The Aarhus Convention

What is the Aarhus Convention?

The United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (pdf ~50K) was adopted on 25 June 1998 in the Danish city of Aarhus (Århus) at the Fourth Ministerial Conference as part of the "Environment for Europe" process. It entered into force on 30 October 2001. (For recent up-dates and the follow-up process please have a look at the UNECE Convention website).

The Aarhus Convention establishes a number of rights of the public (individuals and their associations) with regard to the environment. The Parties to the Convention are required to make the necessary provisions so that public authorities (at national, regional or local level) will contribute to these rights to become effective. The Convention provides for:

- the right of everyone to receive environmental information that is held by public authorities ("access to environmental information"). This can include information on the state of the environment, but also on policies or measures taken, or on the state of human health and safety where this can be affected by the state of the environment. Applicants are entitled to obtain this information within one month of the request and without having to say why they require it. In addition, public authorities are obliged, under the Convention, to actively disseminate environmental information in their possession;
• the right to participate in environmental decision-making. Arrangements are to be made by public authorities to enable the public affected and environmental non-governmental organisations to comment on, for example, proposals for projects affecting the environment, or plans and programmes relating to the environment, these comments to be taken into due account in decision-making, and information to be provided on the final decisions and the reasons for it ("public participation in environmental decision-making");

• the right to review procedures to challenge public decisions that have been made without respecting the two aforementioned rights or environmental law in general ("access to justice").

The EU & the Aarhus Convention: in the EU Member States, in the Community Institutions and Bodies

Legislation

The Decision on conclusion of the Aarhus Convention by the EC was adopted on 17 February 2005 [Decision 2005/370/EC]. The EC is a Party to the Convention since May 2005.

In 2003 two Directives concerning the first and second "pillars" of the Aarhus Convention were adopted; they were to be implemented in the national law of the EU Member States by 14 February and 25 June 2005 respectively:

  o Guidance document for member States' reporting under Article 9 of Directive 2003/4

Provisions for public participation in environmental decision-making are furthermore to be found in a number of other environmental directives, such as Directive 2001/42/EC of 27 June 2001 on the assessment of certain plans and programmes on the environment (see also the "environmental assessment" homepage) and Directive 2000/60/EC of 23 October 2000 establishing a framework for Community action in the field of water policy (see also the "Water Framework Directive" homepage).

Both Directives 2003/4 and 2003/35 contain provisions on access to justice.

Furthermore, on 24 October 2003 the Commission presented a Proposal for a Directive of the European Parliament and of the Council on access to justice in environmental matters [COM(2003) 624 - see details on the legislative procedure]. This proposal was part of the "Aarhus package", also consisting of the Proposal for a decision to ratify the Convention, [COM(2003) 625] (meanwhile
adopted, see above), and a Proposal for a Regulation to apply the provisions of the Convention to Community institutions and bodies [COM(2003) 622]
(Press release de fr Questions and Answers document)


The "Aarhus Regulation" covers not only the institutions, but also bodies, offices or agencies established by, or on the basis of the EC Treaty. They now need to adapt their internal procedures and practice to the provisions of the Regulation. The Aarhus Regulation addresses the "three pillars" of the Aarhus Convention - access to information, public participation and access to justice in environmental matters - where those are of relevance to Community institutions and bodies and lays down related requirements. Regarding access to environmental information, the Aarhus Regulation extends Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents to all Community institutions and bodies. The Aarhus Regulation furthermore requires those institutions and bodies to provide for public participation in the preparation, modification or review of "plans and programmes relating to the environment". The Aarhus Regulation also enables environmental NGOs meeting certain criteria to request an internal review under environmental law of acts adopted, or omissions, by Community institutions and bodies.

Requests for internal review of an administrative act or relating to an administrative omission are to be sent by mail or e-mail to the department responsible for the application of the provision on the basis of which the administrative act was adopted, or in respect of which the administrative omission is alleged.

With respect to acts or omissions falling under the responsibility of the Environment Directorate-General (‘DG Environment’) of the Commission, the following address and contact details may be used:

Postal address:
Request for internal review under Title IV of Aarhus Regulation
Environment Directorate-General
European Commission
B-1049 Brussels

E-mail: ENV-INTERNAL-REVIEW@ec.europa.eu

The Commission has adopted two decisions to implement further the Regulation:

This Decision specifies the evidence to be provided by NGOs, the calculation of time-limits for reply to applications and cooperation between Community institutions and bodies. This Decision applies to all the Community institutions and bodies covered by Title IV of the Regulation.


