

Aarhus-Convention, Infrastructure, Dust and Noise

What's in Germany's newly introduced
Aarhus?

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Agenda

1. Implementation of Aarhus in Germany
2. Tools for NGO`s regarding Aarhus
3. Conclusions and Questions

1. Implementation of Aarhus in Germany

Importance of Aarhus

in general:

- recognition of the importance of civil society in environmental protection

focused on German relations:

- strengthening public participation in environmental matters

1. Implementation of Aarhus in Germany

I. Pillar of Aarhus - access to environmental information

- EU-directive (2003/4/EG)
- German law of environmental information is in force (since 14.2.2005 only on the federal level)
- State level in Germany delayed, some states are now in legislation some not
but since 14.2.2005 the EU-directive has had immediate effect
- Advantage:
 - more matters recognized as „environmental information“ (definition of environmental information has a wider range)
 - transport also
 - all authorities on environmental topics or environmental information have the duty to give information to the public
 - also private authorities

1. Implementation of Aarhus in Germany

II. Pillar of Aarhus - access to public participation

- EU-directive 2003/35/EG
- every member state's duty to implement this directive by 25 th of June 2005 in national law
- Germany is behind schedule
- directive has immediate effect

Advantage in Germany:

- public participation in a broader field of application
- more rights for recognised environmental protection advisory associations to go to court if the environmental law is violated

1. Implementation of Aarhus in Germany

III. Pillar of Aarhus – access to justice

- Lie in a coma
- no directive on the EU-legislation, only drafts
- only Belgium wants to have this EU-directive, no other member-state

2. Tools for German NGO`s regarding Aarhus

Tools:

- to gain more environmental information
- to gain information quicker than before (after max.4 weeks)
- To have more rights for public participation for plans and programmes and approval procedures
- Recognised environmental organisations have more rights to go on to court if environmental rights are violated

3. Conclusions and Questions

1. Environmental organisations are able to control authorities better than before
2. Aarhus helps us for instance for communication projects, for campaigning or for researching information
3. But Aarhus is not a tool to share the decisions in approval proceedings

3. Conclusions and Questions

Most important chances for NGOs?

Tasks for NGO`s

- to inform you about your rights especially in context to transport authorities
- to discuss strategy within our organisation
- to decide, if your organisation wants to collaborate with lawyers and attorneys maybe worldwide

3. Conclusions and Questions

Questions to the workshop:

- Is the work for NGOs easier after the ratification of Aarhus-Convention (Poland 2002, Czech-Republic 2004)?
- One principle of Aarhus is Cooperation. Is the authority attitude in general (Poland, Czech-Republic) more cooperative or what?
- What is the general opinion of the public about construction of roads, traffic and emissions (dust and noise)? Is it possible to influence the public to think in an environmentally friendly way?

www.aarhus-konvention.de

www.participate.org