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III

(Preparatory acts)

EUROPEAN PARLIAMENT

P9_TA(2021)0397

Environment: The Aarhus Regulation ***I

European Parliament legislative resolution of 5 October 2021 on the proposal for a regulation of the European Parliament and of the Council Amending Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (COM(2020)0642 — C9-0321/2020 — 2020/0289(COD))

(Ordinary legislative procedure: first reading)

(2022/C 132/19)

The European Parliament,

— having regard to the Commission proposal to Parliament and the Council (COM(2020)0642),

— having regard to Article 294(2) and Article 192(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0321/2020),

— having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

— having regard to the opinion of the European Economic and Social Committee of 27 January 2021 ([1]),

— after consulting the Committee of the Regions,

— having regard to the provisional agreement approved by the responsible committee under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 23 July 2021 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,

— having regard to Rule 59 of its Rules of Procedure,

— having regard to the opinion of the Committee on Legal Affairs,

— having regard to the report of the Committee on the Environment, Public Health and Food Safety (A9-0152/2021),

1. Adopts its position at first reading hereinafter set out ([2]);

2. Takes note of the statement by the Commission annexed to this resolution;

3. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

([1]) OJ C 123, 9.4.2021, p. 66.
([2]) This position replaces the amendments adopted on 20 May 2021 (Texts adopted, P9_TA(2021)0254).

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P9_TC1-COD(2020)0289

Position of the European Parliament adopted at first reading on 5 October 2021 with a view to the adoption of Regulation (EU) 2021/… of the European Parliament and of the Council amending Regulation (EC) No 1367/2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies

(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Regulation (EU) 2021/1767.)

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ANNEX TO THE LEGISLATIVE RESOLUTION

Commission statement

The Commission remains committed to ensuring that the EU respects its international obligations in matters pertaining to the Aarhus Convention and in that context acknowledges the concerns expressed and findings adopted by the Aarhus Convention Compliance Committee in case ACCC/C/2015/128 ([1]) as regards state aid on 17 March 2021. The findings call on the EU to 'take the necessary legislative, regulatory and other measures to ensure that the Aarhus Regulation is amended, or new European Union legislation is adopted, to clearly provide members of the public with access to administrative or judicial procedures to challenge decisions on state aid measures taken by the European Commission under article 108(2) TFEU which contravene EU law relating to the environment, in accordance with article 9(3) and (4) of the Convention'.

The Commission is currently analysing the implications of the findings and assessing the options available. The Commission will complete and publish this assessment by the end of 2022. If appropriate, by the end of 2023, the Commission will come forward with measures to address the issue, in light of the obligations of the EU and its Member States under the Aarhus Convention and taking into account the rules of Union law concerning state aid.

([1]) For the ACCC/C/2015/128 case please see https://unece.org/env/pp/cc/accc.c.2015.128_european-union, para 131.