The Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters

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To contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

The right to information

The right to participate

The right to justice
Access to environmental information

Convention requirements

• Information on the state of the environment, on policies, measures taken, state of health and safety where affected by the state of the environment;

• Normally within at least 1 month from the date of request and without having to explain the reasons for requiring it;

• Active obligation to disseminate information in the possession of authorities.

Questions for an auditor

• Is all necessary information adequately available?

• Is the information comprehensive and understandable?

• Is the information timely?

• Are the sources for disseminating information adequate?
Access to decision making

Early, adequate and effective notice → Early public participation, when all options are open and reasonable time frames → Access to all relevant information

Opportunity to comment and/or be heard → Due account to be taken of public participation → Prompt notice of decision

If conditions are reconsidered, the above steps should be repeated
Access to justice

Review procedures to challenge public decisions, in particular:

• To challenge a refusal or inadequate response to request for information;

• To challenge the legality of a plan or programme or a decision on a specific activity;

• To challenge actions or omissions that contravene national environmental law.
Implementation challenges

- How to define „environmental information“?
- Who is „the public“ or „the public concerned“?
- What are „the plans and programmes relating to the environment“?
- Can non-residents ask for information, participation and access to justice?
- What constitutes „internal communication“?
- At which moment should the public participation be provided?
- What is the adequate way of notifying about decision-making procedures?
- How much time should be afforded to the public to become acquainted with the material?
- Who are „members of the public“ for access to justice purposes?
Thank You!

For further information: