

## 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 the Directorate-General for Energy, the Directorate-General for Climate Action and the 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 the 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) was also organised during this period. The outcome of these consultations was taken into due account in the final plan. The plan of action was also updated to include the link to the 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**

Compliance with the recommendations in each of the three cases addressed in this action plan requires significant efforts, and in each case, the Commission has proposed 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 first 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 NECPs 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 <i>ad hoc</i> 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 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 to 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 an 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</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>steps taken 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 NECP. The Commission intends to reflect in greater detail on whether 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, in its assessment, on the compliance with the requirements under Article 10 and Annex I of the Governance Regulation, in order to show in particular, whether the participation in its Member States is transparent and fair, and whether 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 processes and will assess the opportunity to review the Governance Regulation, including provisions related to 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, in 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 an early stage, allowing for early public participation when all options are open, and ensuring that due account is taken of the outcome of the public participation.</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 the preparation of their draft NECPs. In particular:</p> <ul style="list-style-type: none"> <li>– as stated in the REPowerEU plan published on 18 May 2022, the Commission intends to publish guidance for the Member States' update of their NECPs. This guidance will be made public and will reflect the obligations of Member States stemming from both the Aarhus Convention and the Governance Regulation.</li> <li>– In addition, 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, and for a description how they ensured that public participation was conducted at an early stage when all options were open, and that due account was taken of the outcome of the public participation.</li> </ul>

	<ul style="list-style-type: none"> <li>– Finally, as part of the measures to support Member States in involving the public in preparation of their draft updated NECPs in line with the requirements of the Convention, the services of the Commission intend to offer a technical support module to MS on public consultation, with assistance by an external contractor.</li> </ul> <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 on how the Member State complied with public participation requirements in line 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 public participation (e.g. Article 10 of the Governance Regulation).</p>
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>	<p>In paragraph 2 (a) (ii) of decision VII/8f, the Meeting of the Parties requests the Party concerned, as a matter of urgency:</p> <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 first like to recall that the EU has made 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 the 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 NECPs - 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 Parties to that Convention. In particular, to ensure they enable early public participation when all options are still open, and that they take due account of 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, 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 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.</li> <li>(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 NECP. The Commission intends to reflect in greater detail on whether Member States provided in their (draft updated) NECPs enough precise information on the consultation process undertaken by each of them. Furthermore, the Commission, in its assessment, also intends to reflect on the compliance with the requirements under Article 10 and Annex I of the Governance Regulation, in order to show, in particular, whether the public participation was enabled when all options were open, and whether due account was taken of the outcome of the public participation.</li> <li>(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 processes and will assess the opportunity to review the Governance Regulation, including provisions related to public participation.</li> </ul>
<p>Outline of the steps necessary to implement the proposed measures</p>	<p>As explained in more detail above with regard to the Committee’s recommendation in para. 2 (a) (i) of decision VII/8f under the heading ‘<i>outline of steps necessary to implement the proposed measures</i>’, these include:</p> <ol style="list-style-type: none"> <li>1) Engagement with Member States as Parties to the Aarhus Convention;</li> <li>2) Assistance to Member States in the preparation of their draft updated NECPs - in particular, with regard to providing in the NECPs a description on how the early public participation when all options are still open was conducted, and explaining how the outcome of the public participation was taken into account;</li> </ol>

	3) Assessment of draft NECPs after their submission on 30 June 2023; and 4) Report on the operation of the Governance Regulation.
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>	In paragraph 2 (b) of decision VII/8f, the Meeting of the Parties requests the Party concerned, as a matter of urgency:  (b) To adapt the manner in which it evaluates National Energy and Climate Plans accordingly;
Proposed measures to fulfil recommendation	The Commission is committed to continue to ensure full compliance with the Aarhus Convention and intends to take the following measures to ensure that its assessment of Member States' NECPs duly reflect requirements related public participation in accordance with the Aarhus Convention.  As explained in detail above, with regard to the Committee's recommendation in Para. 2(a)(ii) of decision VII/8f under ' <i>proposed measures to fulfil recommendations</i> ', point (ii), the Commission will publish an assessment of each NECP and in its assessment, it intends to reflect in greater detail on whether Member States provided precise information on the consultation process undertaken by each of them, and on the compliance with the requirements under Article 10 and Annex I of the Governance Regulation., in order to show in particular, whether the participation in its Member States is transparent and fair, the necessary information was provided to the public, the public participation was enabled when all options were open, and whether due account was taken of the outcome of the public participation.
Outline of the steps necessary to implement the proposed measures	<b>Assessment of draft updated NECPs</b> The Member States will submit their draft updated NECPs by 30 June 2023. Pursuant to Article 9(2) of the Governance Regulation, 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 detail whether 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, whether the participation in its Member States is transparent and fair, whether the necessary information was provided to the public, whether the public participation was enabled when all options were open, and whether due account was taken of the outcome of the

	public participation. If the Commission concludes 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>Regarding the case at the basis of this decision, <a href="#">ACC/C/2013/96</a>, the Commission would first like to recall that this case dates from 2013 and rests on the first PCI List selection process which was a special case as it was conducted during the enactment of the Trans-European Networks for Energy Regulation (EU) No 347/2013 (“TEN-E Regulation”) without having the formal procedure yet in place. The situation and legal framework have significantly changed and improved since then in all aspects relevant to this case.</p> <p>In particular, four other Union PCI lists have been elaborated through increasingly transparent and open processes where open consultations were conducted in a manner that was increasingly accessible to be public. In addition to this, the TEN-E Regulation has been recently revised (with the new legislation coming into force in June 2022), increasing public participation and transparency of the elaboration of the Union PCI lists throughout the process. This revision followed upon a complete impact assessment consultation and multilingual consultation that gave the public a chance to voice their position regarding the Regulation.</p> <p>The Commission would like to recall that in the context of the selection and implementation of PCIs, two distinct steps should be differentiated. First, the PCI selection process is a result of an assessment by the Regional groups of each candidate project based on the 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, PCIs are subject to national legislation concerning their implementation.</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.

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. In the context of paragraph 8(a) of decision VII/8f, the Meeting of the Parties, i.e. the recommendation that additional arrangements must be made to ensure that all main consultation documents are available in the official languages of the Parties concerned, we note that the public consultation regarding PCI candidates and the PCI selection process involve technical documents, which are made available to the public in all relevant languages. These consultations are part of numerous opportunities for public participation held during (and before) the PCI selection and implementation process, which are thoroughly described on the section below on Para. 8 (b) of decision VII/8f, and which can be summarised as follows: consultation of relevant stakeholders during the ten-year network development plan drafting that feeds into the criteria for PCI assessment; consultation of stakeholders regarding the submissions of PCI candidates and the content of their submission; consultation of stakeholders during Regional group meetings, which are open to stakeholders (apart from the decision-making body's meetings) and allow stakeholders to contribute to establish the methodology used in the decision making phase.

Public consultations of PCI candidates

Public consultations take place during the PCI selection process, through standardised questions, in English, and identical in all Regional groups, made available by the Commission through a questionnaire in the 'EU Survey' platform. The replies to the Consultation may be submitted in any of the official EU languages. On the more fundamental issue of access to project information, that is at the basis of an inclusive consultation on the PCI process and fundamental to allow for informed and meaningful contributions to the consultations. This information should be available in all languages of the Member States concerned, as well as in all languages of the Member States on which the project has a significant cross-border impact. The information, in all these languages, is made available on the project websites, which is regularly updated by the project promoters (as provided in Article 9(7) and Annex VI para. (6) of the revised TEN-E). The version of the TEN-E Regulation previously in force already established that the website shall make available for the public consultation the information leaflet, a non-technical updated summary of the project, a public consultation plan, and contact details for obtaining the full set of application documents and to convey comments and objections during public consultations. The revised TEN-E provision builds-up on this set of requirements by requiring the project's website to contain the implementation plan with the latest data on the project, an indication of the funds allocated by the Union for the project completion, the date of the last update. There is now also a requirement to translate the content in all languages of the Member States concerned, as well as in all languages of the Member States on which the project has significant cross border impact).<sup>8</sup> Therefore, the revised TEN-E Regulation ensures that the PCI information will be available to the public in the official languages of all Member States concerned, including also Member States on which the project has significant cross border impact.

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<sup>8</sup> Comparison of Article 6 of Annex VI of the TEN-E regulation previously in force and the revised version recently entered into force.

