



EUROPEAN COMMISSION

DIRECTORATE-GENERAL

ENVIRONMENT

Directorate A - Governance, Communication and Civil Protection

ENV.A.3 - Legal Affairs & Governance

03.03.2005

Brussels,
ENV.A.3 /**MEETING REPORT**

Subject: Council Environment Group, proposal for a Directive on access to justice in environmental matters

DG ENV participants: [REDACTED], [REDACTED], ENV.A.3

State of play of the decision-making process:

First reading. Council discussed this proposal only at the occasion of two meetings under the Italian Presidency (end 2003). The European Parliament gave its first reading opinion on 31 March 2004 (Rapporteur then: Ms Inger Schörling; now: Ms Rebecca Harms, Greens)

Results of the meeting:

In its introduction, the Presidency (Mr Claude Franck) reiterated the political commitment in relation to the adoption of this Directive expressed in the Presidency conclusions of the European Council in March 2003. He also reported back that, according to his most recent contacts with the EP, both the Rapporteur, and the shadow Rapporteur had given a 'préjugé favorable', which was reflecting the views of all the political groups. The Commission made some general considerations in the light of the overall progress made in the Aarhus package and its implications on the proposal.

Delegations were then asked to give their position. The overall picture was one of a large amount of scepticism as to the appropriateness of such a Directive, and concern that it would be difficult to reconcile very diverging national approaches (AU, DE, FR, SE, FI, IT, DK, LV). Many of those who spoke considered that the Directive was not necessary to implement the Aarhus Convention. The second main argument in favour of the Directive, i.e. to improve the implementation of Community environmental law, appeared to be considered of greater weight overall; still its relevance would need to be demonstrated more (in that sense UK, who indicated that they were re-visiting their position, also in the light of general political factors concerning the development of the Aarhus Convention).

Only ES, GR, BE expressed a frankly favourable opinion, with BE considering that Article 9(3) of the Aarhus Convention indeed had consequences as regards the need for Community legislation. PT (who has 'action popularis') considered that it would be interesting to demonstrate the necessity of the Directive with a study, SK did not have a fixed position, but a positive point of departure.

Out of scope

Cc: Messrs Lawrence, [REDACTED]
[REDACTED]