

SUMMARY OF MEETING**Date and place:** Brussels, 16.12.2003**DG ENV participants:** [REDACTED], [REDACTED], [REDACTED]**Subject:****COUNCIL**

Environment Group

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Atomic Questions Group

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Coreper

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Council

☐**PARLIAMENT**

Environment Committee

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Petitions Committee

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Other

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Plenary session

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Rapporteur:

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COMMISSION

Committee

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Experts Group

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Interservices meeting

☐**Agenda item:** 'Århus package', proposal for a Directive on access to justice in environmental matters**Legal basis:** Article 175(1)**State of play of the decision-making process:** First reading**Results of the meeting:**

The meeting dealt exclusively with one component of the Aarhus package, the proposed Directive on access to justice, [REDACTED]

Out of scope

On the substance, interrupted by a parallel COREPER meeting which Attachés had to attend, the Group examined the text of the Directive up to Article 6. Overall, most delegations expressed general reservations on the text, and in this context, a number mentioned that they were concerned that in particular the principle of 'proportionality' was not met by the proposed instrument (D, AU, F, SW, Lux, PT, FIN expressing in particular a scrutiny on the legal basis).

Out of scope

In relation to Article 3 on access to justice relating to impairments of environmental law by private persons, a number of delegations expressed problems – in particular as the present provision would not leave the possibility to provide for such redress via the public administration – a possibility which the Århus Convention was seen to grant (D, AU, Dk, UK, who more generally insisted that it was problematic to take this Article out of the general context of Århus Article 9(3). Particularly problematic to many appeared also the provisions on 'interim relief' and the entire concept of a compulsory preliminary internal review by the administration as a requirement preceding access to the courts.

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