

Compliance Committee to the Convention on
Access to Information, Public Participation
in Decision-making and Access to Justice
in Environmental Matters (Aarhus Convention)

**First progress review of the implementation of decision VII/8f
on compliance by the European Union with its
obligations under the Convention**

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I. Introduction

1. At its seventh session (Geneva, Switzerland, 18-21 October 2021), the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) adopted decision VII/8f on compliance by the European Union with its obligations under the Convention (see ECE/MP.PP/2021/2/Add.1).

II. Summary of follow-up

2. At its seventy-third meeting (Geneva, 13–16 December 2021), the Committee held an open session to provide guidance on preparing the plan of action that each Party subject to a decision or request of the Meeting of the Parties was requested to submit by 1 July 2022. Representatives of the Party concerned, the communicant of communications ACCC/C/2010/54 and ACCC/C/2013/96, and the observer ClientEarth took part in the open session.

3. On 8 February 2022, on the Committee's instructions, the secretariat sent an information note and a template for its plan of action to the Party concerned to assist it to prepare its plan of action.

4. At its seventy-fourth meeting (Geneva, 15-16 March 2022), the Committee held a further open session on the preparation of Parties' plans of action. The purpose of the session was to answer any specific questions from Parties regarding the format or content of their plan of action. Representatives of the Party concerned, the communicant of communications ACCC/C/2010/54 and ACCC/C/2013/96, and the observers ClientEarth and Justice and Environment took part in the open session.

5. On 29 March 2022, the Party concerned invited the communicants and registered observers to comment and attend a virtual meeting on its draft plan of action.

6. On 22 April 2022, the communicant of communications ACCC/C/2010/54 and ACCC/C/2013/96 submitted its comments on the Party concerned's draft plan of action, as published on the European Commission's website on 29 March 2022.

7. On 1 July 2022, the Party concerned submitted a draft version of its plan of action to the Committee.

8. On 31 July 2022, the Party concerned submitted the final version of its plan of action to the Committee.

9. On 29 August 2022, the secretariat forwarded the Party concerned's plan of action to the communicants of communications ACCC/C/2010/54, ACCC/C/2013/96, and ACCC/C/2014/121 and registered observers, inviting their comments by 26 September 2022.

10. On 16 September 2022, the communicant of communications ACCC/C/2010/54 and ACCC/C/2013/96 provided comments on the plan of action.

11. On 3 December 2022, the secretariat wrote to inform the Party concerned that, having reviewed its plan of action, the Committee had concluded that the plan of action appeared to be only partially appropriate. The Committee invited the Party concerned to attend an open session at its seventy-seventh meeting (Geneva, 13-16 December 2022) to discuss its plan of action.

12. On 8 December 2022, the secretariat wrote to the Party concerned to provide it with a summary of the Committee's concerns on its plan of action.

13. At its seventy-seventh meeting, the Committee held an open session to discuss the Party concerned's plan of action with the participation of representatives of the Party concerned, the communicant of communications ACCC/C/2010/54 (European Union) and ACCC/C/2013/96 (European Union) and the observer ClientEarth.

14. On 29 September 2023, the Party concerned submitted its first progress report on decision VII/8f, on time.

15. On 2 October 2023, the secretariat forwarded the Party concerned's first progress report to the communicants of communications ACCC/C/2010/54, ACCC/C/2013/96 and ACCC/C/2014/121 and registered observers, inviting their comments by 30 October 2023.

16. On 29 October 2023, the communicant of communications ACCC/C/2010/54 and ACCC/C/2013/96 submitted comments on the Party concerned's first progress report.

17. On 30 October 2023, the observers European Environmental Bureau, Justice and Environment, Environmental Justice Network Ireland, Climate Action Network Europe, ClientEarth, WWF European Policy Office, Youth and Environment Europe, Center for the Study of Democracy and ZERO Association for the Sustainability of the Earth System submitted their joint comments on the Party concerned's first progress report.

18. At its eighty-second meeting (Geneva, 20-23 February 2024), the Committee prepared its first progress review on decision VII/8f and adopted it through its electronic decision-making procedure on 7 June 2024. The Committee thereafter requested the secretariat to forward the first progress review to the European Union, the communicants of communications ACCC/C/2010/54, ACCC/C/2013/96 and ACCC/C/2014/121 and registered observers.

III. Considerations and evaluation by the Committee

19. In order to fulfil the requirements of paragraph 2 of decision VII/8f, the European Union will need to provide the Committee, as a matter of urgency, with evidence that:

- (a) 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:
 - (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;
 - (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;
- (b) It has adapted the manner in which it evaluates National Energy and Climate Plans accordingly.

20. In order to fulfil the requirements of paragraph 8 of decision VII/8f, the Party concerned will need to provide the Committee with evidence that it has taken 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,¹ or any superseding legislation:

- (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;
- (b) Due account of the outcomes of the public participation is taken, in a transparent and traceable way, in the decision-making.

¹ 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.

21. In order to fulfil the requirements of paragraph 10 of decision VII/8f, the Party concerned will need to provide the Committee with evidence that it has put in 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,² 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.

General observations

22. The Committee welcomes the level of engagement demonstrated by the Party concerned in the Committee’s follow-up procedure on decision VII/8f, including the first progress report of the Party concerned, which was submitted on time.

Paragraph 2 (a) of decision VII/8f

23. In order to fulfil the requirements of paragraph 2 (a) of decision VII/8f, the Party concerned will need to provide the Committee, as a matter of urgency, 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:

- (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;
- (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;

Proper regulatory framework and/or clear instructions

24. In its first progress report, the Party concerned reports on various ways in which it has provided technical support and guidance to member States on how to carry out public participation in the preparation of their National Energy and Climate Plans (NECPs).³ This includes that:

As stated in the REPowerEU plan published on 18 May 2022, the Commission published guidance for the Member States’ update of their NECPs in the form of a notice published in the Official Journal of the European Union. This guidance includes a specific chapter 3.2 on an “Early and inclusive public participation in line with the Aarhus Convention” recalling the obligations of Member States stemming from both the Aarhus Convention and the Governance Regulation. The Guidance highlights the legal requirement for Member States to engage at the earliest stage possible to give the public early and effective opportunities to participate in the preparation of the draft updated NECPs in a transparent and fair framework. In particular, the Guidance stresses the importance to give the public reasonable time to participate when all options are still open and to access all relevant documents. Finally, the Guidance clearly indicates that the assessment of the NECPs will take “full account” of the Guidance provided in the document.⁴

² Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control).

³ Party concerned’s first progress report, 29 September 2023, pp. 2-3.

⁴ Party concerned’s first progress report, 29 September 2023, p. 2.

25. In its summary of concerns on the Party concerned's plan of action, the Committee had informed the Party concerned that:

With respect to paragraph 2 (a) of decision VII/8f, the Committee has repeatedly made it clear to the Party concerned that "a clear instruction would amount to a direction or order that has to be followed by the member States" (see, for example, para. 72 of the Committee's report to MOP7 on ACCC/M/2017/3 (EU)). The Committee has not been able to identify from the plan of action any measures either already taken, or that the Party concerned proposes to take, that would constitute "clear instructions" to member States regarding the recommendations in paragraph 2 (a) (i) and (ii) of decision VII/8f. The Committee accordingly invites the Party concerned to identify which of its proposed measures will constitute "clear instructions" to member States regarding the recommendations in paragraph 2 (a) (i) and (ii) of decision VII/8f.⁵

26. Having reviewed the Party concerned's first progress report, the Committee considers that the concern expressed above remains fully applicable. The Committee has not been able to identify from the first progress report any measures that the Party concerned has either already taken, or that it proposes to take, that would constitute "clear instructions" to member States regarding the recommendations in paragraph 2 (a) (i) and (ii) of decision VII/8f.

27. Based on the foregoing, the Committee considers that the Party concerned has not yet met the requirements of paragraph 2 (a) (i) and (ii) of decision VII/8f.

28. The Committee notes that, in its first progress report, the Party concerned states:

As it was already announced in the plan of action, 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, which will conclude at 28th Conference of the Parties to the UN Framework Climate Change Convention in 2023. The Commission report may be accompanied by legislative proposals where appropriate.⁶

29. Based on the above statement by the Party concerned, the Committee understands that the Commission's report on the operation of the Governance Regulation will be submitted to the European Parliament and Council in the coming months. Given the Committee's conclusion in paragraph 27 above, the Committee strongly encourages the Commission, in its report, to propose to the European Parliament and Council measures that, once taken, will amount to a "proper regulatory framework and/or clear instructions" to implement the requirements of paragraph 2 (a) of decision VII/8f so that the Party concerned is finally no longer in non-compliance in this regard.

30. The Committee requests the Party concerned, together with its final progress report due on 1 October 2024, to provide the texts of the legislative, regulatory or practical measures it has by that date taken to implement paragraph 2 (a) of decision VII/8f and to explain in its final progress report how those measures fulfil that paragraph.