Before any further considerations on projects related information, we would like to emphasise that none of the documents in question belongs to the European Commission, as they are documents produced and held by a third party (the project promoters). Even if these documents are taken into account in the discussions coordinated by the Commission (the Regional groups), the coordination role does not make the Commission owner of these documents. Handling these documents remains within the responsibility and competence of project promoters.

Project-related information in the PCI process

At the PCI selection process stage, the related technical and background information of individual candidates subject to assessment and consultation is available in English, as that is the working language of the regional groups in charge of the project selection and assessment. The use of a single working language ensures effective communication throughout the process, as the PCI selection process relies heavily on the outcome of the work of various stakeholder groups. The stakeholders concerned by these technical consultations are able to access the necessary information and effectively and efficiently reply to the consultations and participate in the connected discussions, without the need to switch between languages.

Therefore, considering that candidate projects are described in lengthy and highly technical applications already available in the working language of the regional groups (English), it would be disproportionate and practically impossible to provide all documents, technical details, and project details in all 24 EU official languages. The number of highly technical project specific documents pertaining to candidates is multiple times higher than the number of documents connected to the selected projects, and most of them will be made available on the project promoter's website, in conformity with Article 9(7) of the revised TEN-E. Considering the possibilities for public participation in the Regional group discussions leading to the PCI list (held in English) and the possibility for interested parties to consult and direct any questions to their respective administrations (who will attend the Regional group meetings), asking candidates (project promoters) to translate their documents into all of the EU official languages would create a disproportionate administrative burden, which is precisely the contrary to the feedback received during the revision of the TEN-E Regulation. Additionally, it would mean that the Commission ignores the REFIT (Regulatory Fitness and performance programme) purpose of the proposal to revised TEN-E Regulation.<sup>9</sup> During the impact assessment for the revised TEN-E Regulation, the PCI selection process, monitoring, and stakeholder consultation were identified as the main cost drivers in terms of administrative burden. In that sense, it was assessed that they were opportunities to reduce the associated administrative burden, something that translation of all relevant documents into all EU languages would only make worse.

It is important to recall that the overall cost for delivering translation and interpretation services in the EU institutions is around €1 billion per year, which represents 1 % of the EU budget or just over €2 per citizen.<sup>10</sup> Therefore, it stems to reason that the translation of technical documents to any of the 24 languages cannot be justified when: first, the documents do not belong to the institutions

<sup>9</sup> Page 122 of the revised TEN-E impact assessment report available at: [Trans-European energy infrastructure – revision of guidelines](#).

<sup>10</sup> “Multilingualism: The language of the European Union”, Briefing by the European Parliamentary Research Service, September 2019, available at: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/642207/EPRS\\_BRI\(2019\)642207\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/642207/EPRS_BRI(2019)642207_EN.pdf), last consulted on 25 May 2022.

themselves and remain the responsibility of the project promoters; second, their translation would lead to only marginal benefits when considering alternatives (e.g., participation in Regional group meetings, or consultation of relevant national authorities and project promoters); third, the information asymmetry of the process would not be prevented by the translation of the documents, as technical knowledge hurdle would still be in place. Therefore, instead of mechanically translating highly technical documentation to all official EU languages, the Commission aims to mitigate this gap through an open and transparent process containing several targeted consultations and opportunities to share views directly with project promoters and national authorities in a suitable forum (as further elaborated below regarding the Recommendation: Para. 8 (b) of decision VII/8f).

In addition, the Commission reiterates and underlines that, following the TEN-E revision's multilingual consultation in all EU official languages on the EU's 'Have Your Say' website,<sup>11</sup> stakeholders had the opportunity to voice their interest in having such documents translated. Instead of having identified the need for additional translations, stakeholders have identified the PCI selection process, monitoring and stakeholder consultation as key areas where administrative burdens should be reduced.<sup>12</sup>

In summary, the access to the information provided for each candidate project during the PCI process has been strengthened in the process of revising the TEN-E Regulation, which recently entered into force. The EU follows a carefully considered and comprehensive strategy on public consultations. So far, to ensure a wide and proportionate access to information, the Commission provides links to project-specific websites, which must be updated regularly by the project promoters, and following the revision of Annex VI (6), project-specific websites will include translations of their documents in all languages of the Member States concerned, including also Member States on whom the project has significant cross border impact. Additionally, the way in which a project promoter fulfils the obligation of publication and regular updating is considered in subsequent PCI processes, for which the project may apply (in conformity with the subjective criteria of Article 4 of the TEN-E Regulation).

