Basic information

2003/0249(CNS) CNS - Consultation procedure Decision	Procedure completed
Environment: access to information and justice, public participation, conclusion of the Arhus Convention **Subject** 3.70.16 Law and environment, liability	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ENVI Environment, Public Health, Consumer Policy	KORHOLA Eija-Riitta (PPE-DE)	09/12/2003

Committee for opinion	Rapporteur for opinion	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	The committee decided not to give an opinion.	25/11/2003
JURI Legal Affairs and Internal Market	SCHAFFNER Anne-Marie (PPE-DE)	01/12/2003

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	2638	2005-02-17

European Commission

Commission DG	Commissioner
Environment	

Key events

Date	Event	Reference	Summary
24/10/2003	Legislative proposal published	COM(2003)0625	Summary
17/11/2003	Committee referral announced in Parliament		
16/03/2004	Vote in committee		Summary
16/03/2004	Committee report tabled for plenary, 1st reading/single reading	A5-0173/2004	

30/03/2004	Debate in Parliament		
31/03/2004	Decision by Parliament	T5-0241/2004	Summary
31/03/2004	Results of vote in Parliament		
17/02/2005	Act adopted by Council after consultation of Parliament		
17/02/2005	End of procedure in Parliament		
17/05/2005	Final act published in Official Journal		

Technical information

Procedure reference	2003/0249(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	International agreement
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 175-p1 EC Treaty (after Amsterdam) EC 300-p2/3-a1
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/5/20263

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0173/2004	16/03/2004	
Text adopted by Parliament, 1st reading/single reading		T5-0241/2004 OJ C 103 29.04.2004, p. 0451-0656 E	31/03/2004	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2003)0625	24/10/2003	Summary
Follow-up document	COM(2008)0174	07/04/2008	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2005/0370
OJ L 124 17.05.2005, p. 0001-0003 Summary

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

2003/0249(CNS) - 24/10/2003 - Legislative proposal

PURPOSE : to conclude the Arhus Convention on access to information, public participation in decision making and access to justice regarding environmental matters. PROPOSED ACT : Council Decision. CONTENT : the UN/ECE Convention on access to information, public participation in decision-making and access to justice regarding environmental matters (the Arhus Convention) lays down the basic rules to promote citizens' involvement in environmental matters and enforcement of environmental law. The Arhus Convention consists of three pillars, each of which grants different rights: the first pillar provides for access to environmental information; the second pillar provides for the participation in decision-making processes and the third pillar for access to justice. The EC (together with all Member States) signed the Arhus Convention in 1998. The EC has certain competences in this area. It is generally admitted that improvement of the public's access to information and a broader participation of the public in the decision-making processes are essential tools to ensure public awareness on environmental issues and to promote a better implementation of the environmental legislation. Moreover, European institutions are covered by the definition of "public authorities" laid down in the Convention, alongside national public authorities. This emphasises the particular importance of the conclusion of the Arhus Convention by the European Community. By signing the Arhus Convention the EC acknowledged the importance of its objectives. Upon its signature the EC has undertaken to introduce the necessary measures to adhere to the Arhus Convention by adopting binding instruments aligning EC legislation to the requirements of the Convention. This will enable the EC to adopt the decision on the conclusion of this Convention. This alignment to the obligations of the Convention has to be carried out at the Member State level as well as the EC institutions level. As regards the Member State level, the EC has recently adopted two Directives: the first one on Public Access to Environmental information (Directive 2003/4/EC) and the second one providing for public participation in respect of the drawing up of certain Plans and Programmes relating to the Environment. A proposal for a Directive ensuring compliance with the relevant aspects on access to justice which are not covered under the two Directives mentioned above, is being submitted by the European Commission at the same time as the present proposal. As regards EC institutions, a single instrument ensuring full compliance of all EC institutions and bodies with the Arhus provisions and principles is also being submitted by the European Commission together with the present proposal. The intention is, as far as the institutions are concerned, to cover the three Arhus pillars by this Regulation. It is therefore possible for the Community to approve the decision on the conclusion of the Convention. Effective implementation of the Convention depends, inter alia, on the availability of sufficient financial and human resources. As a party to the Convention, the Community will contribute on a regular basis to activities identified in the work programme.

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

2003/0249(CNS) - 07/04/2008 - Follow-up document

This proposal, in the form of a draft Council Decision, establishes the position to be taken on behalf of the European Community on the interpretation of Article 14 of the Aarhus Convention.

The Community is a Party to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (1998 Aarhus Convention).

Article 14(4) of the Aarhus Convention, which establishes the conditions for entry into force of amendments to the Convention other than those to an annex, is open to different interpretations due to the ambiguity inherent in the expression "by at least three fourths of these Parties".

Parties to the Convention have the ultimate power to agree on the interpretation of the Convention. Such an agreement can be reflected in an appropriate decision taken by the Meeting of the Parties.

The Parties to the Aarhus Convention, desiring to resolve an interpretative ambiguity to bring about an early entry into force of the amendment to the Convention which they adopted at the second Meeting of the Parties by decision II/1, and any further amendments to the Convention, are expected to agree at the forthcoming Meeting of the Parties on the interpretation to be given to Article 14(4) of the Convention.

The European Community should support an interpretation of Article 14(4) of the Convention which is favourable to the early entry into force of amendments,

It is proposed that on the occasion of the third Meeting of the Parties to the Aarhus Convention, the Commission shall support on behalf of the Community an interpretation of the expression "by at least three fourths of these Parties" as contained in Article 14(4) of that Convention which would ensure an early entry into force of amendments.

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

2003/0249(CNS) - 31/03/2004 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the report by Eija-Riitta Anneli KORHOLA (EPP-ED, FIN) subject to just one amendment emphasising the aims of the Arhus Convention. The Parliament includes this recital which states that through its provisions on access to justice, the Arhus Convention furthers in particular the right to a fair trial in environmental matters and provides the public - upon fulfilment of certain conditions - with the possibility of defending the right to live in an environment adequate for health and well-being and of performing the duty to protect and improve the environment.

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

2003/0249(CNS) - 17/02/2005 - Final act

PURPOSE: the conclusion, on behalf of the European Community, of the Convention on access to information, public participation in decision-making and access to justice in environmental matters.

LEGISLATIVE ACT: Council Decision 2005/370/EC.

CONTENT: The Council adopted a Decision approving the conclusion, on behalf of the Community, of the Convention of the United Nations Economic Commission for Europe (UN-EEC) on access to information, public participation in decision making and access to justice in environmental matters (Aarhus Convention).

The Convention is structured around three pillars: developing public access to information held by public authorities, encouraging public participation in decision making, extending the conditions for access to justice.

ENTRY INTO FORCE: 17/05/2005.