

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

2003/0242(COD) - 06/09/2006 - Final act

PURPOSE: to apply the provisions of the Aarhus Convention to Community institutions and Community bodies.

LEGISLATIVE ACT: Regulation 1367/2006/EC of the European Parliament and of the Council on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters **to Community institutions and bodies.**

CONTENT: the Council agreed to adopt this Regulation following a meeting with the European Parliament in the Conciliation Committee. The Belgian delegation abstained.

The Regulation's objective is to implement the provisions set out in the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, otherwise referred to as the Aarhus Convention, and to apply them specifically to Community institutions and bodies.

The EU institutions or bodies will apply the requirements of the Aarhus Convention, by:

- guaranteeing the right of public access to environmental information received or produced and held by them;
- ensuring that environmental information is progressively made available and disseminated to the public in order to achieve its widest possible systematic availability and dissemination;
- taking account of public participation when deciding on a plan or programme relating to the environment and informing the public about it;
- granting access to justice in environmental matters at EU level under the conditions laid down by the Regulation;
- including information on steps taken in proceedings for infringement of Community law in databases or registers.

In applying the provisions of this Regulation, the Community institutions and bodies will provide guidance to the public on access to information, how they can participate in the decision-making process and how they can access justice on environmental matters.

When applying for access to environmental information held by the Community, the rules set out in Regulation 1049/2001/EC on public access to documents of the European Parliament, the Council and the Commission and all its exemptions, will apply. (For a summary of Regulation 1049/2001/EC refer to COD /2000/0032).

In other provisions, the Community institutions or bodies must organise environmental information in an electronic format – be it computer telecommunications or other electronic means. Information obtained by

the Community before the Regulation enters into force need not be stored electronically. The Community, however, will be obliged to indicate where the information can be sourced from. Further, the Community is obliged to insure that any information compiled by them is up-to-date, accurate and comparable.

The Regulation, in follow-up to Council concerns, also lists a number of exemptions based on Regulation 1049/2001/EC. Exemptions include: emissions into the environment and the breeding sites of rare species. These exemption can not, however, be applied to investigations nor can they be applied to infringements of Community law. Refusing information must be done restrictively and must take account of the public interest served by disclosure.

On the matter of public participation, the Community must provide early and effective opportunities for the public to participate during the preparation, modification or review of plans or programmes relating to the environment. Non-governmental organisations will be allowed to seek internal reviews on administrative acts adopted under environmental law or in case of an alleged administrative omission. They will also be allowed to institute proceedings before the Court of Justice. Strict criteria are set out as to what constitutes a non-governmental organisation.

ENTRY INTO FORCE: 28 September 2006.

APPLICATION: 28 June 2007.