EIA Directive Art 11	Nature Restoration Regulation proposal Art 16	Ambient Air Quality Directive proposal Art 25
Article 11	Article 16	Article 27
	Access to justice	
1. Member States shall ensure that, in		Access to justice
accordance with the relevant national legal	1.Member States shall ensure that members of	
system, members of the public concerned:	the public, in accordance with national law, that	1. Member States shall ensure that, in
	have a sufficient interest or that maintain the	accordance with their national legal system,
<ul><li>(a) having a sufficient interest, or alternatively;</li></ul>	impairment of a right, have access to a review	members of the public concerned have access to a
	procedure before a court of law, or an	review procedure before a court of law, or another
(b) maintaining the impairment of a right, where	independent and impartial body established by	independent and impartial body established by law,
administrative procedural law of a Member State	law, to challenge the substantive or procedural	to challenge the substantive or procedural legality
requires this as a precondition;	legality of the national restoration plans and any	of all decisions, acts or omissions concerning air
	failures to act of the competent authorities,	quality plans referred to in Article 19, and short
have access to a review procedure before a court	regardless of the role members of the public	term action plans referred to in Article 20, of the
of law or another independent and impartial	have played during the process for preparing and	Member State, provided that any of the following
body established by law to challenge the	establishing the national restoration plan.	conditions is met:
substantive or procedural legality of decisions,		
acts or omissions subject to the public	2.Member States shall determine what	(a) the members of the public understood as one
participation provisions of this Directive.	constitutes a sufficient interest and impairment	or more natural or legal persons and, in accordance
	of a right, consistently with the objective of	with national law or practice, their associations,
2. Member States shall determine at what stage	providing the public with wide access to justice.	organisations or groups, have a sufficient interest;
the decisions, acts or omissions may be	For the purposes of paragraph 1, any non-	
challenged.	governmental organisation promoting	(b) where the applicable law of the Member State
	environmental protection and meeting any	requires this as a precondition, the members of the
3. What constitutes a sufficient interest and	requirements under national law shall be	public maintain the impairment of a right.
impairment of a right shall be determined by the	deemed to have rights capable of being impaired	
Member States, consistently with the objective	and their interest shall be deemed sufficient.	Member States shall determine what constitutes a
of giving the public concerned wide access to		sufficient interest and impairment of a right
justice. To that end, the interest of any non-	3.Review procedures referred to in paragraph 1	consistently with the objective of giving the public
governmental organisation meeting the	shall be fair, equitable, timely and free of charge	concerned wide access to justice.
requirements referred to in Article 1(2) shall be	or not prohibitively expensive, and shall provide	
deemed sufficient for the purpose of point (a) of	adequate and effective remedies, including	The interest of any non-governmental organisation
paragraph 1 of this Article. Such organisations	injunctive relief where necessary.	which is a member of the public concerned shall be
shall also be deemed to have rights capable of		deemed sufficient for the purposes of the first

being impaired for the purpose of point (b) of	4.Member States shall ensure that practical	paragraph, point (a). Such organisations shall also
paragraph 1 of this Article.	information is made available to the public on	be deemed to have rights capable of being impaired
paragraph i of this Article.	access to the administrative and judicial review	for the purposes of the first paragraph, point (b).
4. The provisions of this Article shall not evaluate	-	for the purposes of the first paragraph, point (b).
4. The provisions of this Article shall not exclude	procedures referred to in this Article.	
the possibility of a preliminary review procedure		2. To have standing to participate in the review
before an administrative authority and shall not		procedure shall not be conditional on the role that
affect the requirement of exhaustion of		the member of the public concerned played during
administrative review procedures prior to		a participatory phase of the decision-making
recourse to judicial review procedures, where		procedures related to Article 19 or 20.
such a requirement exists under national law.		
		3. The review procedure shall be fair, equitable,
Any such procedure shall be fair, equitable,		timely and not prohibitively expensive, and shall
timely and not prohibitively expensive.		provide adequate and effective redress
		mechanisms, including injunctive relief as
5. In order to further the effectiveness of the		appropriate.
provisions of this Article, Member States shall		
ensure that practical information is made		4. This Article does not prevent Member States
available to the public on access to		from requiring a preliminary review procedure
administrative and judicial review procedures.		before an administrative authority and does not
administrative and judicial review procedures.		affect the requirement of exhaustion of
		administrative review procedures prior to recourse
		to judicial review procedures, where such a
		requirement exists under national law.
		5. Member States shall ensure that practical
		information is made available to the public on
		access to administrative and judicial review
		procedures referred to in this Article.

