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

2000/0169(COD) - 06/06/2001 - Modified legislative proposal

Of the thirty amendments adopted by Parliament, only one relating to the alignment of the proposal with the Aarhus Convention was accepted in full by the Commission. Nine amendments were accepted in part, including the following: - the definition of "information held by a public authority" - grounds for refusal to disclose information to be interpreted restrictively. Seven were accepted in principle, including - the directive to be reviewed four years after the deadline for implementation. - clarification and assistance in reformulating requests that are too general. - the name of the official completing the information requested and the estimated timetable for completion. Seventeen were rejected, the following being noteworthy: - the reference to future developments in the area of information and communication technologies. The Commission takes the view that reference to technology which does not currently exist is inappropriate in a legislative measure. - the amendment extending scope to the EC institutions is rejected. - for complex requests, the Commission regards two weeks and six weeks deadlines as being too short. - the requirement that public bodies supply information in the format or form requested by the applicant is rejected, since the Commission believes that such bodies should be allowed some flexibility in this matter. - since this is a framework directive, the practical arrangements under which the information should be made available to the applicant is left to the Member States. - public bodies must be able to refuse access to specific internal documents. - the amendment seeking to prevent public authorities from invoking any of the exceptions provided for on emissions and discharges is rejected. - the introduction of positive silence is rejected, since the proposal provides redress mechanisms for failure to reply within the deadline. - the amendment preventing public authorities from making charges when the information is for educational purposes is rejected, since this is a matter for Member States. This is also the case for the amendment referring to access to justice, and active dissemination of environmental information. A degree of flexibility in transposition of the directive should be granted to Member States. - a twelve month deadline for transposition is considered too short.