

# Participatory principle

*How civil society can contribute to the elaboration and implementation of environmental Law at European level?*

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## Principle 10

*“Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided”*



# Regional level – main legal texts



# European level - main legal texts



- **Directive 90/313/EEC** of 7 June 1990 on the freedom of access to information on the environment (*Official Journal L 158 , 23/06/1990 P. 0056 – 0058*)
- **Directive 2003/35/EC** of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment (*Official Journal L 156 , 25/06/2003 P. 0017 – 0025*)

# KEY IDEAS OF PARTICIPATORY PRINCIPLE

- Three different elements:
  - participation in decision-making process dealing with environmental issues,
  - access to environmental information,
  - access to administrative and judicial proceedings.
    - The three pillars of environmental democracy

# Public participation includes

- **Participation in Decision-Making Processes on Environmental Issues**



- **Access to Environmental Information**



- **Access to Judicial and Administrative Proceedings**

# Implementation at EU level



**European Ombudsman**



**Public consultation (EU Commission)**



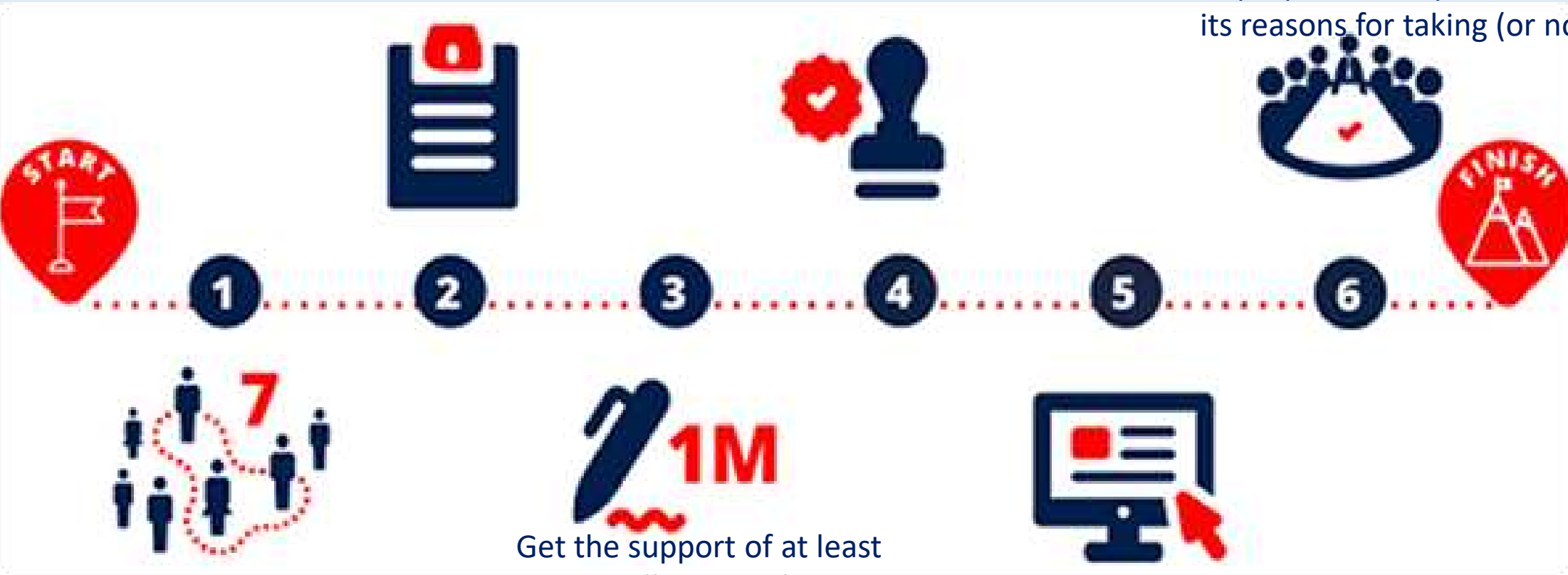
**European citizen initiative (ECI)**



Provide a description of the initiative in one of the official EU language  
If criteria are to be met, the Commission registers the initiative

The authorities then have 3 months to verify which statements of support are valid (they will issue the group of organizer with a certificate)

1/ Meeting with representatives of the Commission to explain the issues raised in the initiative in detail  
2/ Presentation of the initiative at a public hearing at the European Parliament  
3/ The Commission will spell out what action it will propose in response to the initiative, and its reasons for taking (or not taking) action



