Format for the Aarhus Convention
implementation report in accordance with Decision IV/4 (ECE/MP.PP/2011/2/Add.1)

 The following report is submitted on behalf of the Grand Duchy of Luxembourg in accordance with decisions I/8, II/10 and IV/4.

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| Name of officer responsible for submitting the national report: Joe DUCOMBLE,  |
| Signature:  |
| Date:  |

 Implementation report

 Please provide the following details on the origin of this report

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| **Party:**  |
| **National Focal Point: Department of the Environment, MDDI** |
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 I. Process by which the report has been prepared

*Provide a brief summary of the process by which this report has been prepared, including information on the type of public authorities that were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account, as well as on the material that was used as a basis for preparing the report.*

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| The draft report was subject to public consultation, publicized via electronic media from 5 May to 21 May 2017 and in such a way as to allow anyone interested to submit comments.  |
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 II. Particular circumstances relevant for understanding the report

*Report any particular circumstances that are relevant for understanding the report, e.g., whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).*

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| None  |
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 III. Legislative, regulatory and other measures
implementing the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8

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| **List legislative, regulatory and other measures that implement the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8, of the Convention.**  |
| Explain how these paragraphs have been implemented. In particular, describe: (a) With respect to **paragraph 2**, measures taken to ensure that officials and authorities assist and provide the required guidance;(b) With respect to **paragraph 3**, measures taken to promote education and environmental awareness; |
| (c) With respect to **paragraph 4**, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection; |
| (d) With respect to **paragraph 7**, measures taken to promote the principles of the Convention internationally; including: |
| (i) Measures taken to coordinate within and between ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the Almaty Guidelines, indicating whether the coordination measures are ongoing;  |
| (ii) Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information was provided; (iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g., inviting non-governmental organization (NGO) members to participate in the Party’s delegation in international environmental negotiations, or involving NGOs in forming the Party’s official position for such negotiations), including the stages at which access to information was provided; (iv) Measures taken to promote the principles of the Convention in the procedures of other international forums; (v) Measures taken to promote the principles of the Convention in the work programmes, projects, decisions and other substantive outputs of other international forums;  |
| (e) With respect to **paragraph 8**, measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed. |
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| **Article 3, paragraph 2** The second paragraph of Article 10 of the amended Law of 16 April 1979 laying down the General Regulations Applicable to State Officials requires that officials behave with dignity and civility (*inter alia*) in their relationships with service users, treating them with understanding and consideration and without discrimination. The third paragraph of Article 1 of the Law of 1 December 1978 on Administrative Procedure provides that the Grand Duke is empowered to enact a body of general rules intended to ensure procedural co-operation on the part of administrative authorities in order (*inter alia*) to uphold the right of persons subject to administration to be heard and to be provided with the documents in an administrative matter. Article 12 of the Grand-Ducal Regulation of 8 June 1979 on the procedure to be followed by central and municipal government states that anyone concerned by an administrative decision which may adversely affect his or her rights and interests is also entitled to be provided with details of the information on which the administrative authority has based or intends to base its decision. Article 1 of the Law of 25 November 2005 on Access to Environmental Information (the ‘Environmental Information Act’), transposing Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC, aims (*inter alia*) to ensure that persons subject to administration have the right of access to environmental information. Article 3(5) of the Act provides that the public authorities should designate not only information officers but also officials required to assist the public in obtaining access to information. **Article 3, paragraph 3** Public policies on the environment are supported by promotion of awareness, education and training, implemented by various stakeholders according to the target audience concerned. Particularly noteworthy are campaigns led by the Environment Administration (‘the AEV’) in conjunction with *SuperDrecksKëscht* (‘SDK’ – a national programme for managing problem waste) to raise awareness among young people on the subject of waste (*SuperSpillMobil*) and campaigns on ‘Energy-light’, combating climate change through food, European Mobility Week, and *keen Dreck op d´Stross*, an anti-litter campaign. The AEV plays an active role in training initiatives. The following should be mentioned in particular: * ‘Tackling waste management in business’

As in previous years, the AEV has organized ‘Tackling waste management in business’ training courses in conjunction with the National Centre for Continuing Professional Development at Ettelbruck. * ‘Smart cooking’

