

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)

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)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 218(2) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 131 thereof,

Having regard to the Treaty on the European Union, and in particular Article 28(1) and Article 41(1) thereof,

Whereas:

- (1) Regulation (EC) No 1367/2006 of the European Parliament and of the Council⁽¹⁾ makes provision for the application of the Aarhus Convention to Community institutions and bodies, as regards access to environmental information, public participation concerning plans and programmes relating to the environment and internal review and access to justice.
- (2) In accordance with Article 13 of Regulation (EC) No 1367/2006, where necessary, Community institutions and bodies shall adapt their rules of procedure to the provisions of that Regulation.
- (3) Pursuant to Article 7 of Regulation (EC) No 1367/2006, a Community institution or body receiving a request for access to environmental information which it does not hold must, within 15 working days at the latest, inform the applicant of the institution, body or public authority to which it believes the request can be submitted or transfer the request to the institution, body or public authority holding the requested information. There is no such provision in Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents⁽²⁾ or in the detailed rules

Status: This is the original version (as it was originally adopted).

for the application of this Regulation to the Commission laid down in its Rules of Procedure⁽³⁾ as amended by Commission Decision 2001/937/EC, ECSC, Euratom⁽⁴⁾. Consequently, a specific provision should be added to the Rules of Procedure as regards requests for access to environmental information which is not held by the Commission.

- (4) As concerns public participation, Article 9 of Regulation (EC) No 1367/2006 requires Community institutions and bodies to provide, through appropriate provisions, early and effective opportunities for the public to participate during the preparation, modification or review of plans and programmes relating to the environment when all options are still open. Modalities for such public participation are specified in paragraphs 3, 4 and 5 of that Article. For the Commission, provisions are laid down in a general way in its Communication ‘General principles and minimum standards for consultation of interested parties’⁽⁵⁾. These should be applied by all Commission departments as regards the preparation, modification or review of plans and programmes relating to the environment.
- (5) Title IV of Regulation (EC) No 1367/2006 sets out provisions on internal review of administrative acts and omissions, the implementation of which requires the adoption of detailed rules by the Commission.
- (6) In order to give effect to Article 1(2) of Regulation (EC) No 1367/2006, a practical guide should inform the public of their rights under that Regulation.
- (7) The Rules of Procedure should be amended accordingly.
- (8) Pursuant to Article 13 of Regulation (EC) No 1367/2006, this Decision should apply from 28 June 2007,

HAS DECIDED AS FOLLOWS:

Status: This is the original version (as it was originally adopted).

- (1) OJ L 264, 25.9.2006, p. 13.
- (2) OJ L 145, 31.5.2001, p. 43.
- (3) OJ L 308, 8.12.2000, p. 26.
- (4) OJ L 345, 29.12.2001, p. 94.
- (5) COM(2002) 704 final of 11.12.2002.