Fit for 55 - Parliament Drafting

Effort Sharing Regulation Art 15b – EP Proposal	EPBD ITRE AM1400 - Matias	LULUCF AM 75
<u>8<sup>th</sup> June 2022</u>		
		(16a) The following Article 15a is inserted:
Article 15b	Article 24 a	
Access to justice	Access to Justice/Just Transition	'Article 15a
1. Member States shall ensure that, in	1. Member States shall ensure that, in	
accordance with their national legal system,	accordance with their national legal system,	Access to justice
members of the public concerned who meet the	members of the public concerned who meet the	
conditions set out in paragraph 2, including	conditions set out in paragraph 2, including	1. Member States shall ensure that, in accordance
natural or legal persons or their associations,	natural or legal persons and their associations,	with their national legal system, members of the
organisations or groups, have access to a review	organisations or groups have access to a review	public concerned who meet the conditions set out
procedure before a court of law, or another	procedure before a court of law or other	in paragraph 2 have access to a review procedure
independent and impartial body established by	independent and impartial body established by	before a court of law, or another independent and
law, to challenge the substantive or procedural	law with a view to challenging the substantive or	impartial body established by law, to challenge
legality of decisions, acts and omissions:	procedural legality of decisions, acts or	failure to comply with the legal obligations
<ul><li>(a) that fail to comply with the legal</li></ul>	omissions:	provided for in Articles 4 to 10.
obligations provided for in Articles 4 to 8 of this	(a) that fail to comply with the legal obligations	
Regulation; or	provided for in Articles 3, 5, 7, 8,9, 11, 15, 16, 19,	2. Members of the public concerned shall have
(b) that are subject to Article 10 of	20 of this Directive; or	access to the review procedure as referred to in
Regulation (EU) 2018/1999.	(b) that are subject to Article 10 of Regulation	paragraph 1 when:
For the purposes of this paragraph, an	(EU) 2018/1999.	
act or omission that fails to comply with legal	2. Members of the public concerned shall be	(a) they have sufficient interest; or
obligations arising under Articles 4 or 8 includes	deemed to meet the conditions referred to in	
an act or omission with respect to a policy or	paragraph 1 when:	(b) they allege impairment of a right, where
measure adopted for the purposes of	(a) they have a sufficient interest; or	administrative procedural law of a Member State
implementing those obligations, where that	(b) they claim the impairment of a right where	requires that as a precondition.
policy or measure fails to make a sufficient	administrative procedural law of a Member State	
contribution to such implementation.	requires such a right to be a precondition.	What constitutes a sufficient interest shall be
2. Members of the public concerned	3. Member States shall determine what	determined by Member States, consistently with
shall be deemed to meet the conditions referred	constitutes a sufficient interest for the purpose	the objective of giving the members of the public
to in paragraph 1 where:	of paragraph 2, consistent with the objective of	concerned wide access to justice and in conformity
(a) they have sufficient interest; or	giving the public concerned wide access to justice	with the Aarhus Convention on Access to
	in conformity with the Aarhus Convention on	

(b) they maintain impairment of a right,	Access to Information, Public Participation in	Information, Public Participation in Decision-Making
where administrative procedural law of a	Decision-Making and Access to Justice in	and Access to Justice in Environmental Matters.
Member State requires that as a precondition.	Environmental Matters. To that end, any	
What constitutes a sufficient interest	nongovernmental organisation promoting	To that end, the interest of any non-governmental
shall be determined by Member States	environmental protection and meeting any	organisation promoting environmental protection
consistently with the objective of giving the	requirements under national law shall be	and meeting any requirements under national law
members of the public concerned wide access to	deemed to have a sufficient interest or having	shall be deemed to have sufficient interest for the
justice and in conformity with the Aarhus	rights capable of being impaired for the purpose	purposes of this paragraph.
Convention. To that end, the interest of any non-	of paragraph 1 of this Article.	
governmental organisation promoting	4. This Article shall not exclude the possibility of	3. Paragraphs 1 and 2 shall not exclude the
environmental protection and meeting any	a preliminary review procedure before an	possibility of being able to have recourse to a
requirements under national law shall be	administrative authority and shall not affect the	preliminary review procedure before an
deemed to have sufficient interest for the	requirement of exhaustion of administrative	administrative authority and shall not affect the
purposes of this paragraph.	review procedures prior to recourse to judicial	requirement to exhaust administrative review
3. Paragraphs 1 and 2 shall not exclude	review procedures, where such a requirement	procedures prior to having recourse to judicial
the possibility of being able to have recourse to a	exists under national law. Any such procedure	review procedures, where such a requirement
preliminary review procedure before an	shall be fair, equitable, timely and not	exists under national law. Any such procedure shall
administrative authority and shall not affect the	prohibitively expensive.	be fair, equitable, timely and not prohibitively
requirement to exhaust administrative review	5. Member States shall ensure that practical	expensive.
procedures prior to having recourse to judicial	information is made easily available to the public	
review procedures, where such a requirement	on access to administrative and judicial review	4. Member States shall ensure that practical
exists under national law. Any such procedure	procedures.	information is made easily available to the public
shall be fair, equitable, timely and not		on access to administrative and judicial review
prohibitively expensive.		procedures.';
4. Member States shall ensure that		
practical information is made easily available to		
the public on access to administrative and		
judicial review procedures.'		