Public access to environmental information (repeal. Directive 90/313/EEC)

2000/0169(COD) - 29/06/2000 - Document attached to the procedure

This Commission Report is made in accordance with article 8 of Directive 90/313/EEC on freedom of access of information on the environment. It is written in the light of the experience gained by Member States in the operation of the Directive which has been the subject of reports made by them. It also takes into account reports made by non-governmental organisations (NGOs) active in the environmental sphere and developments in Community and international law. The national reports indicated that Member States themselves raised questions about the scope and interpretation of the Directive and made suggestions for improvement. In some cases, such as the definition of authorities required to supply information, time-limits and exceptions, some Member States had adopted legislation which marked an advance on the strict provisions of the Directive. The national reports showed that the implementation of the Directive brought positive results. In many cases, few problems were encountered. Nonetheless, experience gained in the application of the Directive has enabled the identification of a number of concrete difficulties identified by Member States, NGOs and those requesting access to environmental information. The main problems were to be found in the following areas (where provisions of the Aarhus Convention improve on the provisions of the Directive): -the definitions of the information required to be disclosed and of the public authorities and other bodies required to disclose it. -the practical arrangements for ensuring that information is effectively made available; -the exceptions from the duty to provide access. -the duty to "respond"; -the time-limits for fulfilling the duty.; -the duty to give reasons for a refusal; -procedure for review of decisions to refuse access to information; -charges; -active supply of information. The Commission considers it desirable to replace the Directive with a new directive on freedom of access to environmental information. A proposal for such a new directive accompanies this report. The proposal aims to remedy the shortcomings in the Directive and to align Community legislation with the Aarhus Convention so as to enable the Community to ratify the Convention.