Environment: public participation in plans and programmes

2000/0331(COD) - 12/12/2001 - Modified legislative proposal

Parliament's amendment wholly accepted by the Commission: - the amendment relating to the exclusion of projects serving national defence purposes which is to be decided upon by the Member States on a case-by-case basis, and the related changes in the presentation of this point. Main amendments accepted in part or principle: - the Commission accepted some amendments which more closely reflect the wording of the Aarhus Convention. It accepted that the public are entitled to express comments and opinions when all options are open before decisions on the plans and programmes are made. - the competent authority must make reasonable efforts to inform the public about the decisions taken and the reasons and considerations upon which the decision is based. The Commission did not accept, inter alia, the following: - the amendments relating to access to judicial review procedures in relation to plans, programmes and policies. Access to justice in relation to public participation in plans, programmes and policies is not explicitly required by the relevant article in the Aarhus convention. In relation to plans and programmes, such access to justice is not foreseen under directive 2001/42/EC on strategic environmental assessment and accepting it under the present proposal would create an incoherent situation. - the provision for public participation in the preparation of policies. Under the Aarhus Convention, this is only a "best endeavour clause", and as such has no place in this directive. Neither can the commission accept the reference to public participation in the different stages of the preparation and review of plans and programmes. - the reference to the development consent procedure of the EIA Directive may not be extended by referring also to the review of development consent. - the amendment referring to account being taken of the results of the public participation in making decisions is unacceptable.