



Brussels, January 2, 2006

To the Members of the European Parliament



Concerning: *Plenary Vote, Second Reading on Report-KORHOLA on Aarhus Convention and EU Institutions, EP January session*



Dear Madam/Sir

In its January session, the EP is to vote on the Korhola Report on the “*Council Common Position of the Council for adopting a regulation of the European Parliament and of the Council on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (6273/2005 – C6-0297/2005 – 2003/0242(COD))*”



We call upon you to take part in the vote and fully support the amendments the EP’s Environment Committee is proposing in the Korhola Report. These amendments are very much in line with the EP first reading report of April 2004, and they ensure that the Regulation would respect and apply the spirit and requirements of the Aarhus Convention.



The Aarhus Convention is the most important international legal instrument ever adopted to guarantee citizens rights to live in an environment adequate to their health and well-being. In addition to the European 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.



Friends of the Earth Europe

More-over, the Convention is concretely contributing to more environmental accountability of public authorities in other parts of Europe, which is particularly important in countries where democracy as such is still an uncertainty.



The Common Position of the Council has important weaknesses, which would put the European Union in an embarrassing situation: being a Party to the Convention, but exempting systematically certain fields of work of the EU Institutions and bodies as well as refusing to increase access to justice for environmental organisations.



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. (Amendments 4 and 14)
- 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 4, 8 and 9).

- The Aarhus Convention seeks public participation for policy development as well. The Common Position excludes this. Amendment 5 is therefore important.
- Transparency should also be provided with regards to infringement proceedings, as, in the environmental field, the public and environmental NGOs are the main complainants (= allies) in the efforts of the Commission to ensure compliance (Amendments 7 and 12)
- 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. (Amendments 19, 21).
- The Council's common position changed the concept of 'decision' to 'written reply' in the provision on internal review. This removes the right of qualified NGOs to for access to justice, which is 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 Amendments 23, 25 and 26).
- Finally, amendments 16, 20, 22 and 25 also provide for good improvements regarding deadlines for actions.

Yours 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**

Paul de Clerck, Acting Director, **Friends of the Earth Europe**

Jorgo Riss, Director, **Greenpeace European Unit**

Christian Baumgartner, Secretary General, **International Friends of Nature**

Jos Dings, Director, **European Federation for Transport & Environment**

Tony Long, Director, **WWF European Policy Office**