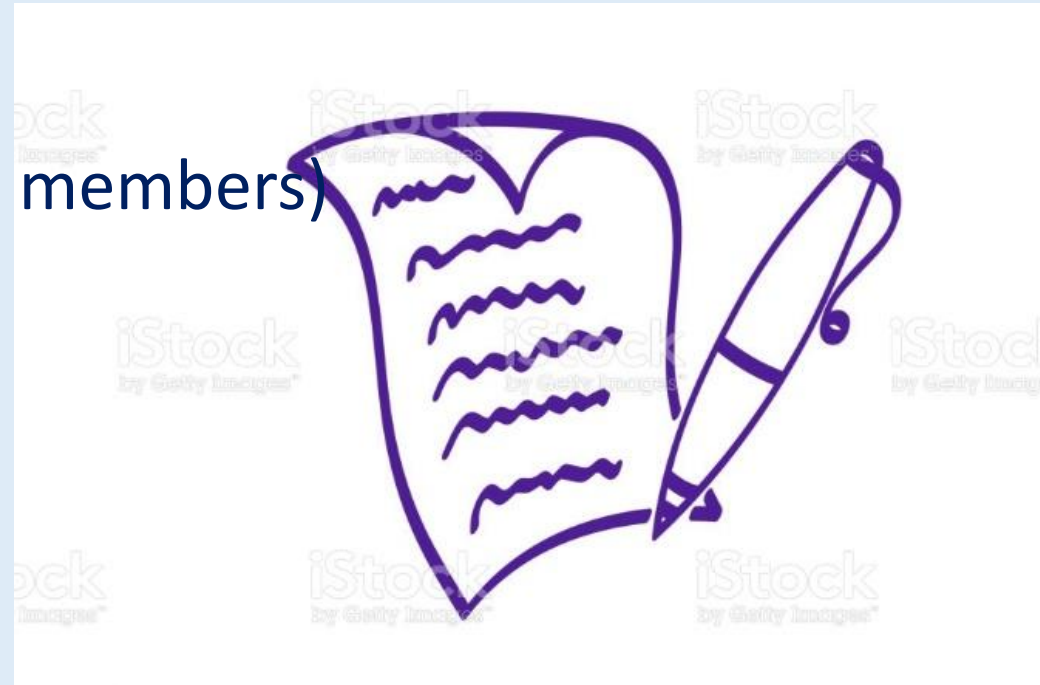
Set up a group of organizer composed of at least 7 EU citizens living in 7 different EU countries

Get the support of at least 1 million people, with minimum numbers in at least 7 EU countries (12 months)

The group of organizer has 3 months to submit the initiative to the Commission

# Design of an ECI

- 1/ Proposal topic (context)
- 2/ Requirement (what does citizen want?)
- 3/ Environmental issues, benefits of the initiative, cross-cutting issues (social, cultural, economics...)
- 4/ EU treaty and legislation
- 5/ Board of organizers (representative and members)
- 6/ Legal proposition (article 1....)





Save the bees and the farmers



Stop Finning

#### OTHER ECI:

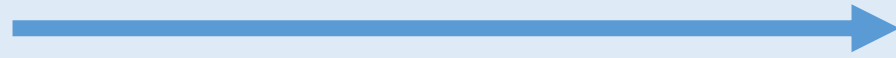
Acting on the climate emergency

A quick and effective solution to tackle climate change

A carbon price to tackle climate change

Ending Europe's tax exemption on aviation fuel

**2013**



**2020**

Directive (EU) 2020/2184  
of the European Parliament  
and of the Council  
of 16 December 2020  
on the quality of water  
intended for human consumption

- Multi-level governance = the citizen acts locally, but is aware that his/her action has an echo at European level
- Transnational dimension (group of organizer)
- Complementary to national citizenship = becoming a full citizenship
- Not only an additional right : a right to consider oneself as a citizen of a whole greater than one's nation
- Shift from a "right to" to a "right to be"?
- “a group of European citizens” ; “a transnational group of citizens” ; “a group of transnational citizens” (?)

- **Plaumann case** (*European Court of Justice, 15 of July 1963, Plaumann / Commission, 25/62, p. 199*)
- **Stichting Greenpeace case** (*Order of the CFI of 9 August 1995, Greenpeace and Others v. Commission (T-585/93, ECR II-2205) confirmed by the Court's judgment of 2 April 1998, Stichting Greenpeace Council (Greenpeace International) and Others v. Commission of the European Communities. Case C-321/95 P. ECR p. 1651]*)

*Thank you for your attention!*