Annex VI (6) of the revised TEN-E Regulation reads as follow:

*“The project website referred to in Article 9(7) shall at least publish the following information:*

- (a) the date when the project website was updated last;*
- (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;*
- (c) the information leaflet referred to in point (5) updated with the latest data on the project;*
- (d) a non-technical and regularly updated summary reflecting the current status of the project, including geographic information, and clearly indicating, in case of updates, changes to previous versions;*
- (e) the implementation plan as set out in Article 5(1) updated with the latest data on the project;*
- (f) the funds allocated and disbursed by the Union for the project;*

<sup>11</sup> <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12382-Revision-of-the-guidelines-for-trans-European-Energy-infrastructure>, last consulted on 25 May 2022.

<sup>12</sup> Page 122 of the revised TEN-E impact assessment report available at: [Trans-European energy infrastructure – revision of guidelines](#), last consulted on 25 May 2022.

	<p>(g) <i>the project and public consultation planning, clearly indicating dates and locations for public consultations and hearings and the envisaged subject matters relevant for those hearings;</i></p> <p>(h) <i>contact details in view of obtaining additional information or documents;</i></p> <p>(i) <i>contact details in view of conveying comments and objections during public consultations.”</i></p> <p><u>Impact on the transparency of the implementation phase</u></p> <p>For each PCI, a project promoter has 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 regarding 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>Article 9(7) of the revised TEN-E Regulation proposal of the Commission reads as follow:  <i>“The project promoter shall establish and regularly update a dedicated project website with relevant information about the project of common interest, which shall be linked to the Commission website and the transparency platform referred to in Article 23 and which shall meet the requirements specified in point (6) of Annex VI. Commercially sensitive information shall be kept confidential.”</i></p>
Outline of the steps necessary to implement the proposed measures	The Regulation was adopted on 30 May 2022, published in the Official Journal of the European Union on 3 June 2022, and came into force on the twentieth day after its publication. 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.
Actors involved	The main actors involved 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	The implementation of the recommendations was completed by the coming into force of the TEN-E Regulation, in June 2022, as explained immediately above.
<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 of the Convention carried out under the Trans-European Networks for Energy Regulation, <sup>13</sup> or any superseding legislation:

<sup>13</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.

	(b) Due account of the outcomes of the public participation is taken, in a transparent and traceable way, in the decision-making;
Proposed measures to fulfil recommendation	<p>In line with Article 3 of the TEN-E Regulation, decision-making power in the PCI process belongs to the Commission and the Member States, however public participation feeds directly into it. Results of the public consultation conducted are presented, considered and discussed by the Regional groups in all PCI processes. Public participation is ensured through the open public consultation conducted for PCI candidates and the participation of stakeholders in the meetings/deliberations of the Regional groups, where a dialogue is held in a suitable manner to inform decisions from an early stage as described in more detail below.</p> <p>The regional groups are established in accordance with Article 3 and Section 1 of Annex III to propose and review projects of common interest, leading to the establishment of regional lists of projects of common interest and to ensure cooperation between Member States, National Regulatory Authorities (“NRAs”), project promoters and relevant stakeholders. The group’s membership is based on the priority corridors and areas and their respective geographic scope, and they are composed of representatives of the Member States, NRAs, Transmission System Operators (“TSOs”), as well as the Commission, the Agency for the Cooperation of Energy Regulators (“ACER”), the EU Distribution System Operators (“DSO”) entity and either the European Network for Transmission System Operators (“ENTSO”) for Electricity or the ENTSO for Gas. Save for the restricted meetings on the ranking of the PCI projects and decision-making, stakeholders are invited and welcome to the meetings of the Regional groups. Moreover, Regional group meetings are recorded and web-streamed allowing the public visibility over the PCI process.</p> <p>The Commission reiterates, as explained in more detail with regard to the recommendations on para. 8 (a) of decision VII/8f, that the TEN-E Regulation has been recently revised, increasing clarity of public participation and transparency of the elaboration of the Union PCI lists throughout the process. The revised Regulation entered into force in June 2022.</p> <p>The Commission would also like to recall, as also explained above in more detail with regard to the recommendations on para. 8 (a) of decision VII/8f, that in the context of the elaboration of the PCI lists, two distinct steps must be identified. Firstly, the PCI selection process is a result of an assessment by the Regional groups of each candidate project based on criteria measuring their contribution to energy policy objectives, pursuant to Article 4 of the TEN-E Regulation. Secondly, projects selected on the list are subject to national legislation concerning their implementation. As such, it is essential to separate between the public participation at the PCI selection phase and at the implementation phase.</p> <p><b><u>Stakeholder participation in connection to the PCI list selection</u></b></p> <p>The process for the identification and selection of PCIs, leading to the adoption of the Union list of PCIs is an open, inclusive, multi-stakeholder process, governed by the TEN-E Regulation. Article 3 and Annex III of the TEN-E Regulation lay down the provisions for the adoption by the Commission of the Union List, based on the regional lists adopted by the decision-making bodies of the Regional groups (which include the Member States and the Commission). Although the meetings on the decisions are restricted to the decision-making bodies, the preparatory meetings of the Regional groups and thematic areas are open to a variety of stakeholders, which are</p>

