

Europakommisjonen
Rue de la Loi
B-1049 BRUSSEL

Your ref

Our ref
25/976-4

Date
20 March 2025

Consultation on the draft amendments to State aid Implementing Regulation and State aid Best Practices Code as regards access to justice in environmental matters

Reference is made to the consultation on the draft amendments to the State aid Implementing Regulation (EC) No 794/2004 and the State aid Best Practices Code (BPC), setting out a new mechanism which allows members of the public to request a Commission review of certain State aid decisions to establish whether they contravene EU environmental law.

As the EU and its Member States, Norway is a party to the Aarhus Convention and as such we underline the importance of fulfilling its obligations and the role of the Compliance Committee in this regard. The Norwegian Authorities therefore support the efforts of the European Commission to establish procedures for access to justice in environmental matters, in compliance with the EU obligations under the Aarhus convention and the findings of the Aarhus Convention Compliance Committee (ACCC). We underline the importance of continued dialogue with the ACCC in the process of adopting and implementing the necessary amendments, in view of the decisions concerning the compliance of the parties to be taken at the upcoming Meeting of the Parties of the Convention later this year.

Further, the Norwegian Authorities note that the proposed amendments seem to be based on the Option 2 identified by the Commission Communication presented in the public consultation 13 July 2022 to 5 October 2022 (the 2022 Consultation).

In our response to the 2022 Consultation, the Norwegian authorities noted that it was possible, but uncertain that the option 2 would address the findings of the ACCC. Further, we noted that option 1 in our view would best ensure an effective access to justice for

environmental NGOs and other members of the public. Since the proposed amendments seem to be based on option 2, we refer to Norway's contribution to the 2022 Consultation for a more detailed reasoning of our view of option 2 and the other options presented.

Further, as in our previous submissions, Norway would like to underline that neither EFTA itself nor any EFTA institutions in the EFTA pillar or joint bodies of the Agreement on the European Economic Area (EEA), are parties to the Aarhus Convention (The state of Norway and Iceland respectively has signed and ratified the Aarhus Convention, Liechtenstein has signed but not ratified). The Aarhus Regulation is consequently not incorporated into the EEA agreement. Therefore, any solutions relating to the Commissions state aid decisions to comply with the Aarhus convention and the findings of the ACCC in case ACCC/C/2015/128 will not directly affect the EFTA pillar of the EEA agreement or state aid decisions that are adopted by the EFTA Surveillance Authority.

Yours sincerely


Deputy Director General


Specialist Director

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