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

2003/0242(COD) - 02/05/2006

The Conciliation Committee reached agreement on a joint text for the proposed regulation on the application to the EU institutions of the provisions of the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters. The main points of the agreement can be summarised as follows:

- **access to information**: the agreement reached is based on the regime of exceptions laid down in existing Regulation 1049/2001/EC on access to documents held by the EU institutions. These exceptions should apply "subject to any more specific provisions in [the proposed] Regulation concerning requests for environmental information". Where information collected before the entry into force of the proposed regulation is not available in electronic form, Community institutions and bodies shall as far as possible indicate where that information is located. Where the requested 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";

- **public participation**: one of the recitals notes that "the Aarhus Convention also requires that, to the extent appropriate, Parties shall endeavour to provide opportunities for public participation in the preparation of policies relating to the environment". Parliament accepted this compromise, although it had wanted the substantive part of the text to stipulate that public participation should be allowed with regard not only to plans and programmes but also to policies relating to the environment. It was also agreed that, when taking a decision on an environmental plan or programme, Community institutions and bodies shall take "due account" of the outcome of public participation and shall inform (and not just "make reasonable efforts to inform" as was previously proposed) the public about the decision, including the text of the plan or programme and the reasons and considerations upon which the decision is based;

- **internal review and access to justice**: the EP delegation succeeded in extending from 4 to 6 weeks the period during which NGOs may request the internal review of an administrative act concerning the environment;

- **deadline for application**: lastly, following pressure from Parliament, the new regulation shall apply nine months after its entry into force, whereas no date had been proposed originally. Community institutions and bodies will be required to adapt their internal rules to the provisions of the new regulation by that date.

p>