

Changes to legislation: *There are currently no known outstanding effects for the Commission Decision of 30 April 2008 amending its Rules of Procedure as regards detailed rules for the application of Regulation (EC) No 1367/2006 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 institution and bodies (2008/401/EC, Euratom), ANNEX. (See end of Document for details)*

ANNEX

Detailed rules for the application of Regulation (EC) No 1367/2006 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

Article 1

Access to environmental information

The time-limit of 15 working days referred to in Article 7 of Regulation (EC) No 1367/2006 shall commence on the date of registration of the request by the responsible Commission department.

Article 2

Public participation

For the purposes of implementing Article 9(1) of Regulation (EC) No 1367/2006 the Commission shall ensure public participation in accordance with the Communication ‘General principles and minimum standards for consultation of interested parties by the Commission’⁽¹⁾.

Article 3

Requests for internal review

Requests for internal review of an administrative act or relating to an administrative omission shall be sent by mail, fax or e-mail to the department responsible for the application of the provision on the basis of which the administrative act was adopted, or in respect of which the administrative omission is alleged.

Contact details to that effect shall be made known to the public by all appropriate means.

Where a request is sent to another department than that responsible for the review, that department shall forward the request to the one responsible.

In any case, where the department responsible for the review is not Directorate-General ‘Environment’, it shall inform the latter of the request being made.

Article 4

Decisions concerning the admissibility of requests for internal review

1 As soon as the request for internal review is registered, an acknowledgement of receipt shall be sent to the non-governmental organisation author of the request, where appropriate by electronic means.

2 The Commission department concerned shall determine whether the non-governmental organisation is entitled to make a request for internal review in accordance with Commission Decision 2008/50/EC⁽²⁾.

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3 In accordance with Article 14 of the Rules of Procedure, the power to take decisions on the admissibility of a request for internal review is delegated to the Director-General or the head of department concerned.

4 Where the Director-General or the head of department referred to in paragraph 3 finds that the request for internal review is inadmissible in full or in part, the non-governmental organisation author of the request shall be informed in writing, if appropriate by electronic means, stating the reasons.

Article 5

Decisions concerning the substance of requests for internal review

1 Any decision whereby it is determined that the administrative act whose review is sought, or the alleged administrative omission, is in breach of environmental law shall be taken by the Commission.

2 In accordance with Article 13 of the Rules of Procedure, the Member of the Commission responsible for the application of the provisions on the basis of which the administrative act concerned was adopted or to which the alleged administrative omission relates shall be empowered to decide that the administrative act whose review is sought, or the alleged administrative omission, is not in breach of environmental law.

3 The non-governmental organisation author of the request shall be informed of the outcome of the review in writing, if appropriate by electronic means, stating the reasons.

Article 6

Remedies

All replies informing the non-governmental organisation that its request is either inadmissible, in full or part, or that the administrative act whose review is sought, or the alleged administrative omission, is not in breach of environmental law shall apprise the non-governmental organisation of the remedies open to it, namely instituting court proceedings against the Commission, or making a complaint to the Ombudsman, or both, under the conditions laid down in Articles 230 and 195 of the EC Treaty, respectively.

Article 7

Information of the public

A practical guide shall provide to the public appropriate information about their rights under Regulation (EC) No 1367/2006.

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- (1) COM(2002) 704 final.
- (2) OJ L 13, 16.1.2008, p. 24.

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