

## Aarhus

<b>name</b>	„Aarhus Convention“	
<b>official name</b>	Convention on access to information, public participation in decision-making and access to justice in environmental matters	
<b>legal foundation</b>	International Convention of the fourth ministerial conference Environment for Europe, Aarhus/Denmark June 23rd - 25th 1998 (ECE/CEP/43)	
<b>state of ratification European Union (entry into force)</b>	EU has signed and ratified in 2005: Information Directive 2003/4/EC (national laws till 14.02.2005), Directive on public participation 2003/35/EC (transposition into national laws by 25.06.05), Directive on access to justice (not yet decided)	
<b>state of ratification in member states (entry into force)</b>	of the 25 EU countries, currently only Slovakia has not signed the Convention. 19 countries have ratified it. 5 have not yet ratified: Germany, Greece, Ireland, Luxemburg and Sweden.	
<b>what's new/ what's special</b>	linkage between human rights and environmental protection	
<b>main intention</b>	to further the accountability of and transparency in decisionmaking and to strenghten public support for decisions on the environment	
<b>main instruments</b>	Three Main Pillars: 1) Information on environmental matters, 2) Public Participation, 3) Access to independent courts	
<b>scope</b>	„environmental information“ means any information on: elements of the environment (as air, soil, landscape, biological diversity ...) and their interaction, factors (as substances, noise ...) and activities or measures (as agreements, policies, legislations, plans) affecting the environment, economic analyses and assumptions used in decision-making, the state of human health and safety and conditions of human life, cultural sites and build structures inasmuch as they may be affected.	

affected transport projects	Annex I Nr. 8: Constructions of lines for long-distance railway traffic and of airports (with a basic runway length of 2 100 inch or more), construction of motorways and express roads, construction of a new road of four or more lanes, or realignment and/or where such new road, or realigned and/or widened section of road, would be 10 or more km in a continuous length. Nr. 9: Inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1 350 tons; trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1 350 tons.	
legal results (authorities)		
consequences on project planning/optimal planning models		
legal results (citizens)	contribution to the right of every person of present and future generations to live in an environment adequate to his or her health and well-being (Art. 1). Linkage between human rights, health care and environmental protection. Gives right information access, participation in decision-making processes and review in front of independent courts.	
legal results (organizations)	are part of „the public“, as it means one or more natural or legal persons and their members/associations/groups. Also they can be „the public concerned“ especially if they are ENGOs. Additional each party shall provide appropriate recognition of and support to ENGOs.	
possible use (ENGOs)	strengthening of their impact. Encourage increased public interest. Proceduralization of environmental protection.	
possibly negative effects and implications for ENGOs	additional bureaucratic exercises and legal conditions although the convention provides a minimal standard. Focus on human rights may lead to an anthropocentric approach and weaken the own value of environment. Expansion of debate may weaken human rights groups and ENGOs. Environmental concerns may be relativised to other interests such as social and economic rights. Could be mainly important for developing countries.	

<p>possible impact on transport policy</p>	<p>charging for supply of information, guaranteed access to justice in case of ignored public contributions in participation processes. Additional loopholes may effect from the future access-to-justice-directive: criteria on organisation to be a „qualified entity“ to have right to complain at a court, costs of legal action and exludes challenge of acts and omissions by private persons which contravene national law relation to the environment.</p>	
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