



Brussels, 16 November 2005



To the Members of the Environment Committee of the European Parliament



Concerning: Vote on Report-KORHOLA on Aarhus Convention and EU Institutions, next week.



Friends of the Earth Europe

Dear MEP,

On 21-22 November you are scheduled to vote on the second reading amendments to the proposal for a Regulation to apply the Aarhus Convention to the EU institutions and bodies.



We urge you to vote for a Regulation that fully and accurately applies the Convention. This means, that improvement of the Council's common position is necessary, as it does not satisfy the Aarhus requirements. We are proposing you voting recommendations that are consistent with the 1st reading of the European Parliament in April 2004.

GREENPEACE



The Aarhus Convention is the most important international legal instrument ever adopted to guarantee citizens rights in the environmental area. In addition to the Community, all EU member states have signed and, by now, most have ratified the Convention. At a time when the EU is trying to close the gap with its citizens, it is all the more important to be able to demonstrate that the rules that apply at home also apply in Brussels.



We have already informed you of our position on the Regulation, most recently in a letter from the European Environmental Bureau dated 7 October 2005. We highlight here the most important issues for the upcoming vote.

- The exceptions to access to environmental information that apply in the Member States should apply as well to the EU institutions and bodies. Directive 2003/4 on access to environmental information fully and accurately implements the Aarhus Convention requirements on this point. Regulation 1049/2001, unfortunately, does not. Accordingly, the Directive and not the Regulation should be used as a basis for this Regulation. (See recommendations concerning article 6.)
- The Council's common position introduces a systematic exclusion for 'financial, banking or budget plans and programmes' which is not found in the Aarhus Convention. The banking plans and programmes may have a strong adverse impact on the environment and should therefore not be excluded. Amendments 21 and 33 should be supported to eliminate this unjustified exclusion.
- It sends the wrong message when public participation is permitted but no account need be taken of its results. The Aarhus Convention expressly requires due account to be taken of public participation and this requirement should be expressed in the Regulation, too. (See recommendations concerning article 9.)
- The Council's common position changes 'decision' to 'written reply' in the provision on internal review. This threatens to take access to justice out of the Regulation. This removes an essential element of the Aarhus Convention, and considerably weakens the potential the Regulation could have in facilitating public involvement in ensuring respect for adopted EU environmental legislation (See recommendations concerning article 10.2).

Attached please find a set of voting recommendations and justifications for the most important amendments to be considered at your upcoming meeting. We urge you to vote for a full and accurate application of the Aarhus Convention in the EU and to thereby send a positive message to the EU's citizens about their rights in environmental issues.

Yours sincerely,



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