	<p>invited to attend and contribute to discussions pertaining to the identification of infrastructure needs, and the development of methodologies for assessment of candidate projects. In line with the Articles 11 and 12 of the TEN-E Regulation,<sup>14</sup> candidate projects information, and data, on infrastructure needs stem from the latest Ten-Year Network Development Plan (“TYNDP”), development of which is also heavily influenced by stakeholder consultation.</p> <p><u>Stakeholder participation in the TYNDP process:</u></p> <p>The key phases of the elaboration of the TYNDP include the development of infrastructure scenarios, the identification of infrastructure gaps,<sup>15</sup> and a methodology for a project-specific energy system wide cost-benefit analysis. The European Network for Transmission System Operators (ENTSO) for Gas and Electricity is the key actor responsible for the elaboration of these deliverables (TYNDP report, including scenarios and infrastructure gap assessment and Cost Benefit Analysis (“CBA”) methodology). Moreover, the TEN-E Regulation prescribes the way stakeholders are consulted in preparation of each deliverable. The recent revision of the TEN-E Regulation strengthens the stakeholder participation in the TYNDP by listing distinct categories of stakeholders, foreseeing a role for the European Scientific Advisory Board on Climate Change (“ESABCC”), and reinforcing the role played by the Agency for the cooperation of Energy Regulators (“ACER”):</p> <ul style="list-style-type: none"> <li>• Regarding the scenarios for the TYNDP: there are two extensive consultation processes being carried out. In a first step, the ACER consults several stakeholders, amongst others, associations and civil society representatives and Member States and prepares the framework guidelines for joint scenarios (in accordance with Article 12(1) of the revised TEN-E Regulation). In a second step, based on the framework guidelines, ENTSOs carry out their own consultations with a wide variety of stakeholders in preparation of the joint scenarios (in accordance with Article 12(3) of the revised TEN-E Regulation);</li> <li>• For the infrastructure gap assessment, the ENTSOs are required to conduct an extensive consultation process involving all relevant stakeholders (in accordance with Article 13(1) of the revised TEN-E Regulation);</li> <li>• Regarding the system wide cost-benefit analysis, the ENTSOs diligently gather inputs from the relevant stakeholders drafting a single sector draft methodology based on common assumptions and allowing for project comparison (in accordance with Article 11(2) of the revised TEN-E Regulation).</li> </ul> <p>The consultation process in place for the scenarios for the TYNDP and system wide cost benefit analysis, happened under the old, now revised, version of the TEN-E Regulation. However, the TEN-E revision expressly identifies who are the interested parties that should be consulted. In addition, the revised Regulation introduces the infrastructure gap assessment clarifying the process and expressly identifies the parties to be consulted.</p> <p><u>Public consultations of PCI candidates:</u></p>
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<sup>14</sup> The revised TEN-E Regulation entered into force in June and includes, as part of Chapter IV on cross-sectoral infrastructure planning, an article on infrastructure gaps identification alongside provisions for energy system wide cost-benefit analysis (article 11) and preparation of scenarios for the TYNDP (article 12).

