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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	13400/25
Subject:	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 - Adoption

1. The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) is the only international legally binding instrument giving the public broad and concrete rights of participation in decision-making and access to information and justice regarding the environment. The eighth session of the Meeting of the Parties to the Aarhus Convention (MOP8) will take place from 17 to 19 November 2025 in Geneva. The EU and all Member States are Parties to the Aarhus Convention.

2. Under Aarhus Convention, the Compliance Committee has been tasked to review Parties' compliance with the Convention, and at every session of the Meeting of the Parties, decisions on non-compliance by specific Parties are considered and adopted. One of the items on the MOP8 agenda is Decision VIII/8e concerning compliance by the Union with its obligations under the Aarhus Convention, including the findings of the Compliance Committee 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 Directive 2010/75/EU.

3. On 30 September 2025, the Commission submitted to Council a proposal for a 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[1].

4. The Commission's proposal was examined by the Working Party on International Environmental Issues (UNECE Aarhus) on 1 October 2025 and by the Working Party on the Environment on 6 October 2025. Based on the discussions at these two meetings and on comments sent by delegations, the Presidency prepared a compromise text[2]. An informal silence procedure, which ended on 13 October 2025, confirmed that there was a qualified majority in favour of the Presidency compromise text. The text has undergone legal-linguistic revision[3], in which, among others, the changes in recital 3 were done in order to align it with the Council Decision (EU) 2021/2271[4].

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[1] Doc. 13400/25.
[2] Doc. 13853/25.
[3] Doc. 13931/25
[4] ELI: http://data.europa.eu/eli/dec/2021/2271/oj

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5. In view of the above, the Permanent Representatives Committee is invited to recommend to the Council to:

a) adopt the draft Council Decision set out in document 13931/25 (text finalised by the lawyer-linguists) as an "A" item on the agenda of one of its forthcoming sessions;

b) inform the European Parliament of the adoption in accordance with Article 218(10) TFEU.

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