

Amendment 43**Marie Toussaint**

on behalf of the Greens/EFA Group

Report**A9-0152/2021****Christian Doleschal**Environment: The Aarhus Regulation
(2020/0289(COD))**Proposal for a regulation****Recital 4 a (new)***Text proposed by the Commission**Amendment*

(4 a) Article 9(3) of the Aarhus Convention provides that, within the framework of its national legislation, each Party is to ensure that members of the public concerned, where they meet the criteria laid down in its national law, have access to judicial or other review procedures to challenge the substantive and procedural legality of any decision, act or omission which contravenes provisions of its national law relating to the environment. The administrative review procedure under the Aarhus Regulation complements the overall Union system of administrative and judicial review that enables members of the public to have administrative acts reviewed via direct judicial challenges at Union level, namely under Article 263(4) TFEU, and, in accordance with Article 267 TFEU, via national courts, which form an integral part of the Union system under the Treaties. The criteria being laid down by this amending regulation for Regulation (EC) No 1367/2006 should not interfere with the criteria set by Member States, and Member States should be free to apply less stringent conditions for access to administrative or judicial review as they implement Article 9(3) of the Convention.

Or. en

