

Agenda item 6(a)(i): Compliance
28th Working Group of the Parties to the Aarhus Convention
Geneva, 2-4 July 2024

Thank you Chair. Just two brief remarks:

First, we wish to echo all of what my eloquent colleague Attracta has just said.

Second, we would be remiss if we failed to also address the EU's continued non-implementation of the Committee's findings and recommendations on communication C128, concerning a lack of access to justice to challenge state aid decisions, which is now known as M4. In this regard, we express our heartfelt thanks for Norway's remarks on this

As the Committee and many of us here know, the EU is in grave danger of not being able to timely implement the findings and recommendations for the meeting of the Parties (MOP) in 2025. This is a disastrous, unacceptable outcome. We note also it could have been avoided. The Committee has made clear that a small, discrete, surgical amendment to the Aarhus Regulation would bring the EU into compliance. But no measures have been taken to do this, or to take other measures to come into compliance. Instead, the EU has been dragging its heels.

While we welcome consultative approaches, we consider that in this case efforts have been numerous, prolonged and prevented real good faith action, concerning for example unnecessary studies outside the scope of the Committee's findings. Most recently a call for evidence undertaken in June, the deadline for response to which was quite short indeed. Now I do want to stress that the Commission has been engaged in its discussions with us, and we appreciate that. But the fact remains: Implementation seems as remote now as it was when the original C128 findings and recommendations were adopted in 2021.

This cannot stand. This must change now.

Thus, we call upon the EU, and its Member States, which are also critical actors in the adoption of adequate implementation measures, to act now to provide access to justice to challenge state aid decisions. And to avoid at all costs a repeat, for the third time, of the fiascos that occurred at the previous 2 MOPs concerning the EU's compliance

Thank you.