuant to Article 6(2) of Directive 2011/92/EU. The public consultation shall inform the stakeholders referred to in point (3)(a) of Annex VI about the project at an early stage and shall help to identify the most suitable location or trajectory, also in view of adequate climate adaptation considerations for the project, and the relevant issues to be addressed in the application file. The public consultation shall comply with the minimum requirements set out in point (5) of Annex VI. The project promoter shall publish on the website referred to in paragraph 7 of this Article a report explaining how the opinions expressed in the public consultations were taken into account by showing the amendments made in the location, trajectory and design of the project or by justifying why such opinions have not been taken into account.</i>  <i>The project promoter shall prepare a report summarising the results of activities related to the participation of the public prior to the submission of the application file, including those activities that took place before the start of the permit granting process.</i>  <i>The project promoter shall submit the reports referred to in first and second subparagraphs together with the application file to the competent authority. The comprehensive decision shall take due account of the results of these reports”.</i></p>
Outline of the steps necessary to implement the proposed measures	<p>The implementation of Article 9(4) of the revised TEN-E Regulation will be effective after its publication in the Official Journal of the European Union. It is recalled that under article 288 of the Treaty on the Functioning of the European Union, regulations are binding in their entirety and directly applicable in all Member States.</p>

<sup>8</sup> Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009 Text with EEA relevance.

	Following trilogue negotiations, the European Parliament and the Council reached a political agreement in December 2021. The Regulation is expected to enter into force in June, following the April plenary vote of the European Parliament.
Actors involved	The main involved actors in the adoption of the revised TEN-E Regulation were the Commission, the European Parliament and the Council.
Final date by when implementation of recommendation will be completed	Subject to modifications, the current calendar schedule the adoption of the revised TEN-E Regulation for June 2022.
<b>Recommendation: Para. 10 of decision VII/8f</b>	In paragraph 10 of decision VII/8e, the Meeting of the Parties recommends that the Party concerned put in a place a legally binding framework 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;
Proposed measures to fulfil recommendation	<p>The EU plans to address these recommendations through legislative amendments to Directive 2010/75/EU on industrial emissions<sup>9</sup> (the IED). Work is already ongoing and a proposal for the revision of this Directive should be adopted shortly after publication of this draft plan. The final plan of action will then be updated to include further details, based on the content of the proposal and will also include a link to the text of the proposal, highlighting the parts relevant to addressing the findings of the Compliance Committee. At this stage, the following preliminary information can be provided:</p> <p>The European Commission committed in the European Green Deal<sup>10</sup> (EGD) to revise EU measures to address pollution from large agro-industrial installations and to consider how to make them fully consistent with climate, energy and circular economy policies. This involve proposing a revision of the Industrial Emissions Directive. As part of this revision proposal, the Commission committed to explore options to enhance and strengthen the legislative framework on public access to information, public participation in decision-making and access to justice with a view to ensuring compliance of the Union legislative framework with the Aarhus Convention, in particular its Article 6(2)-(9); thus addressing the findings and recommendations outlined above. The <a href="#">Inception Impact</a></p>

<sup>9</sup> Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control), Official Journal of the European Union, L 334 (2010), pp. 17–119.

<sup>10</sup> Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions The European Green Deal; COM(2019) 640 final.

	<a href="#">Assessment</a> <sup>11</sup> briefly described the range of options to be assessed.
Outline of the steps necessary to implement the proposed measures	<p>The European Commission will present its proposal to revise Directive 2010/75/EU in spring 2022. The expected date of adoption (tbc) is the 5<sup>th</sup> of April 2022. Before the Commission tables its proposal, it will have assessed the potential economic, social and environmental impact that it may have. The Commission does this by preparing a so-called ‘impact assessment’ that sets out the advantages and disadvantages of various policy options. The impact assessment includes input from non-governmental organisations, national authorities and industry, as well as expert groups that give advice on technical issues. The impact assessment will be made publicly available alongside the proposal.</p> <p>The Commission proposal will then be negotiated with co-legislators (the European Parliament and the Council) through the ordinary legislative procedure, provided for in Article 294 of the Treaty on the Functioning of the European Union (TFEU). The Parliament and the Council legislate on an equal footing. The 2 institutions adopt legislative acts either at first reading or at second reading. If, following the second reading, the 2 institutions have still not reached an agreement, a Conciliation Committee is convened. Under the ordinary legislative procedure, decisions are adopted by qualified majority.</p>
Actors involved	European Commission, Council of the European Union, European Parliament. Within the Commission, if Directorate General for Environment takes the lead in drafting and negotiating the proposal, many other Commission Directorates General and services are also closely involved, as per the usual Commission internal procedures.
Final date by when implementation of recommendation will be completed	End of the inter-institutional ordinary legislative procedure; the exact timelines for this process cannot be foreseen, and it cannot be assessed with certainty at this stage whether the revised Directive will be adopted before the 1 October 2024 deadline foreseen by the Compliance Committee. The Commission will make all efforts to address the findings and recommendations of the Compliance Committee in a timely manner.

<sup>11</sup> [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12306-Industrial-emissions-EU-rules-updated\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12306-Industrial-emissions-EU-rules-updated_en)