

WPIEI Aarhus on 13/05/2013

Participants: IE Presidency, BE, BG, CZ, DK, DE, EL, ES, FR, IT, LV, LT, MT, NL, AT, RO, SE, FI, UK + COM [REDACTED]

[REDACTED] + Council Secretariat

The main objective of the meeting was to prepare the 16th Working Group of the Parties (WGP) to the Aarhus Convention in Geneva (19-21 June 2013) and to discuss access to justice non-paper. [REDACTED]

Out of scope

1. Preparation for WGP-15

[REDACTED]

[REDACTED]

[REDACTED]

Out of scope

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

out of scope

5. Discussion on the access to justice topic:

represented the Commission on this topic. A detailed presentation was provided from the perspective of the pending access to justice proposal and future options to be considered by the Commission on the topic.

- The non-paper was generally welcomed and the idea of a Commission Impact Assessment also seemed to find general support;
- There were interventions from **BG, ES, BE, DE, FR, DK, SE, UK, AT and LV**;
- FR and UK are opposed to a directive without going into any detailed reasoning: DE is not yet convinced about a directive but provided a quite thoughtful paper in response to the non-paper;
- informally HU delegate, who could not attend the meeting, indicated that they were open for further discussions and welcome the initiative for an impact assessment on the subject,
- MS were invited to send further comments and submissions by mid-June.

Main elements of the very clear and concise presentation of the non-paper can be summarized as follows:

- The structure of the presentation followed four main elements from the perspective of a possible Commission action on access to justice (why, what, who, how);

WHY?

- Outline of impasse in Council, as regards the pending access to justice proposal, as MS were unhappy because of the lack of an appropriate subsidiarity test,

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WHAT?

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WHO?

Out of scope

HOW?

Out of scope

MS comments:

BG:

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- need for secondary law provisions on access to justice.

ES

- in general supportive of issues raised in the non-paper,

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DE

- drawing attention to differences between Article 9 (2) and (3) of the Convention, the former being already implemented by secondary law and the latter as the basis for the pending Directive,

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FR

- invoked the principle of procedural autonomy and states that FR is not favourable for a too prescriptive EU instrument,

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DK

- [REDACTED]
- question, if a new DIR would replace all existing secondary law on access to justice in env matters,

[REDACTED]
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[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
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[REDACTED]

AT

[REDACTED]
Out of scope
[REDACTED]

- COM activity in the field could be helpful, guidance or binding instrument, remains to be seen.

[REDACTED]
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[REDACTED]

UK

- not in favour of a Directive,
[REDACTED]
[REDACTED]

[REDACTED]
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[REDACTED]

LV

- expressed doubts as regards a future obligation to have to transpose a new Directive,
- indicated preference to rather adapt legal system based on CJEU indications,

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