Environment: access to information and justice, public participation, conclusion of the Arhus Convention

2003/0249(CNS) - 24/10/2003 - Legislative proposal

PURPOSE : to conclude the Arhus Convention on access to information, public participation in decision making and access to justice regarding environmental matters. PROPOSED ACT : Council Decision. CONTENT : the UN/ECE Convention on access to information, public participation in decision-making and access to justice regarding environmental matters (the Arhus Convention) lays down the basic rules to promote citizens' involvement in environmental matters and enforcement of environmental law. The Arhus Convention consists of three pillars, each of which grants different rights: the first pillar provides for access to environmental information; the second pillar provides for the participation in decision-making processes and the third pillar for access to justice. The EC (together with all Member States) signed the Arhus Convention in 1998. The EC has certain competences in this area. It is generally admitted that improvement of the public's access to information and a broader participation of the public in the decision-making processes are essential tools to ensure public awareness on environmental issues and to promote a better implementation of the environmental legislation. Moreover, European institutions are covered by the definition of "public authorities" laid down in the Convention, alongside national public authorities. This emphasises the particular importance of the conclusion of the Arhus Convention by the European Community. By signing the Arhus Convention the EC acknowledged the importance of its objectives. Upon its signature the EC has undertaken to introduce the necessary measures to adhere to the Arhus Convention by adopting binding instruments aligning EC legislation to the requirements of the Convention. This will enable the EC to adopt the decision on the conclusion of this Convention. This alignment to the obligations of the Convention has to be carried out at the Member State level as well as the EC institutions level. As regards the Member State level, the EC has recently adopted two Directives: the first one on Public Access to Environmental information (Directive 2003/4/EC) and the second one providing for public participation in respect of the drawing up of certain Plans and Programmes relating to the Environment. A proposal for a Directive ensuring compliance with the relevant aspects on access to justice which are not covered under the two Directives mentioned above, is being submitted by the European Commission at the same time as the present proposal. As regards EC institutions, a single instrument ensuring full compliance of all EC institutions and bodies with the Arhus provisions and principles is also being submitted by the European Commission together with the present proposal. The intention is, as far as the institutions are concerned, to cover the three Arhus pillars by this Regulation. It is therefore possible for the Community to approve the decision on the conclusion of the Convention. Effective implementation of the Convention depends, inter alia, on the availability of sufficient financial and human resources. As a party to the Convention, the Community will contribute on a regular basis to activities identified in the work programme.