

Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies

TITLE I

**GENERAL PROVISIONS**

*Article 1*

**Objective**

1 The objective of this Regulation is to contribute to the implementation of the obligations arising under the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, hereinafter referred to as ‘the Aarhus Convention’, by laying down rules to apply the provisions of the Convention to Community institutions and bodies, in particular by:

- a guaranteeing the right of public access to environmental information received or produced by Community institutions or bodies and held by them, and by setting out the basic terms and conditions of, and practical arrangements for, the exercise of that right;
- b ensuring that environmental information is progressively made available and disseminated to the public in order to achieve its widest possible systematic availability and dissemination. To that end, the use, in particular, of computer telecommunication and/or electronic technology, where available, shall be promoted;
- c providing for public participation concerning plans and programmes relating to the environment;
- d granting access to justice in environmental matters at Community level under the conditions laid down by this Regulation.

2 In applying the provisions of this Regulation, the Community institutions and bodies shall endeavour to assist and provide guidance to the public with regard to access to information, participation in decision-making and access to justice in environmental matters.

*Article 2*

**Definitions**

- 1 For the purpose of this Regulation:
  - a ‘applicant’ means any natural or legal person requesting environmental information;
  - b ‘the public’ means one or more natural or legal persons, and associations, organisations or groups of such persons;
  - c ‘Community institution or body’ means any public institution, body, office or agency established by, or on the basis of, the Treaty except when acting in a judicial or legislative capacity. However, the provisions under Title II shall apply to Community institutions or bodies acting in a legislative capacity;
  - d ‘environmental information’ means any information in written, visual, aural, electronic or any other material form on:

---

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1367/2006 of the European Parliament and of the Council, TITLE I. (See end of Document for details)*

---

- (i) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;
  - (ii) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in point (i);
  - (iii) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in points (i) and (ii) as well as measures or activities designed to protect those elements;
  - (iv) reports on the implementation of environmental legislation;
  - (v) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in point (iii);
  - (vi) the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures in as much as they are or may be affected by the state of the elements of the environment referred to in point (i) or, through those elements, by any of the matters referred to in points (ii) and (iii);
- e ‘plans and programmes relating to the environment’ means plans and programmes,
- (i) which are subject to preparation and, as appropriate, adoption by a Community institution or body;
  - (ii) which are required under legislative, regulatory or administrative provisions; and
  - (iii) which contribute to, or are likely to have significant effects on, the achievement of the objectives of Community environmental policy, such as laid down in the Sixth Community Environment Action Programme, or in any subsequent general environmental action programme.

General environmental action programmes shall also be considered as plans and programmes relating to the environment.

This definition shall not include financial or budget plans and programmes, namely those laying down how particular projects or activities should be financed or those related to the proposed annual budgets, internal work programmes of a Community institution or body, or emergency plans and programmes designed for the sole purpose of civil protection;

- f ‘environmental law’ means Community legislation which, irrespective of its legal basis, contributes to the pursuit of the objectives of Community policy on the environment as set out in the Treaty: preserving, protecting and improving the quality of the environment, protecting human health, the prudent and rational utilisation of natural resources, and promoting measures at international level to deal with regional or worldwide environmental problems;
- g ‘administrative act’ means any measure of individual scope under environmental law, taken by a Community institution or body, and having legally binding and external effects;

---

**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 1367/2006 of the European Parliament and of the Council, TITLE I. (See end of Document for details)

---

h ‘administrative omission’ means any failure of a Community institution or body to adopt an administrative act as defined in (g).

2 Administrative acts and administrative omissions shall not include measures taken or omissions by a Community institution or body in its capacity as an administrative review body, such as under:

- a Articles 81, 82, 86 and 87 of the Treaty (competition rules);
- b Articles 226 and 228 of the Treaty (infringement proceedings);
- c Article 195 of the Treaty (Ombudsman proceedings);
- d Article 280 of the Treaty (OLAF proceedings).

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation (EC) No 1367/2006 of the European Parliament and of the Council, TITLE I.