



Council of the
European Union

Brussels, 4 June 2018
(OR. fr)

9649/18
ADD 1

LIMITE

ENV 394
JUR 256
DEVGEN 81
RELEX 500
ONU 44

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft Council Decision (EU) 2018/... requesting the Commission to submit a study on the Union's options for addressing the findings of the Aarhus Convention Compliance Committee in case ACCC/C/2008/32 and, if appropriate with a view to the outcomes of the study, a proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1367/2006
- Adoption
= Statement

Joint statement by the French, Luxembourg, Italian and Spanish delegations, supported by the Latvian delegation

At the sixth session of the Meeting of the Parties to the Aarhus Convention (MoP 6) held in Budva (Montenegro) from 11 to 14 September 2017, the European Union and its Member States found themselves in a deadlock regarding draft decision VI/8f on communication ACCC/C/2008/32 concerning compliance by the European Union with its obligations on access to justice under the Aarhus Convention.

We welcome the Presidency's initiative of submitting a draft Council decision, based on Article 241 TFEU, aimed at overcoming the deadlock encountered in Budva. The initial draft asked the European Commission to submit a proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1367/2006 in order to bring it fully into line with Article 9(3) and (4) of the Aarhus Convention.

We regret, however, the lack of ambition in the final version of the draft decision, regarding two points in particular:

- The revision of Regulation (EC) No 1367/2006 no longer appears clearly as the objective of the decision but as one possible option among others;
- The deadline by which the European Commission is requested to submit its proposal (30 September 2020) seems too remote in light of the date of the next session of the Meeting of the Parties to the Aarhus Convention, scheduled for 2021.

The Aarhus Convention is an emblematic instrument for environmental democracy. We hope that the European Union and its Member States, historic supporters of the Convention, will continue to show a high level of ambition in this respect.