

EUROPEAN PARLIAMENT

1999



2004

Session document

20 January 2003

FINAL
A5-0004/2003

*****III**

REPORT

on the joint text approved by the Conciliation Committee for a European Parliament and Council directive on providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC
(PE-CONS 3676/2002 – C5-0598/2002 – 2000/0331(COD))

European Parliament delegation to the Conciliation Committee

Rapporteur: Eija-Riitta Anneli Korhola

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position
- *** Assent procedure
majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

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PROCEDURAL PAGE

At the sitting of 23 October 2001 Parliament adopted its position at first reading on the proposal for a European Parliament and Council directive on providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC (COM(2000) 839 – 2000/0331 (COD)).

At the sitting of 30 May 2002 the President of Parliament announced that the common position had been received and referred to the Committee on the Environment, Public Health and Consumer Policy (5475/1/2002 – C5-0227/2002).

At the sitting of 5 September 2002 Parliament adopted amendments to the common position.

By letter of 9 December 2002 the Council stated that it was unable to approve all Parliament's amendments.

The President of the Council, in agreement with the President of Parliament, convened a meeting of the Conciliation Committee on 10 December 2002.

At its meeting the Conciliation Committee considered the common position on the basis of the amendments proposed by Parliament.

At the same meeting it reached agreement on a joint text.

At its meeting of 4 December 2002 the Parliament delegation had approved the results of the conciliation unanimously.

The following took part in the vote: Charlotte Cederschiöld, Vice-President and Chairman of the delegation; Eija-Riitta Anneli Korhola, rapporteur; Per-Arne Arvidsson (for Giorgos Dimitrakopoulos), Emmanouil Bakopoulos, David Robert Bowe, Robert Goodwill (for Caroline F. Jackson), Heidi Anneli Hautala (for Jillian Evans), Bernd Lange, Guido Sacconi and Ursula Schleicher.

On 20 January 2003 the co-chairmen of the Conciliation Committee established that the joint text had been approved, pursuant to paragraph III.8 of the Joint declaration on practical arrangements for the new co-decision procedure,¹ and forwarded it to Parliament and the Council in all the official languages.

The report was tabled on 20 January 2003.

¹ OJ C 148, 28.5.1999, p. 1.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the joint text approved by the Conciliation Committee for a European Parliament and Council directive on providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC (PE-CONS 3676/2002 – C5-0598/2002 – 2000/0331(COD))

(Codecision procedure: third reading)

The European Parliament,

- having regard to the joint text approved by the Conciliation Committee and the relevant Commission statement (PE-CONS 3676/2002 – C5-0598/2002),
- having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2000) 839²),
- having regard to the amended proposal (COM(2001) 779³),
- having regard to its position at second reading⁴ on the Council common position⁵,
- having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2002) 586 - C5-0503/2002)⁶,
- having regard to Article 251(5) of the EC Treaty,
- having regard to Rule 83 of its Rules of Procedure,
- having regard to the report of its delegation to the Conciliation Committee (A5-0004/2003),

1. Approves the joint text and draws attention to the Commission statement thereon;
2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
3. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published, together with the statement by the Commission thereon, in the Official Journal of the European Communities;
4. Instructs its President to forward this legislative resolution to the Council and Commission.

¹ OJ C 112 E of 9.5.2002, p. 125.

² OJ C 154 E of 29.5.2001, p. 123.

³ OJ C 75 E of 26.3.2002, p. 370.

⁴ P5_TA-PROV(2002)0405.

⁵ OJ C 170 E of 16.7.2002, p. 22.

⁶ OJ C not yet published.

EXPLANATORY STATEMENT

Background

1. On 18 January 2001, the Commission submitted a proposal for a European Parliament and Council directive on providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC. The purpose of the proposal for a directive was to harmonise Community legislation so that the European Community could take another step towards the ratification of the UN/ECE (Economic Commission for Europe) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters ('the Århus Convention'), which was signed in 1998, and towards the implementation of the second pillar of the Convention. The directive is intended to ensure that basic procedures are consistent in all Member States and in cases with a transboundary dimension.
2. Parliament delivered its opinion on the proposal at first reading on 23 October 2001, adopting 29 amendments. The Commission amended its proposal on 12 December 2001 and the Council adopted a common position on 25 April 2002. On 5 September 2002, at second reading, Parliament adopted 19 amendments, seeking to strengthen the Commission's original proposal and to require the Member States to comply with more stringent obligations than those laid down in the Århus Convention.

Conciliation

3. Parliament's delegation held its constituent meeting in Strasbourg on 24 September 2002 and mandated its chairman, Charlotte Cederschiöld, the committee chairman, Caroline Jackson, the rapporteur, Eija-Riitta Anneli Korhola, and Guido Sacconi to meet the Council in the trialogue.
4. After the trialogue meeting of 27 November 2002, COREPER and Parliament's delegation approved the Commission's compromise package at their meetings of 4 December 2002. The conciliation concerning the directive was initiated, and was concluded by the conciliation committee as an A item on 10 December 2002.
5. The main points agreed through the conciliation procedure may be summarised as follows:
 - In future the requirements concerning public participation in line with the Århus Convention are to be included in relevant Community legislation from the outset.
 - Authorities are encouraged to inform the public about decisions taken and the reasons and considerations upon which the decisions are based, and public participation processes, and to promote environmental education of the public.
 - In a statement to be annexed to the directive, the Commission undertakes to submit in the first quarter of 2003 a proposal for a directive concerning implementation of the Århus Convention as regards access to justice in environmental matters.

- The time limits for participation in decision-making at the various stages must be reasonable so that the public can prepare and participate in decision-making effectively in accordance with the conditions laid down in the directive.
- Public participation is compulsory in cases where the updating of the operating permits of installations and factories is of greatest significance (if emissions exceed the stipulated limits).
- In accordance with the Århus Convention, projects relating to national defence may be excluded from the scope of the directive only on the basis of case-by-case decisions by the Member States' authorities.
- The public right of access to information about the reasons for granting or refusing a permit is increased and the authorities are required to provide the public with practical information about access to administrative and judicial review procedures.
- After the Commission has submitted a report, accompanied by any proposals for amendments which it considers appropriate in the light of the implementation and effectiveness of the directive during the first six years of its application, the field covered by the directive is to be reviewed.

Conclusion

The delegation considers the outcome of this conciliation procedure satisfactory from Parliament's point of view. It wishes to thank the Commission and the Danish Presidency for their cooperation with Parliament's delegation with a view to reaching agreement. It recommends that Parliament approve the joint text, so that, following the directive on public access to environmental information, a further step can be taken towards ratification of the Århus Convention on behalf of the European Community.