<sup>15</sup> This phase was introduced in the revised TEN-E Regulation

	<p>Public consultations also take place during the PCI application process, through standardised questions made available by the Commission through an EU survey questionnaire, as described in the previous section. The results of these consultations are presented and made available to the Regional groups and serve to inform directly the considerations, deliberations and assessment of the Regional groups and the decision-making process for the PCI list. This is part of the discussions of the Regional groups, which are open to stakeholders and, have, lately, been also web streamed. Therefore, there is already a clear transparent process in place for taking into account the results of the public consultations on the PCI candidates.</p> <p><u>Stakeholder participation in the PCI process:</u> Once the ‘application window’ is opened by the Commission, interested project promoters submit project application for PCI status. The assessment and selection of PCIs is made in Regional groups in line with the criteria laid down in Article 4.<sup>16</sup> The Regional groups’ meetings dedicated to the drafting and discussion of methodologies for infrastructure gaps and project assessment against those gaps, leading to the establishment of regional lists of projects of common interest, are open to the public, and the material presented during the meetings is saved on an open-access platform of the Commission called CIRCABC - Communication and Information Resource Centre for Administrations, Businesses and Citizens.<sup>17</sup> In line with Article 4(4), the only meetings to which participation of stakeholders is restricted are the final ranking of projects and the meetings of the decision-making bodies of the TEN-E Regulation.</p> <p><u>Project-related information in the PCI process and influence of the consultation in the decision-making phase:</u> At the PCI selection process stage, the related technical and background information of individual candidates subject to assessment and consultation, is available in English. This will allow stakeholders dealing with the technical information, to be informed and provide detailed consultation replies that are considered towards the methodology employed by the decision-making bodies when deciding.</p> <p>The discussion of consultation results takes place in Regional group meetings, which the interested stakeholders are invited to attend and participate in. Although the ranking meeting, as a decision-making meeting, is not open to stakeholders, the methodology used to reach the ranking decision is drafted and discussed in the open Regional group meetings preceding the decision-making meetings. As always, the Commission welcomes and incentivises the interested parties to attend the open meetings so that their suggestions and observations can be considered in the decision-making process and may help centre the scope of the final meetings of the selection process.</p> <p>Article 3 paras 1 to 3 of the revised TEN-E Regulation read as follows:</p>
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<sup>16</sup> According to which the PCI must be necessary for at least one energy infrastructure priority corridor or area, its potential benefits (assessed in accordance to a specific criteria which depends from the type of project, of para 2) outweigh the costs, and it must additionally have a cross-border impact, by involving at least two Member States, be located on the territory of one Member State and have a significant impact in the territory of another (as set out in Annex IV), or cross the border of at least one Member State of the European Economic Area.

<sup>17</sup> CIRCABC, available at <https://circabc.europa.eu/faces/jsp/extension/wai/navigation/container.jsp>, last consulted on 25 May 2022.

*“1. Regional groups (Groups) shall be established in accordance with the process set out in Section 1 of Annex III. The membership of each Group shall be based on each priority corridor and area and their respective geographical coverage as set out in Annex I. **Decision-making power in the Groups shall be restricted to Member States and the Commission (decision-making body) and based on consensus.***

*2. Each Group shall adopt its own rules of procedure, having regard to the provisions set out in Annex III.*

*3. **The decision-making body of each Group shall adopt a regional list of projects drawn up in accordance with the process set out in Section 2 of Annex III, the contribution of each project to implementing the energy infrastructure priority corridors and areas set out in Annex I and their fulfilment of the criteria set out in Article 4.**”* (Emphasis added)

Article 4 para 1 of the revised TEN-E Regulation reads as follows:

*“A project of common interest shall meet the following general criteria:*

- (a) the project is necessary for at least one of the energy infrastructure priority corridors and areas set out in Annex I;*
- (b) the potential overall benefits of the project, assessed in accordance with the relevant specific criteria in paragraph 3, outweigh its costs, including in the longer term;*
- (c) the project meets any of the following criteria:*
  - (i) it involves at least two Member States by directly or indirectly, via interconnection with a third country, crossing the border of two or more Member State;*
  - (ii) it is located on the territory of one Member State, either inland or offshore, including islands, and has a significant cross-border impact as set out in point (1) of Annex IV.”*

