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INFORMATION NOTE

From: Legal Service
To: Permanent Representatives Committee/Council
Subject: Case before the General Court of the European Union:
- Case T-565/14 European Environmental Bureau ("EEB") against
European Commission

1. In the abovementioned case the applicant seeks the annulment of a Commission decision by which it declared inadmissible a request for internal review, pursuant to European Parliament and Council Regulation 1367/2006¹. That request related to a Commission decision regarding the notification by the Republic of Poland of a transitional national plan pursuant to Article 32 of Directive 2010/75 of the European Parliament and of the Council.
2. In addition to its primary claims against the Commission, the applicant has also indirectly challenged the legality of Regulation 1367/2006, claiming that it is unlawful in the light of the Aarhus Convention². In so far as an act of which the Council was co-author is being challenged, it is appropriate for the Council to intervene, in support of the form of order being sought by the Commission, in order to defend the validity of Regulation 1367/2006.
3. The Director-General of the Legal Service has appointed Mr Matthew MOORE and Ms Marion SIMM, legal advisers, as agents to represent the Council in this case.

¹ OJ L264/13 of 25.9.2006.

² Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, 1998.