

# EUROPEAN PARLIAMENT

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**A5-0173/2004**

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## **REPORT**

on the proposal for a Council decision on the conclusion, on behalf of the European Community, of the Convention on access to information, public participation in decision making and access to justice regarding environmental matters

(COM(2003) 625 – C5-0526/2003 – 2003/0249(CNS))

Committee on the Environment, Public Health and Consumer Policy

Rapporteur: Eija-Riitta Korhola

PE 337.078

### ***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)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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## PROCEDURAL PAGE

By letter of 7 November 2003 the Council consulted Parliament, pursuant to Article 300(3), first subparagraph of the EC Treaty, on the proposal for a Council decision on the conclusion, on behalf of the European Community, of the Convention on access to information, public participation in decision making and access to justice regarding environmental matters (COM(2003) 625 – 2003/0249(CNS)).

At the sitting of 17 November 2003 the President of Parliament announced that he had referred the proposal to the Committee on the Environment, Public Health and Consumer Policy as the committee responsible and the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and the Committee on Legal Affairs and the Internal Market for their opinions (C5-0526/2003).

The Committee on the Environment, Public Health and Consumer Policy appointed Eija-Riitta Korhola rapporteur at its meeting of 9 December 2003.

The committee considered the Commission proposal and draft report at its meetings of 27 January and 16 March 2004.

At the latter meeting it adopted the draft legislative resolution by 21 votes to 1, with 1 abstention.

The following were present for the vote: Caroline F. Jackson (chairman), Guido Sacconi (vice-chairman), Eija-Riitta Korhola (rapporteur), María Luisa Bergaz Conesa, Hans Blokland, John Bowis, Martin Callanan, Jillian Evans (for Marie Anne Isler Béguin), Robert Goodwill, Christa Klab, Peter Liese, Giorgio Lisi (for Karl-Heinz Florenz), Torben Lund, Minerva Melpomeni Malliori, Rosemarie Müller, Ria G.H.C. Oomen-Ruijten, Dagmar Roth-Behrendt, Jonas Sjöstedt, María Sornosa Martínez, Catherine Stihler, Astrid Thors, Peder Wachtmeister, Phillip Whitehead.

The opinion of the Committee on Legal Affairs and the Internal Market is attached. The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs decided on 21 January 2004 not to deliver an opinion.

The report was tabled on 17 March 2004.

## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council decision on the conclusion, on behalf of the European Community, of the Convention on access to information, public participation in decision making and access to justice regarding environmental matters  
(COM(2003) 625 – C5-0526/2003 – 2003/0249(CNS))

### (Consultation procedure)

*The European Parliament,*

- having regard to the proposal for a Council decision (COM(2003) 625)<sup>1</sup>,
  - having regard to Article 175(1) and Article 300(2), first subparagraph of the EC Treaty,
  - having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C5-0526/2003),
  - having regard to Rules 67 and 97(7) of its Rules of Procedure,
  - having regard to the report of the Committee on the Environment, Public Health and Consumer Policy and the opinion of the Committee on Legal Affairs and the Internal Market (A5-0173/2004),
1. Approves the proposal for a Council decision as amended and approves conclusion of the Convention;
  2. Instructs its President to forward its position to the Council and Commission, and the governments and parliaments of the Member States and the Secretary General of the United Nations.

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Text proposed by the Commission

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Amendments by Parliament

Amendment 1  
Recital 2 a (new)

***(2a) Through its provisions on access to justice, the Århus Convention furthers in particular the right to a fair trial in environmental settings and provides the public - upon fulfilment of certain conditions - with the possibility to defend its right to live in an environment adequate to his or her health and well-being and to exercise its duty to protect and improve the environment.***

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<sup>1</sup> Not yet published in OJ.