Paragraph 2 (b) of decision VII/8f

31. In order to fulfil the requirements of paragraph 2 (b) of decision VII/8f, the Party concerned will need to provide the Committee, as a matter of urgency, with evidence that "it has adapted the manner in which it evaluates National Energy and Climate Plans accordingly".

32. In its summary of concerns on the Party concerned's plan of action, the Committee had informed the Party concerned that:

Regarding paragraph 2 (b) of decision VII/8f, the Committee points out that, given that member States are required to submit their draft updated NECPs by 30 June 2023, in order for the Commission's proposed assessment of each draft updated NECP to be

⁵ Email to Party concerned enclosing Committee's brief summary of concerns on the plan of action, 8 December 2022.

⁶ Party concerned's first progress report, 29 September 2023, pp. 3-4.

effective as a tool to lead to more effective public participation procedures by member States, it will be important that the Commission inform member States as soon as possible, and well before the completion of the member States' public participation procedure on their draft updated NECP, that the Commission will be assessing the extent to which the public participation procedure carried out by the member State on its draft updated NECP met the requirements of paragraph 2 (a) (i) and (ii) of decision VII/8f.⁷

33. In its first progress report, the Party concerned states that:

The Commission will publish an assessment of each draft updated NECP submitted and in its assessment, which is currently ongoing, 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.⁸

34. In their comments on the Party concerned's first progress report, the observers state that:

Firstly, it is not apparent from the progress report whether or not the European Commission has, as the Committee requested, informed Member States as soon as possible, and well before the completion of the Member States' public participation procedures on their draft updated NECP, that the Commission will be assessing the extent to which the public participation procedures carried out by the Member State on its draft updated NECP met the requirements of paragraph 2 (a) (i) and (ii).

Secondly, the European Commission's upcoming assessment of draft NECP updates which may be accompanied by country specific recommendations at the end of the year are an excellent opportunity to provide clear and tailored instructions for compliance with article 7 of the Convention and to provide evidence of an adapted manner in which the European Commission evaluates NECPs.⁹

35. The observers point out that, since the Commission's assessment is still underway, the extent to which the Party concerned has fulfilled paragraph 2 (b) is still hypothetical.¹⁰

36. The Committee welcomes the statement by the Party concerned in its first progress report that it will publish an assessment of each draft updated NECP, including on "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".

37. However, since the Party concerned has not provided the Committee with the practical measures, including the criteria, it is applying to assess the extent to which the public participation procedure carried out by each member State on its draft updated NECP met the requirements of paragraph 2 (a) (i) and (ii) of decision VII/8f, the Committee considers that the Party concerned has not yet demonstrated that it has fulfilled the requirements of paragraph 2 (b) of decision VII/8f.

38. The Committee invites the Party concerned, together with its final progress report due on 1 October 2024, to provide to the Committee the practical measures, including the criteria, it has applied to assess the extent to which the public participation procedure carried out by the member State on its draft updated NECP met the requirements of paragraph 2 (a) (i) and (ii) of decision VII/8f, together with any other measures the Party concerned has taken to

⁷ Email to Party concerned enclosing Committee's brief summary of concerns on the plan of action, 8 December 2022.

⁸ Party concerned's first progress report, 29 September 2023, p. 4.

⁹ Comments by the observers EEB, and others, on the Party concerned's first progress report, 30 October 2023, p. 2.

¹⁰ Comments by the observers EEB, and others, on the Party concerned's first progress report, 30 October 2023, p. 2.

implement paragraph 2 (b) of decision VII/8f and to explain in its final progress report how those measures fulfil that paragraph.

Paragraph 8 (a) and (b) of decision VII/8f

39. In order to fulfil the requirements of paragraph 8 (a) and (b) of decision VII/8f, the Party concerned will need to provide the Committee with evidence that it has taken 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,¹¹ or any superseding legislation:

- (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;
- (b) Due account of the outcomes of the public participation is taken, in a transparent and traceable way, in the decision-making.

