

Environment: access to information and justice, public participation, application of the Aarhus Convention

2003/0242(COD) - 21/11/2005

The committee adopted the report by Eija-Riitta KORHOLA (EPP-ED, FI) amending the Council's common position under the 2nd reading of the codecision procedure. It reinstated, wholly or in part, a number of amendments adopted by Parliament at 1st reading:

- "promoting sustainable development" should be included in the scope of the European environment policy subject to the new Regulation;
- the definition of 'environmental information' should be extended to include "the state of progress of proceedings for infringement of Community law";
- public participation should be allowed with regard not only to plans and programmes but also to policies relating to the environment;
- the scope of the regulation should be extended to cover plans and programmes subject to funding by the EU (and not just those which are prepared or adopted by a Community institution or body);
- where information relating to acts adopted before the regulation's entry into force is not available in electronic form, it should be clearly stated where and how that information can be found;
- exceptions on granting access to environmental information should be governed not by Regulation 1049/2001 but by Directive 2003/4/EC on public access to environmental information;
- where the requested environmental information is not held by an EU institution the latter should inform the applicant or transfer the request "at the latest within 15 working days";
- the provisions on charges should be aligned with Directive 2003/4/EC, i.e. institutions or bodies other than the EP, Council or Commission may levy "a reasonable charge" for supplying information;
- Community institutions and bodies shall take "due account" of the results of the public participation process and shall give information about that process;
- Community institutions and bodies should adapt their rules of procedure with effect from the entry into force of the Regulation.

The committee also adopted a number of new amendments aimed at modifying some of the provisions of the common position:

- banking activities, which had been specifically excluded by the Council, should be included in the scope of the regulation;
- the time-limits for receiving comments or organising meetings to enable the public to participate in the environmental decision-making process should be extended from 4 weeks to 8 weeks;

- the time-limit for submission of a request for internal review by an NGO which meets the criteria set out in Article 11 should be 8 weeks after the date when the act was due to be adopted, rather than 4 weeks as suggested by Council;
- the regulation should apply from 3 months after its publication in the Official Journal. The committee felt that it was important that it be applied as quickly as possible, whereas the Council had not set a date.