



2023/2522

16.11.2023

COMMISSION IMPLEMENTING DECISION (EU) 2023/2522

of 8 November 2023

on the request for registration, pursuant to Regulation (EU) 2019/788 of the European Parliament and of the Council, of the European citizens' initiative entitled 'Creation of a European Environment Authority'

(Only the Hungarian text is authentic)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative ⁽¹⁾, and in particular Article 6(2) and (3) thereof,

Whereas:

- (1) A request for registration of a European citizens' initiative entitled 'Creation of a European Environment Authority' was submitted to the Commission on 28 September 2023.
- (2) The objective of the initiative as expressed by the organisers is that the Commission 'set up a European Environment Authority, either as the successor to the European Environment Agency, exercising official powers, or as a new authority.' That Authority would have the power to 'take administrative decisions that are binding on Member States and natural and legal persons' and to 'authorise and supervise activities that have an environmental impact and act in cases of environmental pollution at EU level. In the latter case, it would penalise the polluter by prohibiting the polluting activity, restoring the baseline condition, imposing fines in proportion to the pollution, and so on, in line with the 'polluter pays' principle.'
- (3) An annex to the initiative provides further details on the subject matter, objectives and background to the initiative. It refers to the European Green Deal and explains that given that the Union 'is striving to become the world's first climate-neutral continent, this social and economic transformation will inevitably involve the spreading of new, complex technologies and the emergence of new, complex environmental impacts on the entire Union.' In this context, the initiative 'seeks to create an authority responsible for preventing environmental pollution at EU level that has the latest environmental expertise and, alongside the Member States' national environment authorities, takes binding administrative decisions whenever the environmental impact of Member States' agricultural, industrial or service activities extends beyond national borders and occurs at EU level'. The annex lists examples of 'environmental impacts and pollution at EU level' in respect of which the European Environment Authority could act, namely: transboundary air pollution; water pollution; marine pollution; soil contamination; noise pollution; transboundary waste management and climate change.
- (4) As regards the objective of the initiative, the Commission considers that the establishment of an environmental authority could be proposed on the basis of Article 192(1) of the Treaty on the Functioning of the European Union, concerning action to achieve the objectives pursued by the Union policy on the environment. In particular, the Commission could propose granting the environmental authority powers to issue binding administrative decisions, including the authorisation of activities with environmental impact, the prohibition of polluting activities and the imposition of penalties, provided that such decisional powers do not involve any policy discretion.
- (5) For those reasons, the Commission considers that none of the parts of the initiative manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties.

⁽¹⁾ OJ L 130, 17.5.2019, p. 55, ELI: <http://data.europa.eu/eli/reg/2019/788/oj>.

- (6) That conclusion does not affect the assessment of whether the concrete substantive conditions required for the Commission to act, including compliance with the principles of proportionality and subsidiarity and compatibility with fundamental rights, would be met in this case.
- (7) The group of organisers has provided appropriate evidence that it fulfils the requirements laid down in Article 5(1) and (2) of Regulation (EU) 2019/788 and has designated the contact persons in accordance with Article 5(3), first subparagraph, of that Regulation.
- (8) The initiative is not manifestly abusive, frivolous or vexatious, nor is it manifestly contrary to the values of the Union as set out in Article 2 of the Treaty on European Union or to the rights enshrined in the Charter of Fundamental Rights of the European Union.
- (9) The initiative entitled 'Creation of a European Environment Authority' should therefore be registered.
- (10) The conclusion that the conditions for registration under Article 6(3) of Regulation (EU) 2019/788 are fulfilled does not imply that the Commission in any way confirms the factual correctness of the content of the initiative, which is the sole responsibility of the group of organisers of the initiative. The content of the initiative only expresses the views of the group of organisers, and can in no way be taken to reflect the views of the Commission,

HAS ADOPTED THIS DECISION:

Article 1

The European citizens' initiative entitled 'Creation of a European Environment Authority' shall be registered.

Article 2

This Decision is addressed to the group of organisers of the citizens' initiative entitled 'Creation of a European Environment Authority', represented by Anna Júlia DONÁTH and Ms Rebeka HEVESI acting as contact persons.

Done at Brussels, 8 November 2023.

For the Commission
Věra JOUROVÁ
Vice-President