
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Council Directive [90/313/EEC](#) (O.J. No. L158/56), on the freedom of access to information on the environment.

Paragraph (3) of regulation 2 provides a definition for the purposes of the Regulations of information which relates to the environment and paragraph (4) indicates the public authorities and other persons who are subject to the obligation to make such information available under the Regulations.

Regulation 3 provides that the Regulations apply where the information requested is not the subject of other statutory obligations of disclosure.

Regulation 4(1) contains the primary obligation for environmental information to be made available on request. Paragraphs (2) to (6) of regulation 4 give effect to the provisions of the Directive relating to procedural arrangements and make clear that failure to comply with the requirements of the Regulations will be a breach of the duty owed to the person making the request. Paragraph 7 of the regulation 4 disapplies any statutory provision or rule of law restricting or prohibiting disclosure of information inconsistently with the requirements of the Regulations.

Regulation 5 provides for the categories of information to which the obligation of disclosure does not apply; paragraph (2) provides for those cases where the information is not required to be disclosed and paragraph (3) provides for those cases where the Regulations neither authorise nor require the disclosure of the information.

Regulation 6 provides that where any environmental information not covered by the Regulations is required by any statutory provision to be made available to any person, arrangements for doing so must be sufficient to satisfy the requirements imposed by the Directive and set out in the Regulations.

Copies of Council Directive [90/313/EEC](#) and extracts from the Official Journal of the European Communities may be obtained from Her Majesty's Stationery Office, 16 Arthur Street, Belfast BT1 4GD.