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

2000/0169(COD) - 05/09/2002 - Commission opinion on Parliament's position at 2nd reading

Of the 47 amendments passed by the European Parliament at second reading, 9 can be accepted by the Commission in full, and three in principle. The remaining amendments are rejected. As a general rule, the Commission states that it prefers to align the wording and concepts of the Directive as closely as possible with the Aarhus Convention. Those amendments accepted include the following: - charges must be reasonable and advance payment should not be required; - 4 years for the evaluation of the Directive, such evaluation to be based not just on the Member States' reports but also in the light of the experience gained; - information must be easily accessible by the applicant; - public authorities are obliged, in the case of a refusal of a request, to state the name of the person preparing material and the estimated time needed for completion. In the case of a refusal on the grounds of confidentiality, the latter must be required by national or Community law; - the grounds for refusal must be interpreted narrowly; The following amendments are amongst those that are not accepted: -textual modifications that deviate from the wording of the Aarhus Convention. - the clause that information on emissions and discharges cannot be withheld by virtue of protection of commercial and industrial interests; - on the information supplied, the Commission states that it is not up to the public authority to guarantee that the content of the information is of good quality when the information originates from sources other than the public authority. The proposed directive is a framework directive, which should give the Member States a certain degree of flexibility when transposing the Directive into national law; - the Commission cannot accept the limitation that the charges shall not exceed the actual cost of reproducing them material requested. This limitation goes beyond the Aarhus Convention and is unduly burdensome for public authorities; - the deadline for transposition is two years, since a shorter period is too burdensome for Member States.