

Brussels, 10 October 2025
(OR. en)

13853/25

LIMITE

ENV 990
JUR 662
INF 185
ONU 65
RELEX 1276

Interinstitutional File:
2025/0316 (NLE)

NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Draft COUNCIL DECISION on the position to be taken on behalf of the European Union at the eighth session of the Meeting of the Parties to the Aarhus Convention regarding communications ACCC/C/2015/128 concerning access to justice regarding State aid decisions, ACCC/C/2013/96 concerning Projects of Common Interest, ACCC/C/2014/121 concerning Industrial Emissions Directive and ACCC/C/2010/54 concerning National Energy Action Plans
- Presidency compromise text

Delegations will find in the Annex a Presidency compromise text for a draft Council Decision on the position to be taken on behalf of the European Union at the eighth session of the Meeting of the Parties to the Aarhus Convention regarding communications ACCC/C/2015/128 concerning access to justice regarding State aid decisions, ACCC/C/2013/96 concerning Projects of Common Interest, ACCC/C/2014/121 concerning Industrial Emissions Directive and ACCC/C/2010/54 concerning National Energy Action Plans.

Following the WPIEI (UNECE Aarhus) meeting on 1 October 2025 and WPE meeting on 6 October 2025, and the call for comments, the Presidency prepared the compromise text in the Annex.

Changes to the Commission's proposal (doc. 13400/25) are set out in **bold** and ~~strikethrough~~ for deletions.

Draft

COUNCIL DECISION

on the position to be taken on behalf of the European Union at the eighth session of the Meeting of the Parties to the Aarhus Convention regarding communications ACCC/C/2015/128 concerning access to justice regarding State aid decisions, ACCC/C/2013/96 concerning Projects of Common Interest, ACCC/C/2014/121 concerning Industrial Emissions Directive and ACCC/C/2010/54 concerning National Energy Action Plans

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 17 February 2005, the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters (the Aarhus Convention)¹ was approved, on behalf of the European Community, by Council Decision 2005/370/EC.²

¹ OJ L 124, 17.5.2005, p. 4.

² Council Decision 2005/370/EC of 17 February 2005 on the conclusion, on behalf of the European Community, of the Convention on access to information, public participation in decision-making and access to justice in environmental matters (OJ L 124, 17.5.2005, p. 1).

- (2) Pursuant to Article 15 of the Aarhus Convention, the Aarhus Convention Compliance Committee (the Compliance Committee) was established. The Compliance Committee is competent to review compliance by the Parties to the Aarhus Convention of their obligations under that Convention.
- (3) The Meeting of the Parties (MoP), during its eighth session, **and the Joint High Level Segment, taking place from on 17 to- 20 19 November 2025, is are** to adopt decision VIII/8e concerning compliance by the EU with its obligations under the Convention, including the findings in relation to communication ACCC/C/2015/128 in relation to access to justice in environmental matters regarding final State aid decisions and recommendations in decision VII/8f in relation to National Energy and Climate Plans, Projects of Common Interest and the Industrial Emissions Directive. If the findings are adopted by the MoP **as Decisions**, they would ~~gain the status of official interpretation of the Aarhus Convention and be legally binding on the Parties to the Convention and the Aarhus Convention bodies.~~
- (4) The envisaged decision of the MoP thus has legal effects.
- (5) It is necessary to establish the position to be taken on the EU's behalf at the eighth session of the MoP.

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the EU's behalf at the eighth session of the MoP concerning compliance by the EU with its obligations under the Aarhus Convention in relation to access to justice in environmental matters regarding final State aid decisions, as addressed in communication ACCC/C/2015/128, shall be to endorse draft decision VIII/8e as well as to welcome the report submitted by the ACCC on request ACCC/M/2021/4 of the MoP concerning compliance by the European Union.

Article 2

The position to be taken on the EU's behalf at the eighth session of the MoP concerning compliance by the EU with its obligations under the Aarhus Convention in relation to National Energy and Climate Plans (NECPs), Projects of Common Interest (PCIs) and the Industrial Emissions Directive, as addressed in communications ACCC/C/2010/54, ACCC/C/2013/96 and ACCC/C/2014/121 and in decision VII/8f, shall be to endorse draft decision VIII/8e, if the following points are reflected in that decision:

- in relation to NECPs, the decision acknowledges and welcomes that the EU has made significant progress to ensure compliance with the Compliance Committee's findings and recommendations on communication ACCC/C/2010/54 in relation to Articles 6 (4) and 7 of the Convention, and that the EU has complied with part of those findings as regards adoption of *instructions* for the purposes of paragraph 2(a) of decision VII/8f;
- in relation to PCIs, the decision recognises the improvements made by the EU, through practical arrangements, to fulfil the requirements of paragraphs 8 (a) and (b) of decision VII/8f and to comply with Articles 3 (2), 4 and 7 of the Convention.

Article 3

Minor ~~technical~~ changes to the positions referred to in Articles 1 and 2 may be agreed upon by representatives of the EU, in consultation with **the** Member States, **during coordination** on the spot without a further decision of the Council.

Article 4

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

For the Council

The President