## EXPLANATORY STATEMENT

The European Parliament had a strong influence in the drafting of the legislation regarding the two first pillars of the Århus Convention, i.e. public access to environmental information and public participation in the drawing up of certain plans and programmes relating to the environment. The two adopted Directives (2003/4/EC and 2003/35/EC) represent Parliament's position very clearly. Parliament succeeded in making provisions of the two Directives tougher than the Århus Convention itself. Partly this is necessary because of the vague and obscure wording which was sometimes purposely generated in the Århus Convention in order to reach an agreement – tradition of international diplomacy which cannot possibly be tolerated in the process of accurate law making in the Community.

Your Rapporteur steered the Parliament towards more ambition, as the incorporation of an *environmental* convention in the Community legislation is different from drafting directives based on conventions on other areas, say, banning landmines. While the latter is a static decision, the former should be kept a dynamic process. In the environmental policies the idea is to reverse, step by step, the adverse global development, and benefit from the experience gained.

Therefore, the implementation of an environmental convention should take shape in a way, which can cause propulsion for further improvement on an international scale in a future revision of the convention. The EU cannot confine itself to duplicating the minimum of the internationally agreed standards, but should rather use the entire margin within the realism and lead the way. This was succeeded well with the two first pillars of the Convention. The recent proposals presented by the European Commission for the third pillar and for the regulation on the application of similar provisions to EC institutions and bodies seem to be on the same track. Therefore, once the necessary Community legislation is in place, the ratification process of the Århus Convention on the whole will finally make headway in the Community without any more undue delay.

23 February 2004

## **OPINION OF THE COMMITTEE ON LEGAL AFFAIRS AND THE INTERNAL MARKET**

for the Committee on the Environment, Public Health and Consumer Policy

on the proposal for a Council decision on the conclusion, on behalf of the European Community, of the Convention on access to information, public participation in decision-making and access to justice regarding environmental matters  
(COM(2003) 625 – C5-0526/2003 – 2003/0249(CNS))

Draftsman: Anne-Marie Schaffner

### **PROCEDURE**

The Committee on Legal Affairs and the Internal Market appointed Anne-Marie Schaffner draftsman at its meeting of 1 December 2003.

It considered the draft opinion at its meetings of 26 January and 19 February 2004.

At the latter meeting it adopted the following amendments unanimously.

The following were present for the vote: Giuseppe Gargani (chairman), Willi Rothley (vice-chairman), Ioannis Koukiadis (vice-chairman), Bill Miller (vice-chairman), Anne-Marie Schaffner (draftswoman), Paolo Bartolozzi, Maria Berger, Janelly Fourtou, Marie-Françoise Garaud, Evelyne Gebhardt, José María Gil-Robles Gil-Delgado, Malcolm Harbour, Lord Inglewood, Carlos Lage (for François Zimeray pursuant to Rule 153(2)), Kurt Lechner, Klaus-Heiner Lehne, Toine Manders, Arlene McCarthy, Manuel Medina Ortega, Angelika Niebler (for Rainer Wieland), Astrid Thors, Marianne L.P. Thyssen and Ian Twinn (for Bert Doorn).

## **SHORT JUSTIFICATION**

The Commission's proposal relates to the conclusion, on behalf of the European Community, of the Århus Convention on access to information, public participation in decision-making and access to justice regarding environmental matters. These three pillars are an integral part of the convention, each granting different rights.

The Århus Convention includes a series of provisions essential for improving and implementing environmental legislation.

By signing the Århus Convention, the European Community has acknowledged the importance of its provisions. The European Community has undertaken to introduce the necessary measures to ratify the convention, which entails adopting legally binding instruments.

In order to meet its international commitments, the European Community therefore needs to adopt a decision on the conclusion of the Århus Convention. The draftswoman recommends that the committee responsible approve the Commission proposal without amendment.

## **CONCLUSION**

The Committee on Legal Affairs and the Internal Market approves the proposal and calls on the Committee on the Environment, Public Health and Consumer Policy, as the committee responsible, to take account of this opinion when considering its report.