Council of the European Union

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'A' ITEM NOTE

From:	General Secretariat of the Council
To:	Council
Subject:	Draft REGULATION 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 **(first reading)** - Adoption of the legislative act

1. On 14 October 2020, the Commission sent its proposal[1], based on Article 192(1) TFEU, to the Council.

2. The European Committee of the Regions was consulted and decided not to give an opinion.

3. The European Economic and Social Committee delivered its opinion on 27 January 2021[2].

4. On 23 July 2021, the Permanent Representatives Committee endorsed the agreement reached in trilogues and authorised the Chair to send a letter to the Chair of the ENVI Committee stating that should the European Parliament adopt its position at first reading in the form set out in that letter, subject to revision by the legal linguists of both institutions, the Council would approve the European Parliament's position and the act shall be adopted in the wording which corresponds to the European Parliament's position.

[1] 11853/20
[2] OJ C 123, 9.4.2021, p. 66–71

5. The European Parliament adopted its position at first reading at its plenary on 5 October 2021[3].

6. At its meeting on 1 October 2021, the Permanent Representatives Committee agreed to invite the Council to approve the European Parliament's position at the first reading as set out in PE-CONS 63/21 as an 'A' item at a forthcoming meeting, with Sweden abstaining.

7. The joint statement by Luxembourg, Austria and Denmark for the minutes of the Council meeting is set out in Addendum 1 to this note.

8. The Council is invited to approve the European Parliament's position at the first reading as set out in PE-CONS 63/21.

9. If the Council approves the European Parliament's position, the act shall be adopted in the wording, which corresponds to the European Parliament's position.

   After being signed by the President of the European Parliament and the President of the Council, the legislative act will be published in the *Official Journal of the European Union.*

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[3] 12389/21