

Disclosure policies

A changing legal and political framework places new obligations on European ECAs

Disclosure Policies of OECD Common Approaches

- Disclosure policies of the Common Approaches insufficient
- Applied unevenly
- Lack of clarity
- Lack of good faith implementation

- OP 4.12: „at a place accessible to displaced persons and local NGOs, in a form, manner, and language that are understandable to them“

Ilisu: a case in point

- EIA and RAP in full form available in Turkish only months after publication in English
- None of the documents available in Kurdish
- 30 days comment period grossly insufficient
- Local input was possible because of political pressure, not because of disclosure policy

The Aarhus Convention

UN ECE Convention of 1998

Three pillars:

- Access to Environmental Information
- Public Participation in Decision-making
- Access to Justice

EU Directive on access to environmental information

- EU Directive 2003/4/EC aligns Community legislation with first pillar of the Convention
- In force since February 2005
- All European ECAs – public or private – fall under this new legislation

What does this mean?

- public is entitled to access any environmental information held by or for an ECA
- not limited to information on projects within the European Union
- not limited to citizens of the EU

Implications for revision of Common Approaches

- Not limited to Category A projects
- Active dissemination of environmental information
- Put in place practical arrangements to facilitate access
- give partial access to information
- Directive is hard law and non-compliance subject to judicial review

Keeping the playing field level

NGOs and ECAs have a common interest in working towards integrating new requirements into the 2006 version of the Common Approaches

Thank you!

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