40. In its summary of concerns on the Party concerned's plan of action, the Committee had informed the Party concerned that:

With respect to paragraph 8 of decision VII/8f, the Committee notes that the plan of action consistently refers to:

- (a) Opportunities for public participation at the project-permitting stage (which is irrelevant to the recommendation which concerns article 7 only);
- (b) Opportunities for the specified "relevant stakeholders", but not for members of the public, to participate.¹²

41. In its summary of concerns, the Committee accordingly invited the Party concerned to identify which provisions, if any, of the revised TEN-E Regulation or other measures in its plan of action specifically address the recommendations in paragraphs 8 (a) and (b) of decision VII/8f.¹³

Paragraph 8 (a) – main consultation documents, including public notice, in all official languages

42. With respect to its implementation of paragraph 8 (a) of decision VII/8b, the Party concerned in its first progress report states, inter alia, that:

Regarding the case at the basis of this decision, ACCC/C/2013/96, the Commission would like to recall that this case dates from 2013 and rests on the first [Projects of Common Interest (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, as outlined in the plan of action for decision VII/8f (European Union). In particular, five 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 and entered into force in June 2022, increasing public participation and transparency in the elaboration of the Union PCI lists throughout the process.

...

¹¹ 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.

¹² Email to Party concerned enclosing Committee's brief summary of concerns on the plan of action, 8 December 2022.

¹³ Email to Party concerned enclosing Committee's brief summary of concerns on the plan of action, 8 December 2022.

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. The EU follows a carefully considered and comprehensive strategy on public consultations. To ensure a wide and proportionate access to information, the Commission provides, in the public consultation, links to project-specific websites, which must be updated regularly by the project promoters and 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. This allows the public to read information on each of the PCI candidates consulted in all languages of the Member States concerned by the project.

...

In the elaboration of the first union list of PCIs and Projects of Mutual Interest (PMI) (currently ongoing), the provisions of Annex III of the revised TEN-E Regulation have provided for enhanced transparency and public participation in the process. A public consultation was organised for all candidate projects submitted. This public consultation referred to the project websites that project promoters must ensure where all information is available in all languages of the Member States concerned by the project, allowing the public to consult information in all such languages as part of the public consultation.¹⁴

43. With respect to the Party concerned's first progress report, the communicant of communication ACCC/C/2013/96 states that:

In the first consultation on PCIs, as communication ACCC/C/2013/96 documented, the only information available was the name of the project in the English language.

The Commission's first progress report is now stating how it:

(...) provides, in the public consultation, links to project-specific websites, which must be updated regularly by the project promoters and 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. This allows the public to read information on each of the PCI candidates consulted in all languages of the Member States concerned by the project.

This is a significant improvement allowing for effective public participation in the adoption of the PCI lists.¹⁵

44. In order to fulfil the requirements of paragraph 8 (a) of decision VII/8f, the Party concerned will need to provide the Committee with evidence that it has taken the "necessary legislative, regulatory or other measures and practical arrangements" to "ensure" that, in the decision-making on the proposed lists of PCIs and Projects of Mutual Interest (PMIs) under the TEN-E Regulation, "the main consultation documents, including the notification to the public, are provided to the public in all the official languages of the Party concerned."

45. In this regard, the Committee welcomes the statement made by the Party concerned in its first progress report that "the Commission provides, in the public consultation, links to project-specific websites, which must be updated regularly by the project promoters and include translations of their documents in all languages of the Member States concerned."

46. The Committee however points out that a bare statement by the Party concerned, in its first progress report, without more, does not amount to providing "evidence" to the Committee that it has taken necessary legislative, regulatory or other measures and practical arrangements to "ensure" that in public participation procedures on proposed lists of PCIs and Projects of Mutual Interest, the "main consultation documents, including the notification to the public", will be provided to the public in all the official languages of the Party concerned. The Committee therefore regrets that the Party concerned has not provided the

¹⁴ Party concerned's first progress report, 29 September 2023, p. 5.

¹⁵ Comments on Party concerned's first progress report from the communicant of communication ACCC/C/2013/96, 29 October 2023, p. 3.

text of any “legislative, regulatory or other measures and practical arrangements” that it has taken in this regard.

47. Based on the foregoing, the Committee is not yet in a position to conclude upon whether the Party concerned has met the requirements of paragraph 8 (a) of decision VII/8f.

48. The Committee requests the Party concerned, together with its final progress report due on 1 October 2024, to provide the texts of all legislative, regulatory or other measures and practical arrangements it has by that date taken to implement paragraph 8 (a) of decision VII/8f and to explain clearly in its final progress report how those measures fulfil that paragraph.

Paragraph 8 (b) – due account, in a transparent and traceable way

49. With respect to its implementation of paragraph 8 (b) of decision VII/8b, the Party concerned in its first progress report states that:

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 in the Plan of action for decision VII/8f (European Union). ...