Promoting food waste reduction **Article 3, paragraph 4** The right of association is primarily governed by the amended Law of 21 April 1928 on Non-Profit Associations and Foundations. Most environmental protection associations have chosen to take the legal form of non-profit associations (ASBLs). Nationwide associations whose articles of association have been published in *Mémorial* (the official gazette of the Grand Duchy of Luxembourg) and who have engaged in environmental protection activities, as set out in those articles, for at least three years can obtain official recognition from the Minister responsible for the environment. Provision has been made, both by amending existing legislation and through legislation which is being or will be drafted, to allow foreign associations to take part in court proceedings. In criminal matters, officially recognized associations may exercise the rights granted to a party claiming damages for conduct which constitutes an infringement of the environmental laws concerned and causes direct harm to the collective environmental protection interests which the associations aim to defend; they may exercise these rights even if they cannot establish a material interest and even if the collective interest in which they are acting is entirely commensurate with the interests of society defended by the public prosecutor. In administrative matters, nationwide associations which have legal personality and are recognized under the environmental laws concerned also have a right to review of administrative decisions; the same applies/will apply to foreign associations. All these associations are deemed to have a sufficient interest for administrative review of a decision on an establishment covered by the Industrial Emissions Directive (‘the IED’) or the Environmental Impact Assessment (‘EIA’) Directive (Administrative Court, 30 June 2008, No. 22984). **Article 3, paragraph 7** Luxembourg plays an active role in international activities in this sphere, *inter alia* as a Member State of the European Union. **Article 3, paragraph 8** No one undertaking actions on the basis of the Aarhus Convention is penalized: on the contrary, such actions are encouraged. Failure by public authorities to comply with their obligations arising from the Aarhus Convention may amount to maladministration, attracting not only civil but also, in some circumstances, criminal penalties. Transparency plays a fundamental role in this area. As far as concerns the issue of access to environmental information, the Administrative Court held, in a judgment that predates the conclusion of the Convention – i.e., on the basis of the legislation on access to environmental information then in force – that “… the right of access to environmental information is general in nature and constitutes an end in itself; the exercise of this right cannot be limited in time, nor is the applicant obliged to demonstrate an interest in this connection”. (Administrative Court, 22 December 1997, Roll No. 9768).  |
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 IV. Obstacles encountered in the implementation of article 3

*Describe any* ***obstacles encountered*** *in the implementation of any of the paragraphs of article 3 listed above.*

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| Luxembourg has not noted any particular obstacles in the implementation of article 3. In some specific cases, the competent public authorities have had practical difficulties in assisting the public to obtain access to environmental information, notably in cases involving the copying of large-scale coloured plans.  |
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 V. Further information on the practical application of the general provisions of article 3

*Provide further information on* ***the practical application of the general provisions of article 3****.*

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| None.  |
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 VI. Website addresses relevant to the implementation of article 3

*Give relevant website addresses, if available:*

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| The main Web addresses are: [www.emwelt.lu](http://www.emwelt.lu).<http://www.developpement-durable-infrastructures.public.lu/fr/index.html>These websites provide a range of environmental information, with links to other, more specific sites.  |
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 VII. Legislative, regulatory and other measures
implementing the provisions on access to environmental information in article 4

