


Procedure file

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

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ENVI Environment, Public Health, Consumer Policy		09/12/2003
		PPE-DE KORHOLA Eija-Riitta	
	Committee for opinion	Rapporteur for opinion	Appointed
	LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	The committee decided not to give an opinion.	
	JURI Legal Affairs and Internal Market		01/12/2003
		PPE-DE SCHAFFNER Anne-Marie	
Council of the European Union	Council configuration	Meeting	Date
	Economic and Financial Affairs ECOFIN	2638	17/02/2005
European Commission	Commission DG Environment	Commissioner	

Key events			
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
17/02/2005	Act adopted by Council after consultation of Parliament		
17/02/2005	End of procedure in Parliament		

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					
Legislative proposal		COM(2003)0625	24/10/2003	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0173/2004	16/03/2004	EP	
Text adopted by Parliament, 1st reading/single reading		T5-0241/2004 OJ C 103 29.04.2004, p. 0451-0656 E	31/03/2004	EP	Summary
Follow-up document		COM(2008)0174	07/04/2008	EC	Summary

Additional information	
European Commission	EUR-Lex

Final act
Decision 2005/370 OJ L 124 17.05.2005, p. 0001-0003 Summary

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

PURPOSE : to conclude the Aarhus 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 Aarhus Convention) lays down the basic rules to promote citizens' involvement in environmental matters and enforcement of environmental law. The Aarhus 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 Aarhus 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 Aarhus Convention by the European Community. By signing the Aarhus 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 Aarhus 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 Aarhus 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 Aarhus 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 Aarhus Convention

The committee adopted the report by Eija-Riitta Anneli KORHOLA (EPP-ED, FIN) approving the proposal under the consultation procedure, subject to just one amendment emphasising the aims of the Aarhus Convention.?

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

The European Parliament adopted the report by Eija-Riitta Anneli KORHOLA (EPP-ED, FIN) subject to just one amendment emphasising the aims of the Aarhus Convention. The Parliament includes this recital which states that through its provisions on access to justice, the Aarhus 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 Aarhus Convention

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.

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

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.