



**COUNCIL OF
THE EUROPEAN UNION**

GENERAL SECRETARIAT

Brussels, 31 August 2004

DS 566/04

LIMITE

MEETING DOCUMENT

Subject :

- Proposal for a Regulation of the European Parliament and of the Council on the application of the provisions of the Åarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to EC institutions and bodies
- Proposal for a Directive of the European Parliament and of the Council on access to justice in environmental matters
- Proposal for a Council Decision on the conclusion, on behalf of the European Community, of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Delegations will find attached the contribution of the Slovak Republic on the issues on which the Dutch Presidency asked for written comments at the Working Party on Environment of 26 July 2004.

Statement of the Ministry of Environment of the Slovak Republic on a Commissions position on the amendments adopted by European Parliament to a proposal for a Regulation of EP and the Council on the application of the provisions of the Århus Convention.

COM (2003)622 final

Regulation transposes all three pillars of the Århus Convention in relation to European Community institutions. Approval of the proposal shall have no direct impact on procedures in Slovak Republic but shall have only indirect impact as „a inspiration“ for national legislation, especially in the third pillar. Commissions' proposal only adopts those provisions of the Åarhus Convention, which are essential for the Regulation.

Most amendments, proposed by the European Parliament go beyond the scope of the Århus Convention.

Ministry of Environment of the Slovak Republic recommends to agree on minimum idea of the proposal, which is in our opinion adequate and sufficient.

Proposed amendments:

- 1) To take into the consideration, in Article 8 to put in an obligation for a Member State to keep one or more lists of relevant non-governmental organizations.
- 2) In Article 13, to put in an obligation for the Commission to keep public list of qualified entities, which meet criteria laid down in article 12.

Justification of proposed amendments:

It is important to know, which relevant non-governmental organizations and qualified entities meet criteria laid down by national law at certain time.

Statement of the Ministry of Environment of the Slovak Republic on a Commissions position on the amendments adopted by the European Parliament to a proposal for a Directive of EP and the Council on access to justice in environmental matters.

COM (2003)624 final

Statement of the Ministry of Environment of the Slovak Republic:

Most of the amendments proposed by the European Parliament go beyond a scope of Århus Convention. Since the third pillar of the Convention represents for the Slovak Republic a very ambitious goal, we recommend to agree on Commissions position, which comes out from the minimum scope of the proposal including the right of a Member State to provide a wider access to justice if necessary.

Proposed amendment:

We suggest to put in the Article 9, paragraph 4 at the end of the sentence the following words: *„and keep public list of qualified entities that meet criteria set out in Article 8”*.

Justification of a proposed amendment

It is important to know, which of the qualified entities meet the criteria laid down by the national law at certain time. Public list is also important in relation to Article 5, paragraph 2 of a proposal – the right of qualified entities to submit a request for internal review in another Member State.