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| **List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4.**  |
| Explain how each paragraph of article 4 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe: (a) With respect to **paragraph 1**, measures taken to ensure that:(i) Any person may have access to information without having to state an interest; (ii) Copies of the actual documentation containing or comprising the requested information are supplied; (iii) The information is supplied in the form requested;  |
| (b) Measures taken to ensure that the time limits provided for in **paragraph 2** are respected; |
| (c) With respect to **paragraphs 3 and 4**, measures taken to: |
| (i) Provide for exemptions from requests;  |
| (ii) Ensure that the public interest test at the end of paragraph 4 is applied; (d) With respect to **paragraph 5**, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action; |
| (e) With respect to **paragraph 6**, measures taken to ensure that the requirement to separate out and make available information is implemented;(f) With respect to **paragraph 7**, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;(g) With respect to **paragraph 8**, measures taken to ensure that the requirements on charging are met. |
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| The Aarhus Convention was approved by Law of 31 July 2005 (*Mémorial A*, No. 148, 9 September 2005). In certain circumstances, the provisions of international conventions have direct effect. This is most probably the case for article 4, on account of the clarity of its wording. Article 3 of the Environmental Information Act, which transposes Directive 2003/4/EC, in essence reproduces the provisions of article 4 of the Aarhus Convention. **Article 4, paragraph 1** Public authorities have to provide the environmental information held by or for them to anyone on request. Everyone has this right without having to demonstrate an interest. Access to environmental information is secured: (a) by means of free on-site consultation, except where this is precluded by considerations relating to the preservation of the document; b) by the provision of copies, except where reproduction jeopardizes the preservation of the document concerned; c) by electronic means, free of charge. In addition, a great deal of environmental information is permanently accessible, *inter alia* at [www.emwelt.lu](http://www.emwelt.lu). **Article 4, paragraph 2** Article 3(2) of the Environmental Information Act provides that, having regard to any timescale specified by the applicant, environmental information shall be made available to an applicant: (a) as soon as possible or, at the latest, within one month after the receipt by the public authority referred to in paragraph 1 of the applicant’s request; or (b) within two months after the receipt of the request by the public authority if the volume and the complexity of the information is such that the one-month period referred to in (a) cannot be complied with. In such cases, the applicant shall be informed as soon as possible, and in any case before the end of that one-month period, of any such extension and of the reasons for it **Article 4, paragraphs 3 and 4** Exceptions to the right of access to environmental information are primarily governed by Article 4 of the Environmental Information Act, which provides: “1. Without prejudice to the provisions of the Law of 2 August 2002 on the Protection of Individuals with regard to the Processing of Personal Data and its Implementing Regulations, a request for environmental information may be rejected where (a) the request is manifestly unreasonable; (b) the request is formulated in too general a manner; (c) the request concerns material in the course of completion or unfinished documents or data. In this case, the refusal must state the name of the public authority preparing these documents and the time needed to complete them; (d) the request concerns communications of a purely internal nature, which are of no public interest. 2. A request for environmental information shall also be refused if disclosure of the information would adversely affect: (a) international relations, national defence, public security or safety, or law and order; (b) intellectual property rights; (c) the confidentiality of the proceedings of public authorities, where such confidentiality is provided for by law; (d) the confidentiality of commercial, industrial or trade information protecting a legitimate economic interest; (e) statistical confidentiality and tax secrecy; (f) the course of justice; (g) the ability of a public authority to conduct an inquiry of a criminal or disciplinary nature; (h) the ability of any person to receive a fair trial; (i) the confidentiality of personal data and/or files relating to a natural person, unless that person has agreed to the disclosure of the information; (j) the interests or the protection of any person who has supplied the informationrequested on a voluntary basis without being under an obligation, laid down by or pursuant to law, to do so, unless that person has freely consented to the disclosure of this information; (k) the protection of the actual environment to which the information relates. 3. The grounds for refusal mentioned in paragraphs 1 and 2 shall be interpreted in a restrictive way, taking into account for the particular case the public interest served by disclosure. In every particular case, the public interest served by disclosure shall be weighed against the interest served by the refusal. In cases covered by paragraph 2(c), (d), (i), (j) and (k), a request may not be refused where the request relates to information on emissions into the environment. 4. […]5. A refusal to make available all or part of the information requested shall be notified to the applicant in writing or electronically, if the request was in writing or if the applicant so requests, within the time limits referred to in Article 3(2)(a) or, as the case may be, (b). The notification shall state the reasons for the refusal and include information on the review procedure provided for in accordance with Article 6.”**Article 4, paragraph 5** Article 1 of the Grand-Ducal Regulation of 8 June 1979 on the procedure to be followed by central and municipal government provides that any administrative authority which receives a request for a decision shall, as a matter of course, consider whether it has competence in the matter concerned. Where it is of the opinion that the request does not fall within its competence, it shall pass the request to the competent authority without delay, informing the applicant of this. **Article 4, paragraph 6** Article 4(4) of the Environmental Information Act provides that environmental information held by or for public authorities which has been requested by an applicant shall be made available in part where it is possible to separate out any information falling within the scope of paragraphs 1(c) and (d) or paragraph 2 from the rest of the information requested. **Article 4, paragraph 7** The procedure for rejection of a request for environmental information is primarily governed by Article 6 of the Environmental Information Act. This article provides: “1. A refusal to supply or allow access to all or part of the information requested shall be notified to the applicant by the public authorities in the form of a reasoned decision, given in writing by registered letter with acknowledgement of receipt; failing this, the refusal shall be void. 2. If a public authority in receipt of a request to supply or allow access to environmental information does not respond within a period of more than three months, this failure shall be deemed a refusal. For environmental information covered by Article 3(2)(b), the period concerned shall be two months. 3. In the case of total or partial refusal to supply environmental information, there is a right to review before the Administrative Court, sitting to hear an application for interim measures. The application for review must be lodged within a period of 30 days from the dateof notification of an explicit refusal or from the date of expiry of the periods referred to in paragraph 2; failing this, it shall be void. The application for interim measures shall contain the names and addresses of the parties, a summary of the facts and grounds, the forms of order sought and specific information on the environmental information, supply of or access to which has been refused. The application, in the form of one copy for each party in the case, and, more generally, all the documents produced by the parties shall be lodged with the Registrar of the Administrative Court no later than the date of the hearing set by the President of the Administrative Court or by someone deputizing for the President. The competent authority shall forward the environmental information at issue to the President of the Administrative Court alone, through the Registrar. If the application for review is admissible and well founded, the President of the Administrative Court may instruct the public authority to make the environmental information at issue available in whole or in part, in the most appropriate form. Decisions shall be given in the form of orders of the Court. The Registrar of the Administrative Court shall notify the applicant and the competent authority of these orders by registered letter. The orders may be subject to appeal before the HigherAdministrative Court. 4. Where the copying costs referred to in Article 5 are disputed, there is a right to review before the Administrative Court, sitting to adjudicate on the substance. This application for review must be lodged within a period of 30 days from the date of notification of the decision taken; failing this, it shall be void. 5. Associations recognized under Article 63 of the Law of 19 January 2004 on the Protection of Nature and Natural Resources may exercise the rights granted to a party claiming damages for conduct which constitutes an infringement of the amended Laws of 21 June 1976 on Combating Atmospheric Pollution and Noise and/or the Law of 28 June 1976 to Regulate Fishing in Inland Waters and causes direct or indirect harm to the collective interests which the associations aim to defend; they may exercise these rights even if they cannot establish a material interest and even if the collective interest in which they are acting is entirely commensurate with the interests of society.” **Article 4, paragraph 8** Article 5(1)(b) of the Environmental Information Act provides that photocopies constituting a single copy of the information concerned may be supplied at the applicant’s expense. The amount involved is about €0.50 per page: this still reflects the original Grand-Ducal Regulation of 10 August 1992 setting the fee to be paid on making a request to obtain environmental information. In practice, however, where environmental information can be supplied to applicants in the form of straightforward paper photocopies, no fee is levied. Where the information request involves full copies of files or plans which, by their nature, cannot be photocopied, a widespread administrative practice is to send the documents to a specialized company for copying, at the applicant’s expense. |
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VIII. Obstacles encountered in the implementation of article 4

*Describe any* ***obstacles encountered*** *in the implementation of any of the paragraphs of article 4.*

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| It is apparent that in some cases the intention of applicants for environmental information has been to procure information which goes well beyond the boundaries of environmental information as envisaged by the Aarhus Convention. For example, some people have inspected planning permission application documents with the sole objective of finding out who has submitted comments during the planning procedure. As far as possible, the competent authorities conceal information whose disclosure may undermine the privacy of natural persons. In other cases, the competent public authorities have had practical difficulties in supplying environmental information within the required time frames. |
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 IX. Further information on the practical application of the provisions of article 4

*Provide further information on the* ***practical application of the provisions on access to information in article 4****, e.g., are there any statistics available on the number of requests made, the number of refusals and the reasons for such refusals?*

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| The President of the Administrative Court has previously held that the provisions of Article 6 of the Environmental Information Act, which are entitled “Access to Justice”, do not establish an independent, self-sufficient procedure that has no need to be supplemented by other provisions deriving from the legal rules currently in force for proceedings before the Court. Consequently, for all aspects of proceedings before the Court concerning access to environmental information that are not governed specifically by the provisions of the Environmental Information Act, the provisions of the general law on proceedings before the Court, as set out in the amended Law of 21 June 1999, must apply. (Administrative Court, President, 8 March 2006, No. 21085). |
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 X. Website addresses relevant to the implementation of article 4