The Commission considers that the implementation of the recommendation the Meeting of the Parties contained in paragraph 8 (b) of decision VII/8f was completed by the coming into force of the TEN-E Regulation, in June 2022.¹⁶

50. In its findings on communication ACCC/C/2013/96, the Committee found that, “by failing to demonstrate, in a transparent and traceable way, how due account was taken of the public participation on the first PCI list, the Party concerned failed to comply with article 7 in conjunction with article 6 (8) of the Convention.”¹⁷ Accordingly, in order to fulfil the recommendation in paragraph 8 (b) of decision VII/8f, the Party concerned will need to provide evidence to the Committee that it has taken the necessary measures to ensure that due account is taken, in a transparent and traceable way, of the outcomes of public participation on the proposed lists of PCIs and Projects of Mutual Interest.

51. The Committee regrets that, in its first progress report, the Party concerned has provided the Committee with no evidence that it has taken the “necessary legislative, regulatory or other measures and practical arrangements” to “ensure” that “due account of the outcomes of the public participation” is taken in a “transparent and traceable way” in the decision-making on the proposed lists of PCIs and Projects of Mutual Interest under the revised TEN-E Regulation.

52. Based on the foregoing, the Committee considers that the Party concerned has not yet met the requirements of paragraph 8 (b) of decision VII/8f.

53. The Committee requests the Party concerned, together with its final progress report due on 1 October 2024, to provide the texts of all legislative, regulatory or other measures and practical arrangements it has by that date taken to implement paragraph 8 (b) of decision VII/8f and to explain clearly in its final progress report how those measures fulfil that paragraph.

Paragraph 10 of decision VII/8f

54. In order to fulfil the requirements of paragraph 10 of decision VII/8f, the Party concerned will need to provide the Committee with evidence that it has put in place a legally

¹⁶ Party concerned’s first progress report, 29 September 2023, pp. 6-7.

¹⁷ ECE/MP.PP/C.1/2021/3, para. 137 (c).

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.

55. In its first progress report, the Party concerned reports that:

The EU addressed these recommendations through legislative amendments to Directive 2010/75/EU on industrial emissions (the IED)...and a proposal for the revision of the IED was adopted by the Commission on 5 April 2022.

Under the proposal, Article 24 (1) of the IED would be amended as follows:

- point (d) would be replaced by the following: ‘(d) the updating of a permit or permit conditions for an installation in accordance with Article 21 (5), points (a), (b) and (c)’;
- the following point (e) would be added: ‘(e) the updating of a permit in accordance with Article 21 (3) or Article 21 (4)’.

...

The Environment Council adopted its General approach on the Industrial Emissions Directive revision at its meeting of 16 March 2023. The European Parliament adopted its position on this legislative proposal on 11 July 2023.

...

The Commission proposal is currently being 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). It is hoped that the negotiations will be concluded during the Spanish Presidency of the Council of the EU, i. e. by the end of December 2023.¹⁸

56. The Committee welcomes the proposed amendments to article 24 (1) of the Industrial Emissions Directive. The Committee considers that, if enacted in their current form, the amendments would fully meet the requirements of paragraph 10 of decision VII/8f.

57. The Committee invites the Party concerned, together with its final progress report due on 1 October 2024, to provide the texts of the amended text of the Industrial Emissions Directive as by then in force.

IV. Conclusions

58. The Committee welcomes the level of engagement demonstrated by the Party concerned in the Committee’s follow-up procedure on decision VII/8f, including the Party concerned’s first progress report, which was submitted on time.

59. The Committee considers that the Party concerned has not yet demonstrated that it has fulfilled the requirements of paragraphs 2 (a) (i) and (ii) and (b) of decision VII/8f.

60. While welcoming the progress made to date in that direction, the Committee considers that the Party concerned has not demonstrated that it has met the requirements of paragraph 8 of decision VII/8f.

61. Regarding paragraph 10 of decision VII/8f, the Committee welcomes the proposed amendments to article 24 (1) of the Industrial Emissions Directive and considers that, if enacted in their current form, the amendments would fully meet the requirements of paragraph 10 of decision VII/8f.

62. The Committee requests the Party concerned, together with its final progress report due on 1 October 2024, to provide the texts of all legislative, regulatory, administrative or other measures it has by that date taken to implement paragraphs 2, 8 and 10 of decision

¹⁸ Party concerned’s first progress report, 29 September 2023, pp. 7-8.

VII/8f and to explain in its final progress report how those measures fulfil the recommendations in the decision.

63. The Committee reminds the Party concerned that all measures necessary to implement decision VII/8f must be completed by, and reported upon, by no later than 1 October 2024, as that will be the final opportunity for the Party concerned to demonstrate to the Committee that it has fully met the requirements of decision VII/8f.
