



Council of the  
European Union

Brussels, 12 April 2024  
(OR. en)

8696/24

PECHE 140  
ENV 406  
CLIMA 152

#### 'I/A' ITEM NOTE

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| From:    | General Secretariat of the Council                                                                                                                                                                                                                                                                                                                                                                                      |
| To:      | Permanent Representatives Committee (Part 1)/Council                                                                                                                                                                                                                                                                                                                                                                    |
| Subject: | Coalition Clean Baltic (CCB) Request for internal review under Title IV of the Aarhus Regulation in relation to COUNCIL REGULATION (EU) 2023/2638 of 20 November 2023 fixing the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2024 and amending Regulation (EU) 2023/194 as regards certain fishing opportunities in other waters<br>- Approval of a letter |

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#### I. INTRODUCTION

1. On 23 January 2024, the Council received, on behalf of Clean Baltic Coalition, a request for internal review of certain provisions of Council Regulation (EU) 2023/2638 of 20 November 2023 fixing the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2024 and amending Regulation (EU) 2023/194 as regards certain fishing opportunities in other waters.

2. This request is based on Article 10 of Regulation No 1367/2006 ('the Aarhus Regulation')<sup>1</sup>, as amended by Regulation (EU) 2021/1767<sup>2</sup>, and on Commission Decision (EU) 2023/748 of 11 April 2023<sup>3</sup>. The amended Aarhus Regulation allows any non-governmental organisation that meets the criteria set out in Article 11 of that Regulation to submit a request for internal review to the Union institution or body that has adopted an administrative act containing provisions that may infringe environmental law within the meaning of that Regulation.
3. Clean Baltic Coalition requests the Council to review Council Regulation (EU) 2023/2638 of 20 November 2024 in accordance with the Aarhus Regulation and, more specifically, to amend the fishing opportunities (fixed in the form of total allowable catches — TACs) for Central Baltic herring, Bothnian herring and sprat in order to bring them in line with environmental law within the meaning of the Aarhus Regulation, in particular a series of provisions of secondary legislation adopted under the Common Fisheries Policy (CFP).
4. The Working Party on Fisheries Policy examined the request for internal review on 9 February 2024 and 11 April 2024. It reached an agreement on the draft reply to Clean Baltic Coalition on 11 April 2024 via written consultation.<sup>4</sup>
5. The draft reply (ST 7658/24 REV 2) explains in detail why, after careful examination of Clean Baltic Coalition's arguments, the Council considers that it has not infringed environmental law and does not consider it necessary to amend the contested TACs.

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<sup>1</sup> Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies, OJ L 264, 25.9.2006, p. 13-19.

<sup>2</sup> Regulation (EU) 2021/1767 of the European Parliament and of the Council of 6 October 2021 amending Regulation (EC) No 1367/2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies.

<sup>3</sup> Commission Decision (EU) 2023/748 of 11 April 2023 laying down detailed rules for the application of Regulation (EC) No 1367/2006 of the European Parliament and of the Council on the Aarhus Convention as regards requests for internal review of administrative acts or omissions (OJ L 99, 12.4.2023).

<sup>4</sup> ST 8789/24.

6. The reply, when approved by the Council, would constitute the Council's decision on the above-mentioned request for internal review.

## II. **CONCLUSION**

7. In view of the above, the Permanent Representatives Committee is invited to confirm the agreement on the draft reply, as set out in doc. ST 7958/24 REV 2 reached by the Working Party of Fisheries Policy via written consultation on 11 April 2024 and to recommend the Council to approve the reply.