*Give relevant website addresses, if available:*

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| The main Web addresses are: [www.emwelt.lu](http://www.emwelt.lu).<http://www.developpement-durable-infrastructures.public.lu/fr/index.html>These websites provide a range of environmental information, with links to other, more specific sites.  |
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 XI. Legislative, regulatory and other measures
implementing the provisions on the collection and dissemination of environmental information in article 5

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| **List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5.**  |
| Explain how each paragraph of article 5 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe: (a) With respect to **paragraph 1**, measures taken to ensure that:(i) Public authorities possess and update environmental information; (ii) There is an adequate flow of information to public authorities; (iii) In emergencies, appropriate information is disseminated immediately and without delay;  |
| (b) With respect to **paragraph 2**, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible; |
| (c) With respect to **paragraph 3**, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks; |
| (d) With respect to **paragraph 4**, measures taken to publish and disseminate national reports on the state of the environment; |
| (e) Measures taken to disseminate the information referred to in **paragraph 5**; |
| (f) With respect to **paragraph 6**, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products;(g) Measures taken to publish and provide information as required in **paragraph 7**;(h) With respect to **paragraph 8**, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public; (i) With respect to **paragraph 9**, measures taken to establish a nationwide system of pollution inventories or registers. |
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| Anyone concerned by the activities of administrative authorities can consult a huge range of regularly updated environmental information in addition to the information available at www.emwelt.lu and <http://www.guichet.public.lu/fr/index.html> **Article 5, paragraph 1** *article 5, paragraph 1 (a)* Article 3(5) of the Environmental Information Act provides that public authorities shall establish and update registers or lists of the environmental information that they hold or is held for them by information points. These registers or lists shall in addition give clear indications of where such information can be found. The second paragraph of Article 15 of the Law of 10 June 1999 on Classified Establishments (‘the Classified Establishments Act’), as amended, provides, for example, that the competent authorities shall follow developments in the best available techniques and that the AEV is responsible for making details of these available for the purpose of establishing an inventory of the main emissions and their sources, as well as for transboundary information exchange. The creation of a National Pollutant Release And Transfer Register is also an integral element of the obligations arising from article 5, paragraph 1 (a). *article 5, paragraph 1 (b)* Within the legislative framework, the Classified Establishments Act, for example, enshrines close procedural co-operation between the Departments of the Environment, of the Interior and of Employment, in the aim of integrating the various interests that they protect. *article 5, paragraph 1 (c)* For example, within the framework of legislation relating to classified establishments, the regulations relating to establishments covered by the Seveso Directive require the Department of the Interior to join forces with municipalities (*communes*) in order to reduce environmental impacts in the event of an accident. The procedure to be followed is laid down by the amended Grand-Ducal Regulation of 17 July 2000 on the control of major-accident hazards involving dangerous substances. In other spheres, provision is made for warnings where limit values are exceeded – for example, with regard to ozone. The Grand-Ducal Regulation of 29 April 2011 implementing Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe provides (*inter alia*) that information on ambient air quality shall be made available to the public. **Article 5, paragraph 2** Article 3(5) of the Environmental Information Act provides: “Lists of public authorities concerned by this Law shall be publicly accessible. The public authorities shall designate not only information officers but also officials required to support the public in seeking access to information. The public authorities shall establish and update registers or lists of the environmental information that they hold or is held for them by information points. These registers or lists shall in addition give clear indications of where such information can be found. A Grand-Ducal regulation may lay down the conditions and the detailed rules with which the public authorities must comply in order to inform the public of its rights concerning entitlement to information, guidance and advice under this Law.” **Article 5, paragraph 3** Article 7 of the Environmental Information Act provides: “1. The public authorities shall organize the dissemination of environmental information held by or for them, by means of free on-site consultation, the provision of copies and the publication of reports using computer telecommunication and/or other available electronic technology and by the creation of databases which are accessible to the public using the same technologies, with a view to its active and systematic dissemination to the public. 2. The environmental information disseminated and made available to the public must be regularly updated and shall include at least: a) the texts of international treaties, conventions and agreements; environmental laws and regulations currently in force; b) environmental protection policies, plans and programmes; (c) progress reports on the implementation of the items referred to in (a) and (b) when prepared or held in electronic form; (d) national reports on the state of the environment, including information on the quality of the environment and on pressures on the environment; (e) data or summaries of data collected on activities affecting, or likely to affect, the environment; (f) authorizations with a significant impact on the environment and environmental agreements or a reference to the place where such information can be requested and consulted; (g) impact studies and risk assessments concerning environmental protection or a reference to the place where the information can be requested or consulted.”**Article 5, paragraph 4** Administrative authorities have to compile an annual progress report, evaluating what has been done during the course of the previous calendar year. They cover a wide range of environmental information including, for example, reports on the state of the environment. Annual progress reports are public documents and may be consulted on the Government website ([www.etat.lu](http://www.etat.lu)) by anyone interested. **Article 5, paragraph 5** The Environmental Information Act specifies certain categories of environmental information which must be publicly disseminated. Among these are international treaties, conventions and agreements concerning the environment; European Union, national, regional or local environmental laws or regulations; plans, programmes and documents defining public policies relating to the environment. The texts of laws, Grand-Ducal regulations and international conventions can be consulted (*inter alia*) on the website of the Luxembourg Parliament ([www.chd.lu](http://www.chd.lu)) or at [www.legilux.lu](http://www.legilux.lu). **Article 5, paragraph 6** In a broader context, the *SuperDrecksKëscht* (SDK) quality label is worthy of mention. Businesses can participate in a voluntary scheme to audit their waste management practices. The SDK quality label, awarded by the AEV and the Chamber of Trade, proves that a company manages its waste in an environmentally responsible way. It also provides the businesses concerned with a means of ‘green’ advertising. **Article 5, paragraph 7** Under environmental legislation, descriptions of the rationale for legislation, reports of parliamentary committees and accounts of parliamentary debates are all made available to the public, *inter alia* on the Internet, and this facilitates the transparency of public information. General administrative law imposes a binding requirement for the publication of all official government documents in all spheres. In addition, environmental information is communicated to the public through publications issued by the Department of the Environment, by its administrative authorities and by services operating on its behalf. Numerous leaflets have been compiled, particularly in the aim of promoting public awareness. **Article 5, paragraph 8** The Government has initiated a series of incentive measures designed *inter alia* to promote foods intended for human consumption which have been produced by environmentally friendly domestic growers (in particular, the *Naturflesch* meat mark). **Article 5, paragraph 9** Information required to compile the inventory and register of pollutant emissions is collected annually, in compliance with the relevant European Union obligations, which arise mainly from the IED and from the PRTR Regulation. The CO2 emissions covered by Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC are also to be reported annually by the operators concerned (see the Law of 23 December 2004 1. establishing a Scheme for Greenhouse Gas Emission Allowance Trading; 2. creating a Fund to Finance the Kyoto Mechanisms; 3. amending Article 13bis of the amended Law of 10 June 1999 on Classified Establishments).  |
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 XII. Obstacles encountered in the implementation of article 5

*Describe any* ***obstacles encountered*** *in the implementation of any of the paragraphs of article 5.*

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| The collection and publication of data are in place, but there is always room for improvement. The main difficulties are caused by a lack of data on certain subjects, or else a profusion of data or data generators.  |

 XIII. Further information on the practical application of the provisions of article 5

*Provide further information on*  ***the practical application of the provisions on the collection and dissemination of environmental information in article 5****, e.g., are there any statistics available on the information published?*

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| The Department of the Environment – in conjunction with, among others, STATEC (the National Institute of Statistics and Economic Studies of the Grand Duchy of Luxembourg) – draws up a wide range of environmental data for *inter alia* the European Commission, the European Environment Agency and the OECD. |

 XIV. Website addresses relevant to the implementation of article 5

*Give relevant website addresses, if available:*

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| The main Web addresses are: [www.emwelt.lu](http://www.emwelt.lu).<http://www.developpement-durable-infrastructures.public.lu/fr/index.html>These websites provide a range of environmental information, with links to other, more specific sites.  |
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 XV. Legislative, regulatory and other measures
implementing the provisions on public participation in decisions on specific activities in article 6

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| **List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6.**  |
| Explain how each paragraph of article 6 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:  |
| (a) With respect to **paragraph 1**, measures taken to ensure that: |
| (i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;  |
| (ii) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment;  |
| (b) Measures taken to ensure that the public concerned is informed early in any environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in **paragraph 2**; |
| (c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of **paragraph 3**; |
| (d) With respect to **paragraph 4**, measures taken to ensure that there is early public participation; |
| (e) With respect to **paragraph 5**, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit; |
| (f) With respect to **paragraph 6**, measures taken to ensure that: |
| (i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available at the time of the public participation procedure;  |
| (ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;  |
| (g) With respect to **paragraph 7**, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity; |
| (h) With respect to **paragraph 8**, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;  |
| (i) With respect to **paragraph 9**, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures; |
| (j) With respect to **paragraph 10**, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied, making the necessary changes, and where appropriate; |
| (k) With respect to **paragraph 11**, measures taken to apply the provisions of article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment. |
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| On the international level, Luxembourg - is a Contracting Party to the Espoo Convention on Environmental Impact Assessment in a Transboundary Context and has ratified the two related amendments and the Protocol on Strategic Environmental Assessment, - is a Contracting Party to the Aarhus Convention and has ratified the Protocol on Pollutant Release and Transfer Registers. As a Member State of the European Union, Luxembourg is required to transpose and implement the relevant EU legislation, in particular amended Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) and 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 and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC. The installations and projects covered by the EIA Directive (Directive 85/337/EEC) and the IED (Directive 2010/75/EU) largely overlap. The legislation transposing the IED will be implemented by the end of the first half of 2014; it will adapt the [relevant] provisions of the amended Classified Establishments Act. The Directives have been implemented as follows: The amended Classified Establishments Act brings the activities listed in Annex I within the scope of a system for granting Class 1 permits under the powers of the Minister responsible for the environment and of the Minister responsible *inter alia* for health and safety at work. This permit system applies *inter alia* to all installations and projects covered by Directives 85/337/EEC and 2010/75/EU, the scope of which goes beyond that of the Aarhus Convention, without prejudice, however, to issues of transport infrastructure and restructuring of landholdings, which will be referred to below. The following outline covers the main principles of the Act, providing a basis on which to assess how far Luxembourg’s legislation complies with article 6, paragraphs 1 to 11, of the Aarhus Convention. The Act requires applicants to submit a *set of application documents based on standard forms* which are provided to them. These documents are to include *relevant information* on *inter alia* the identity of the applicant, the nature and location of an establishment, the installations and processes to be carried out, the nature and extent of the activity, any water abstraction, discharges into the air, soil and water, noise emissions, waste production and management, production, consumption and use of various forms of energy, an environmental impact notice which contains the necessary data for identifying and assessing the main environmental effects of emissions, any planned measures to minimize or prevent environmental risks, including the techniques and technologies to be used, measures provided for monitoring environmental emissions, a non-technical summary of the data in question, the environmental impact assessment and, for establishments covered by the IED, an outline of the main alternatives – where these exist – that the applicant has studied. Further documents are then added: as well as relevant plans and maps, these should include the *opinions* of administrative authorities concerned by the application and whose views must be sought, as well as *other reports and opinions* available to the administrative authority and which it considers essential to its decision-making. At the final stage, the application file should include, for establishments covered by the IED and/or subject to EIA, a clear statement of the *nature of the decisions that could be made*; where there is a *draft decision*, this should be added. The Act provides that a Grand-Ducal regulation shall specify the Class 1 establishments for which the Minister responsible for the environment is empowered to require an *environmental impact assessment* from the applicant, on the basis of their nature, characteristics or siting. This Grand-Ducal regulation shall specify the nature of the information to be provided by the developer in connection with the EIA, as well as all the detailed rules for carrying it out. The EIA shall identify, describe and appropriately evaluate, according to each individual case, the direct and indirect effects of the establishment concerned on the environment. The Act introduces a *procedure* and *time frames for decision-making,* including *at the stage of preparatory inquiries into permit applications*. Any *disputes* that arise are subject to formal discussions between the applicant and the administrative authority and, where appropriate, to interlocutory proceedings before the Administrative Court, with a view to adopting a definitive version of the application documents. For these establishments, the Act introduces a *public inquiry procedure* that involves displaying a notice for two weeks in the *commune* where the establishment would be sited, indicating the installation or activity for which the permit is sought or the proposal to revise authorized emission limit values (including new details on establishments covered by the IED), with simultaneous advertising in the press (at least four daily newspapers printed and published in Luxembourg). The *minutes of the public inquiry* shall contain the written and oral comments submitted by anyone concerned, as well as the opinion of the town councils of the *commune* or *communes* concerned. The Act provides that applicants or operators shall be *notified of decisions granting, updating, refusing or withdrawing a permit,* as shall, for the purposes of displaying information, the local authorities of the *commune* where the establishment in question is situated. In addition, the *public shall be informed* of decisions taken, with the information displayed at the town hall for a period of 40 days; a copy of a permit granted is kept by the commune and freely available for inspection at the town hall; anyone who has submitted comments during the public inquiry shall be informed by registered letter of the granting or refusal of a permit and of the procedure for publicizing the decision; individual notification can be replaced by insertion of a notice in at least four daily newspapers printed and published in Luxembourg). Decisions *granting, updating or refusing permits for establishments covered by the IED and for establishments subject to an environmental impact assessment* shall state, after reviewing the concerns and opinions expressed by the public, the reasons and considerations on which the decision is based, including information on the public participation process.The Act contains provisions relating to *transboundary co-operation*. Thus, where a planned Class 1 establishment is likely to have a significant impact on human beings and/or the environment in another State or where a State is likely to be significantly affected by the application, the application documents, including the impact assessment, shall be forwarded to that State as soon as possible, and at the latest by the time the application is published and displayed. Within the framework of bilateral relations between two States, it shall be ensured that the authorities and the public concerned in the State in question have the opportunity to make their opinions known, if possible during the public inquiry and before the public authority has taken its decision, and that the decision made on the permit application is notified to the State in question. The Act also introduces the possibility of recognized environmental associations making an application to the courts to vary the decision. These associations are deemed to have a sufficient legal interest to bring proceedings. The amended Grand-Ducal Regulation of 7 March 2003 on the assessment of the effects of certain public and private projects transposes amended Directive 85/337/EEC into national law. It introduces automatic impact assessment for establishments in Annex I and assessment on a case-by-case basis for establishments in Annex II, with guidance thresholds set there. Transport infrastructures are covered by the Law of 29 May 2009, which 1. transposes Council Directive 97/11/EC of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment into Luxembourg transport law; 2. amends the Law of 22 May 2008 on the Assessment of the Effects of Certain Plans and Programmes on the Environment; and 3. amends the Law of 19 January 2004 on the Protection of Nature and Natural ResourcesA Grand-Ducal regulation of 7 November 2007 prescribes the contents of the impact study provided for in cases of restructuring of rural landholdings, with conditions and detailed rules for carrying it out. The above-mentioned laws and regulations, adopted *inter alia* in transposing the corresponding EU directives, also comply with the letter and the spirit of the Aarhus Convention and the Espoo Convention.  |
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 XVI. Obstacles encountered in the implementation of article 6

