

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

2003/0242(COD) - 18/01/2006 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution drafted by Eija-Riitta **KORHOLA** (EPP-ED, FI) and made some amendments to the common position:

- "promoting sustainable development" should be included in the scope of the European environment policy subject to the new Regulation;
- the definition of 'environmental information' should be extended to include "the state of progress of proceedings for infringement of Community law";
- exceptions on granting access to environmental information should be governed not by Regulation 1049/2001 but by Directive 2003/4/EC on public access to environmental information;
- public participation should be allowed with regard not only to plans and programmes but also to policies relating to the environment;
- the scope of the regulation should be extended to cover plans and programmes subject to funding by the EU (and not just those which are prepared or adopted by a Community institution or body);
- banking activities, which had been excluded by the Council, should be included in the scope of the regulation;
- where the requested environmental 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";
- the provisions on charges should be aligned with Directive 2003/4/EC, i.e. institutions or bodies other than the Parliament, Council or Commission may levy "a reasonable charge" for supplying information. They shall publicise and make available to applicants a schedule of charges which may be levied, indicating the circumstances in which they may be levied or waived and when the supply of information is conditional on the advance payment of such a charge;
- on the results of public participation, a new clause states that in taking a decision on the plan, programme or policy relating to the environment, Community institutions and bodies shall take due account of the results of the public participation process. They must inform the public about that plan, programme or policy, including its text, and of the reasons and considerations upon which the decision is based, including information about the public participation process;
- the time-limits for receiving comments or organising meetings to enable the public to participate in the environmental decision-making process should be extended from 4 weeks to 8 weeks;
- the time-limit for submission of a request for internal review by an NGO which meets the criteria set out in Article 11 should be 8 weeks after the date when the act was due to be adopted, rather than 4 weeks as suggested by Council;

- Parliament added the words “law-abiding” to the phrase “independent non-profit-making legal person in accordance with a Member State's national law or practice” for NGOs meeting the relevant criteria; the primary objective of such NGOs may be or include promoting sustainable development;
- Community institutions and bodies should adapt their rules of procedure with effect from the entry into force of the Regulation;
- the regulation should apply from 3 months after the entry into force of the regulation.