



CONCERNING: REGULATION ON AARHUS CONVENTION FOR EU INSTITUTIONS

Agreement after Second Reading European Parliament
COREPER conclusions on the 22nd February 2006



Dear Minister, Dear Commissioner



On the 18th January, the European Parliament adopted, in second reading, a number of important amendments to the Council's common position on the proposed Regulation applying the Aarhus Convention to the EU's institutions. While we regret the absence of amendments to reinforce the access to justice pillar, we consider that the Parliament has made a number of essential improvements, in particular regarding the scope of the first two pillars of the Convention, the right to environmental information and the right to public participation.



We understand the COREPER will decide, for the Council, its negotiation position for the conciliation process with the EP on the 22nd of February. We would like to ask you to ensure that the COREPER will in general take a positive attitude towards the EP amendments.



Friends of
the Earth
Europe

The most important amendments we would like you to support concern:

The inclusion of information on the state of progress of infringement proceedings in the definition of environmental information (Amendments 2, 7 and 12); The Parliament's amendment would strengthen the role of complainants in assisting the EU Institutions in ensuring compliance with EU law.



Accurate implementation of the Aarhus Convention's provisions on exceptions to access to environmental information (Amendments 4 and 14); The exceptions to access to environmental information that apply in the Member States should apply as well to the EU institutions and bodies. Parliament's amendment would make use of the exceptions in Directive 2003/4 on public access to environmental information which fully and accurately implements the Aarhus Convention requirements on this point.



Inclusion of policies in the public participation provisions (Amendment 5); Parliament's amendment recognizes that policies of the EU are an essential part of the impact the EU Institutions have on the environment, positive and negative.



Inclusion of funding in the definition of plans and programmes (Amendment 8); Parliament's amendment recognizes that funding policies of the EU are an essential part of the impact the EU Institutions have on the environment, positive and negative.

Deletion of the word 'banking' from the definition of plans and programmes (Amendment 9); No systematic exclusion for 'banking' is found in the Aarhus Convention. Parliament's amendment recognizes that banking plans and programmes may have a significant adverse impact on the environment and should therefore not be excluded.

Addition of provisions explicitly requiring the results of public participation to be taken into account (Amendment 20); It sends the wrong message when public participation is permitted but no account need be taken of the results. The Aarhus Convention expressly requires due account to be taken of public participation and Parliament's amendment recognizes that this requirement should be expressed in the Regulation, too.

Extension of the time limits for requesting an internal review (Amendment 21); Parliament's amendment recognizes that, even in the Internet age, not all citizens are permanently and systematically in contact with the EU decision making process.

We urge you to reject Amendments 28 and 29. These amendments introduce a criterion for requesting an internal review which is not defined and indeed so difficult to define that it would likely be subject to divergent interpretations. This new criterion could easily operate as a barrier to the internal review the Regulation intends to establish.

Sincerely,



John Hontelez
Secretary General
European Environmental Bureau

Also on behalf of:

Clairie Papazoglou, Head of EU Policy, **BirdLife International**
Magda Stoczkiewicz, Policy Coordinator, **CEE Bankwatch Network**
Matthias Duwe, Acting Director, **Climate Action Network Europe**
Genon Jensen, Director, **European Public Health Alliance – Environment Network**
Fouad Hamdan, Director, **Friends of the Earth Europe**
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