This Decision ensures that the General principles and minimum standards for consultation of interested parties by the Commission [COM(2002) 704] apply to public participation concerning plans and programme relating to the environment. It assigns also clear responsibilities and decision-making powers to the appropriate bodies or persons within the Commission with respect to the provisions of the Regulation concerning requests for internal review.

For more information, see the [practical guide](#) on Regulation (EC) No 1367/2006.

**Reporting**

The Commission adopted on 7 May 2008 the first [Implementation Report](#) reviewing how the Community has implemented the Aarhus Convention.

**EC commissioned studies**

- Summary brochure on the Conference "The Aarhus Convention: how are its access to justice provisions being implemented?" (Brussels, 2nd June 2008) available [here](#).
- [Inventory of EU Member States' measures on access to justice in environmental matters](#), Final Reports, September 2007
- [Study on the Implementation of the Aarhus Convention in the New Member States and Bulgaria, Romania and Turkey](#), Final Report, August 2004
- [Access to Justice in Environmental Matters](#), Final Report, 2002

**Relevant European Commission on-line resources**

**Access to Information**
• **The European Environment Agency** aims to support sustainable development and to help achieve significant and measurable improvement in Europe's environment through the provision of timely, targeted, relevant and reliable environmental information to policy making agents and the public.

• **European Environment Information and Observation Network (EIONET):** EIONET is a collaborative network of the European Environment Agency and its Member Countries, connecting National Focal Points in the EU and accession countries, European Topic Centres, National Reference Centres, and Main Component Elements. These organisations jointly provide the information that is used for making decisions for improving the state of environment in Europe and making EU policies more effective. EIONET is both a network of organisations and an electronic network (e-EIONET).

• **Eurostat:** Eurostat’s mission is to provide the European Union with a high-quality statistical information service

• **European Pollutant Emission Register (EPER) and European Pollutant Release and Transfer Register (E-PRTR):** National governments of all EC Member States are required to maintain inventories of emission data from specified industrial sources and to report emissions from individual facilities to the European Commission. The reported data will be made accessible in a public register (EPER), which is intended to provide environmental information on major industrial activities. E-PRTR is the European Pollutant Release and Transfer Register, which will succeed the EPER. It is based on Regulation (EC) No 166/2006 and is intended to fully implement the obligations of the UN-ECE PRTR Protocol, which was signed in May 2003 by 36 countries and the European Community. The obligations under the E-PRTR Regulation extend beyond the scope of EPER mainly in terms of more facilities included, more substances to report, additional coverage of releases to land, off-site transfers of waste and releases from diffuse sources, public participation and annual instead of triennial reporting. The first reporting year under the E-PRTR will be the year 2007 and respective information will have to be reported by Member States in June 2009. The Commission will publish the data in autumn 2009.

• "**Openness and access to documents**:" Article 255 of the treaty establishing the European Community, implemented through Regulation 1049/2001 of 30 May 2001, grants a right of access to European Parliament, Council and Commission documents to any Union citizen and to any natural or legal person residing, or having its registered office, in a Member State.

• **Document registers of the European Parliament, the Council of the European Union and the European Commission**

**Public Participation**

• **The European Commission and Civil Society:** this web site aims at providing information on issues that concern the Commission's consultation and dialogue with civil society.

• "**Your Voice in Europe**": the European Commission's single access point to a wide variety of consultations, discussions and other tools which enable the civil society to play an active role in the European policy-making process.


Access to Justice

• The European Ombudsman: any citizen or resident of the EU (or a business, association or other body with a registered office in the Union) can make a complaint to the European Ombudsman. He investigates complaints about maladministration by institutions and bodies of the European Union.

Links

• The UNECE Aarhus Clearinghouse for Environmental democracy
• Environmental Assessment: information on the European Community's laws on Environmental Impact Assessment of projects and the Environmental Assessment of certain plans and programmes
• eEurope 2005 Action Plan
• eGovernment i2010 Action Plan
• eGovernment Good Practice Framework: The European Commission has started a series of measures to support the creation of comprehensive eGovernment services across all levels of the Union. The "Good Practice Framework" (GPF) is a centrepiece in this strategy.
• The European Commission eGovernment Observatory: eGovernment is a way for public administrations to become more open and transparent, and to reinforce democratic participation.

Contact:
European Commission
Environment Directorate-General, "Compliance promotion, governance and legal issues" Unit B-1049 Brussels
Electronic form for information/documentation requests