Article 4 paras 3 and 4 of the revised TEN-E Regulation reads as follows:

*“(3) The following specific criteria shall apply to projects of common interest falling within specific energy infrastructure categories:*

- (a) for electricity transmission, distribution and storage projects falling under the energy infrastructure categories set out in point (1)(a), (b), (c), (d) and (f) of Annex II (...)*
  - (b) for smart electricity grid projects falling under the energy infrastructure category set out in point (1)(e) of Annex II (...)*
  - (c) for carbon dioxide transport and storage projects falling under the energy infrastructure categories set out in point (5) of Annex II (...)*
  - (d) for hydrogen projects falling under the energy infrastructure categories set out in point (3) of Annex II (...)*
  - (e) for electrolysers falling under the energy infrastructure category set out in point (4) of Annex II (...)*
  - (f) for smart gas grid projects falling under the energy infrastructure category set out in point (2) of Annex II (...)*
- (4) For projects falling under the energy infrastructure categories set out in Annex II, the criteria set out in paragraph 3 of this Article shall be assessed in accordance with the indicators set out in points (3) to (8) of Annex IV.”*

Article 11 para 2 of the revised TEN-E Regulation reads as follows:

*“Prior to submitting their respective draft methodologies, (...) the ENTSO for Electricity and the ENTSO for Gas shall publish preliminary draft methodologies and conduct an extensive **consultation process and seek recommendations from Member States and, at least, the organisations representing all relevant stakeholders, including the entity of distribution system operators in the***

***Union established pursuant to Article 52 of Regulation (EU) 2019/943 (EU DSO entity), associations involved in electricity, gas and hydrogen markets, heating and cooling, carbon capture and storage and carbon capture and utilisation stakeholders, independent aggregators, demand-response operators, organisations involved in energy efficiency solutions, energy consumer associations, civil society representatives and, where it is deemed appropriate the national regulatory authorities and other national authorities.***

*Within three months of publication of the preliminary draft methodologies under the first subparagraph, any stakeholder referred to in that subparagraph may submit a recommendation.*

***The European Scientific Advisory Board on Climate Change established under Article 10a of Regulation (EC) No 401/2009 of the European Parliament and of the Council may, on its own initiative, submit an opinion to the draft methodologies.***” (Emphasis added)

Article 12 para 1 of the revised TEN-E Regulation reads as follows:

***“ (...) Agency, after having conducted an extensive consultation process involving the Commission, the Member States, the ENTSO for Electricity, the ENTSO for Gas, the EU DSO entity and at least the organisations representing associations involved in electricity, gas and hydrogen markets, heating and cooling, carbon capture and storage and carbon capture and utilisation stakeholders, independent aggregators, demand-response operators, organisations involved in energy efficiency solutions, energy consumer associations and civil society representatives, shall publish the framework guidelines for the joint scenarios to be developed by ENTSO for Electricity and ENTSO for Gas.”*** (Emphasis added)

Article 12 para 3 of the revised TEN-E Regulation reads as follows:

***“ The ENTSO for Electricity and ENTSO for Gas shall invite the organisations representing all relevant stakeholders, including the EU DSO entity, associations involved in electricity, gas and hydrogen markets, heating and cooling, carbon capture and storage and carbon capture and utilisation stakeholders, independent aggregators, demand-response operators, organisations involved in energy efficiency solutions, energy consumer associations, civil society representatives, to participate in the scenarios development process, in particular on key elements such as assumptions and how they are reflected in the scenarios data.”*** (Emphasis added)

Article 13 para 1 of the revised TEN-E Regulation reads as follows:

***“Prior to publishing their respective reports, the ENTSO for Electricity and the ENTSO for Gas shall conduct an extensive consultation process involving all relevant stakeholders, including the EU DSO entity, associations involved in electricity, gas and hydrogen markets, heating and cooling, carbon capture and storage and carbon capture and utilisation stakeholders, independent aggregators, demand-response operators, organisations involved in energy efficiency solutions and, energy consumer. Associations, civil society representatives, the Agency and all the Member States’ representatives that are part of the relevant energy infrastructure priority corridors that are set out in Annex I.”*** (Emphasis added)

