Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1430 (1999)[1]

Access to information, public participation in environmental decision-making and access to justice — implementation of the Århus Convention

Parliamentary Assembly

1. On the eve of the third millennium, the state of the European environment remains a matter of serious concern.

2. Sustainable development in Europe will only be effectively achieved if the public becomes an active and full partner in decision-making at all levels; access to environmental information, public participation and access to justice are therefore prerequisites to involving the public in environmental decision-making.

3. The Assembly welcomes the fact that at the Fourth Ministerial Conference held in Århus, Denmark, in June 1998, the environment ministers of thirty-nine[2] countries and the European Union signed the Convention on Access to Information, Public Participation in Environmental Decision-Making and Access to Justice drafted in the framework of the United Nations Economic Commission for Europe (UN-ECE).

4. Furthermore, the Assembly welcomes serious efforts taken by a significant number of signatories to ratify the Århus Convention during the year 2000.

5. The Assembly notes that the convention establishes minimum standards and that it leaves to the discretion of the signatory parties to establish or maintain more progressive standards than those laid down in the convention. In that regard, the Assembly identifies a number of challenges to be met in the process of ratification.

6. The Assembly considers that it is essential that national parliaments should lead by example when it comes to democratic practice and transparency and apply the principles of the Århus Convention in their daily work.

7. It notes the exemption of the deliberate release of genetically modified organisms (GMOs) from public participation requirements, in spite of the potential negative environmental impact of such deliberate release and is concerned at the discretion given to governments not to apply the public participation provisions of the convention to decision-making on GMOs.

8. It is equally concerned at potential scope for misuse of the exemption from access to information requirements on the grounds of commercial confidentiality and recognises the need to introduce a more precise definition of the term in national legislation.

9. It strongly supports the ongoing co-operation between the signatory parties to expand in the future the list of activities requiring public participation procedures (Annex I of the convention) and to develop pollutant release and transfer registers in order to provide harmonised data across Europe.

---

1. See Doc. 8565, report of the Committee on the Environment, Regional Planning and Local Authorities, rapporteur: Mrs Langthaler. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 4 November 1999.
2. Albania, Armenia, Austria, Belarus, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Greece, Iceland, Ireland, Italy, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, Moldova, Romania, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom.

10. The Assembly thus recommends that the Committee of Ministers:

10.1. take into account the principles of the Århus Convention in the work of the Council of Europe, in particular with regard to the preparation of legal instruments, policies and programmes, when these may have consequences for the environment;

10.2. instruct the appropriate body of the Council of Europe to follow the implementation of the Århus Convention as part of the Organisation's regular co-operation with the United Nations Economic Commission for Europe (UN-ECE);

10.3. call on all member state governments:

a. to sign and ratify the Convention on Access to Information, Public Participation in Environmental Decision-Making and Access to Justice (Århus, 1998) as soon as possible while establishing or maintaining more progressive standards than those laid down in the convention;

b. to put in place all legal, administrative, and other instruments to ensure that the convention is fully and effectively implemented;

c. to take into account public participation requirements in the early process of preparing legislation, policies and programmes, when these may have consequences for the environment.