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

2000/0169(COD) - 28/01/2003 - Final act

PURPOSE : to set out the terms and conditions to grant right of access to environmental information. COMMUNITY MEASURE : Directive 2003/4/EC of the European Parliament and of the Council on public access to environmental information and repealing Council Directive 90/313/EEC. CONTENT : the Council adopted this Directive on public access to environmental information. The new Directive repeals Directive 90/313/EC of 7 June 1990 on the freedom of access to information on the environment. It sets out the basic terms and conditions to grant right of access to environmental information held by or for public authorities and aims to achieve the widest possible systematic availability and dissemination of this type of information to the public. Moreover, it is aimed at aligning Community law with the provisions of the United Nations/Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the so-called "Arhus Convention") with a view to its ratification by the Community. The Convention was adopted on 25 June 1998 in Arhus (Denmark). Sixteen countries are required to ratify, approve, accept or accede to the Convention in order to bring about its entry into force. The Directive comprises the following key elements: - Disclosure of information is the general rule, unless there is an overriding public interest in refusal; - Access to information is in principle free of charge, however, public authorities may, under certain circumstances, charge for supplying environmental information as long as it does not exceed a reasonable amount; - Information on the contamination of the food chain is also covered, where relevant, by the scope of the Directive; - Information requests must be answered to within one month of being received, with the possibility of this deadline being extended by an additional month if necessary; - When replying to requests of information public authorities must specify the different procedures used in compiling it or refer to the standardised procedure used. Moreover, Member States should report on the experience gained in the application of this Directive no later 14 February 2009. They shall communicate the report to the Commission no later than 14 August 2009. In light of the experience and taking into account developments on computer telecommunications and/or electronic technology, the Commission shall make a report to the European Parliament and to the Council together with any proposal for revision, which is may consider appropriate. TRANSPOSITION : 14 February 2005. ENTRY INTO FORCE : 14 February 2003.