### **Public Participation in the implementation process**

	<p>Following the Aarhus Convention Compliance Committee findings, the Commission also took further steps to improve the current framework as regards the way account is taken of the outcome of public participation in the implementation of PCI at the local level.</p> <p>Article 9(4) of the revised TEN-E Regulation is aiming to oblige project promoters to draw up a report summarizing the outcome of public consultations as well as the way 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 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	See our reply with regard to the Committee’s recommendations in para. 8 (a) of decision VII/8f.
Actors involved	See our reply with regard to the Committee’s recommendations in para. 8 (a) of decision VII/8f.
Final date by when implementation of	See our reply with regard to the Committee’s recommendations in para. 8 (a) of decision VII/8f.

recommendation will be completed	
<b>Recommendation: Para. 10 of decision VII/8f</b>	In paragraph 10 of decision VII/8f, 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>18</sup> (the IED). Work is already ongoing and a proposal for the revision of this Directive was adopted by the Commission on 5 April 2022. The full text of the legislative proposal is available at the following link: <a href="https://environment.ec.europa.eu/publications/proposal-revision-industrial-emissions-directive_en">https://environment.ec.europa.eu/publications/proposal-revision-industrial-emissions-directive_en</a> Under the proposal, Article 24(1) of the IED would be amended as follows:</p> <ul style="list-style-type: none"> <li>• point (d) would be replaced by the following: <i>‘(d) the updating of a permit or permit conditions for an installation in accordance with Article 21(5), points (a), (b) and (c)’</i>;</li> <li>• the following point (e) would be added: <i>‘(e) the updating of a permit in accordance with Article 21(3) or Article 21(4)’</i>.</li> </ul> <p>The effect of these proposed amendments is to broaden the situations where the public should be consulted, following the recommendations of the Compliance Committee. Once enacted, these legislative changes would ensure full compliance with the Committee’s findings.</p> <p>We would also like to highlight that beyond these proposed provisions, which aim at addressing the findings of the Compliance Committee, the legislative proposal also includes a number of additional amendments that aim to strengthen the implementation of the Convention. These include the following:</p> <ul style="list-style-type: none"> <li>- broader definition of ‘the public concerned’;</li> <li>• enhanced public information, e.g. systematic permit summary publicly available, using standard format;</li> <li>• enhanced monitoring and reporting;</li> <li>• enhanced access to justice and redress mechanisms (injunctive relief, compensation for damages);</li> <li>• the Industrial Emissions Portal would replace E-PRTR and would report more substances, with greater consistency between the IED and data from related legislation (Seveso directive, urban waste water treatment): <a href="https://industry.eea.europa.eu/#/home">https://industry.eea.europa.eu/#/home</a>;</li> <li>• new harmonised cost-benefit assessment required for any IED permit emissions limit derogations, with regular reviews, and increased transparency and accountability.</li> </ul>

<sup>18</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.

	<p>As background, we would also like to recall that the European Commission committed in the European Green Deal<sup>19</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 involved proposing a revision of the Industrial Emissions Directive. As part of this revision proposal, the Commission committed 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 Assessment</a><sup>20</sup> briefly described the range of options to be assessed.</p>
Outline of the steps necessary to implement the proposed measures	<p>The European Commission adopted a proposal to revise Directive 2010/75/EU on 5 April 2022. Before the Commission tabled it proposal, it assessed the potential economic, social and environmental impact that it may have. The Commission did this by preparing a so-called ‘impact assessment’ that sets out the advantages and disadvantages of various policy options. The impact assessment included input from non-governmental organisations, national authorities and industry, as well as expert groups that give advice on technical issues. <a href="#">All parts of the impact assessment</a> are published together with the proposed legal act.</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 two institutions adopt legislative acts either at first reading or at second reading. If, following the second reading, the two 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	<p>European Commission, Council of the European Union, European Parliament. Within the Commission, Directorate General for Environment takes the lead in drafting and negotiating the proposal, however, many other Commission Directorates General and services are also closely involved, as per the usual Commission internal procedures.</p>
Final date by when implementation of recommendation will be completed	<p>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.</p>

<sup>19</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.

<sup>20</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)