II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE
of 7 June 1990
on the freedom of access to information on the environment

(90/313/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130s thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Considering the principles and objectives defined by the action programmes of the European Communities on the environment of 1973 (4), 1977 (5) and 1983 (6), and more particularly the action programme of 1987 (7), which calls, in particular, for devising 'ways of improving public access to information held by environmental authorities';

Whereas the Council of the European Communities and the representatives of the Governments of the Member States, meeting within the Council, declared in their resolution of 19 October 1987 on the continuation and implementation of a European Community policy and action programme on the environment (1987 to 1992) (8) that it was important, in compliance with the respective responsibilities of the Community and the Member States, to concentrate Community action on certain priority areas, including better access to information on the environment;

Whereas the European Parliament stressed, in its opinion on the fourth action programme of the European Communities on the environment (9), that 'access to information for all must be made possible by a specific Community programme';

Whereas access to information on the environment held by public authorities will improve environmental protection;

Whereas the disparities between the laws in force in the Member States concerning access to information on the environment held by public authorities can create inequality within the Community as regards access to information and/or as regards conditions of competition;

Whereas it is necessary to guarantee to any natural or legal person throughout the Community free access to avaiblable information on the environment in written, visual, aural or data-base form held by public authorities, concerning the state of the environment, activities or measures adversely affecting, or likely so to affect the environment, and those designed to protect it;

Whereas, in certain specific and clearly defined cases, it may be justified to refuse a request for information relating to the environment;

Whereas a refusal by a public authority to forward the information requested must be justified;

Whereas it must be possible for the applicant to appeal against the public authority's decision;

Whereas access to information relating to the environment held by bodies with public responsibilities for the environment and under the control of public authorities should also be ensured;

(1) OJ No C 335, 30. 12. 1988, p. 5.
(2) OJ No C 120, 16. 5. 1989, p. 231.
(3) OJ No C 139, 5. 6. 1989, p. 47.
(4) OJ No C 112, 20. 12. 1973, p. 1.
(5) OJ No C 139, 13. 6. 1977, p. 1.
(6) OJ No C 46, 17. 2. 1983, p. 1.
(7) OJ No C 70, 18. 3. 1987, p. 3.
(8) OJ No C 289, 29. 10. 1987, p. 3.
(9) OJ No C 156, 15. 6. 1987, p. 138.