



Ms Ursula von der Leyen
President of the European Commission
European Commission
Rue de la Loi / Wetstraat 200
1049 Brussels
Belgium

Brussels, 24 January 2020

Dear President von der Leyen,

We are writing to follow up on our letter of 12 September 2019 concerning the EU's non-compliance with international law, namely the Aarhus Convention, due to the insufficient possibilities for access to justice at the EU level (earlier letter attached for convenience).

In October 2019, the Commission published the study that it had commissioned on options for resolving the problem. The study and the accompanying staff working document confirmed that the most effective way to address the problem and bring the EU into compliance with the Convention was through revising the Aarhus Regulation.

In December, the Commission's Communication on the European Green Deal (EGD) contained the commitment to 'consider revising the Aarhus Regulation to improve access to administrative and judicial review at EU level for citizens and NGOs who have concerns about the legality of decisions with effects on the environment'.

It is worth recalling that in June 2018, the Member States took the highly unusual step of adopting a Council Decision invoking Article 241 of the Treaty on the Functioning of the European Union in order to put pressure on the Commission to address the EU's non-compliance with Aarhus in a timely and effective manner. Specifically, the Decision called on the Commission to submit by 30 September 2019 a study on options for addressing the findings of the Compliance Committee and, if appropriate in view of the outcomes of the study, to submit by 30 September 2020 a proposal for revision of the EU legislation applying the provisions of the Convention to the EU institutions, known as the Aarhus Regulation.

In fact, the deadline of September 2020 stipulated in the Council Decision leaves little time for the EU to complete the co-decision process in time to be in compliance with the Convention before the next session of the Meeting of the Parties (MoP) to the Convention (Oct 2021). If the EU is not able to report to the other Parties that it is in compliance, or at least very advanced in the process of coming into compliance, by the time of the MoP, this will do further damage across the wider European and Central Asian region to the credibility of the EU as a proponent of democracy.

It is therefore of the utmost importance that the issuing of a legislative proposal for revision of the Aarhus Regulation is included in the Commission Work Programme for 2020 and is scheduled for release as early in the year as possible, preferably in the first quarter.

We hope that you will take our comments into account as you finalise the Commission Work Programme for 2020.

Yours sincerely,



Jeremy Wates
Secretary General
European Environmental Bureau



James Thornton
CEO
ClientEarth



Siim Vahtrus
Chairman
Justice & Environment

Cc: Frans Timmermans, Executive Vice-President, European Commission
Virginijus Sinkevicius, Commissioner, DG Environment
Daniel Calleja Crespo, Director General, DG Environment
Kurt Vandenberghe, Director, DG Research and Innovation