

HOUSE OF LORDS

Date: 25 February 2013

Lord Berkeley OBE asked Her Majesty's Government:

whether they will place in the Library of the House copies of all notes of meetings, correspondence and other communications they have had with the European Commission following the judgment of the European Court of Justice in Case C-301/10 dated 18 October 2012, on urban waste water treatment in accordance with the Aarhus Convention of 1998; and how they plan to facilitate the related requirement for "public participation in environmental decision-making" on environmental issues relating to that judgment. [HL5390]

The Parliamentary Under Secretary of State, Lords, Department for Environment, Food and Rural Affairs (Lord de Mauley):

Our obligations under the Aarhus Convention with respect to access to information are subject to the requirements of the EU Environmental Information Directive (2003/4/EC), transposed nationally by the Environmental Information Regulations 2004. These Regulations provide that environmental information held by public authorities, including Defra, may be the subject of a request to make it publicly available, subject to certain exemptions. In line with these exemptions we do not intend to publish any communications with the European Commission regarding compliance with the judgment of the Court in Case C-301/10 as we believe that disclosure would adversely affect the current discussions and our relations with the European Commission.

With regard to public participation duties under the Aarhus Convention, these are covered by EU legislation, including the Public Participation Directive (2003/35/EC), the Industrial Emissions Directive (2010/75/EU) and the Environmental Impact Assessment Directive (2011/92/EU), transposed nationally by legislation on planning, environmental impact assessments and environmental permitting. Applications or proposals may engage public consultation duties under this legislation. We do not believe that there are currently any environmental issues relating to the Court judgment which engage these duties, over and above issues on which previous consultations have taken place.

de Mauley