

Environment: public participation in plans and programmes

2000/0331(COD) - 26/05/2003 - Final act

PURPOSE : to contribute to the implementation of the Aarhus Convention, particularly by providing for public participation in respect of drawing up environmental plans.

COMMUNITY MEASURE : Directive 2003/35/EC of the European Parliament and of the Council providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC.

CONTENT : On 25 June 1998 the Community signed the UN/ECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters ("the Aarhus Convention"). This Directive aims to align Community law with the Convention with a view to its ratification by the Community. Among the objectives of the Aarhus Convention is the desire to guarantee rights of public participation in decision-making in environmental matters in order to contribute to the protection of the right to live in an environment which is adequate for personal health and well-being. This Directive will contribute to the implementation of the obligations arising under the Aarhus Convention, in particular by: - providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment; - improving the public participation and providing for provisions on access to justice within Council Directives 85/337/EEC and 96/61/EC. Council Directive 85/337/EEC and Council Directive 96/61/EC are amended to ensure that they are fully compatible with the provisions of the Aarhus Convention. The main points are as follows: - Member States must ensure that the public is given the chance to participate in the preparation and modification or review of the plans or programmes required to be drawn up under the provisions listed in Annex I to the Directive. - Member States must ensure that the public is informed about any proposals for such plans or programmes and that relevant information about such proposals is made available to the public. - the public is entitled to express comments and opinions when all options are open before decisions on the plans and programmes are made; - in making those decisions, due account shall be taken of the results of the public participation. These provisions do not apply to plans designed for the sole purpose of serving national defence or taken in case of civil emergencies. - Member States must ensure that members of the public have access to a review procedure before a legal forum to challenge the legality of decisions subject to the public participation provisions of this Directive. The Commission must send a report on this Directive by 25/06/2009.

DATE OF TRANSPOSITION : 25/06/2005.

ENTRY INTO FORCE : 25/06/2003.