

From: [Daniele.Franzone](#)
To: [Jan.Darpo](#)
Cc: [Maryna Yanush](#); [Aurel.CIOBANU-DORDEA](#) ; [Liam-Joseph.Cashman](#) ;
[Robert.KONRAD](#)
Subject: DRAFT REPORT FROM THE CHAIR TO TFA2J - VERSION OF 22.02.19
Date: Thursday, March 14, 2019 17:57:56
Importance: High

Dear Mr Darpo,

Please find enclosed my comments to your Draft report of 22 February 2019. I am seizing this opportunity to add some remarks on the future process, including the possible comments from all interested parties to be submitted by 8 April 2019.

Page 9- Question 5 under 'Summary of the responses'

'In general, there are set time frames in law for administrative reconsideration or review. These are often rather short, ranging from 15 days to two months. However, there are exemptions to this rule, such as Article 10 of Regulation 1367/2006, which states that internal reconsideration within the institutions of the EU shall be made within 18 weeks. For judicial review in court, formal time frames do not seem to frequently apply, apart from general requirements for the expedient handling of information cases. In some of the studied' The sentence in red has to be deleted because, as you pointed out, the matter is regulated by Article 8 of the Regulation 1049/2001 which deals with the remedies.

I am seizing this opportunity to make four other remarks:

- 1) Page 21 under European Union under point 1 Time limits ... 'Promptly' (Art 7 in 1049/2001), that is 15 days from request, ...'

I would suggest another wording : *'Promptly' (Art 7 in Regulation n. 1049/2001), and, at the latest, within 15 working days from request, ...'*. In fact, the reply should be given promptly, i.e. even before the 15 working days, whenever possible. The deadline of 15 working days is the maximum deadline for replying.

- 2) Page 22 under European Union under point 10 Main barriers 'Free of charge, no standing issues, quick, LPP...'

I would suggest to add at the end: *'Free of charge, no standing issues, quick, LPP, no court fees are required ...'*

- 3) Page 9- Question 4 under 'Summary of the responses'

'Concerning costs in judicial review proceedings in information cases, the responses are not very elaborate, but court fees seem to be common. However, they seem to be at a rather low level, ranging from €3,50 (RS) to €50 (IE), €70 (SK), €150 (GE) and €210-300 (IE)....'

I would suggest to add at the end: 'Concerning costs in judicial review proceedings in information cases, the responses are not very elaborate, but court fees seem to be common. However, they seem to be at a rather low level, ranging from €3,50 (RS) to €50 (IE), €70 (SK), €150 (GE) and €210-300 (IE). However, for the EU courts no court fees apply (EU).'

- 4) In the introduction (pages 3 to 5) but also in other parts (such as 16-18) you used I or my (first person of the singular). I could accept it if the report is a report from the Chair under its responsibility. However, if this is a report from the Task Force to Working Group, it is advisable to use an impersonal way, such as the third person of the singular. This depends on the will and the decision of the Task force itself.

In this framework, the item Discussion on Article 9.1 of the Aarhus Convention (pages 16 to 18) I have difficulties in accepting this section which is quite critical. I might accept if this is a report from the Chair, but not if the document is a report from Task Force to Working Group.

I confirm to you that the European Commission intends to use its right of reply, if attacks to our contribution were submitted in writing by 8 April 2019. Moreover, I would like that our reply is made available on Internet as the contributions received by this date.

Because I had to leave before the ending of the meeting (due to the flight) I do not exactly some final decisions.

I remain at your disposal for possible further clarifications.

Yours faithfully,

Daniele Franzone
Senior Expert

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