*Describe any* ***obstacles encountered*** *in the implementation of any of the paragraphs of article 6.*

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| There are no particular obstacles to highlight in this area, since the relevant rules and procedures are widely known and unanimously accepted. Most administrative review procedures instigated against permit decisions relate to the nature, the effect and the extent of the conditions placed on the permit. So far as concerns transboundary co-operation, the limited number of cases that have arisen implies that bilateral or multilateral information and consultation practices are essentially pragmatic, currently requiring few strict rules and procedures. |

 XVII. Further information on the practical application of the provisions of article 6

*Provide further information on* ***the practical application of the provisions on public participation in decisions on specific activities in article 6, e.g.****, are there any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defence purposes.*

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| As an example, the Classified Establishments Act creates a support committee which includes *inter alia* representatives of recognized environmental associations: it is tasked specifically with discussing and commenting on any general issues that arise in the context of implementing the Act.  |

 XVIII. Website addresses relevant to the implementation of article 6

*Give relevant website addresses, if available:*

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| The main Web addresses are: [www.emwelt.lu](http://www.emwelt.lu).<http://www.developpement-durable-infrastructures.public.lu/fr/index.html>These websites provide a range of environmental information, with links to other, more specific sites.  |
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 XIX. Practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment pursuant to article 7

*List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment, pursuant to article 7. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.*

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| On the international level, Luxembourg has ratified the Kiyv Protocol on Strategic Environmental Assessment. As a Member State of the European Union, Luxembourg is required to transpose and implement the relevant EU legislation, in particular Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (the Strategic Environmental Assessment Directive). This Directive has been implemented by a Law of 22 May 2008 with the same title (‘the Strategic Environmental Assessment Act’). The Act provides *inter alia* - that *environmental assessment* shall be carried out, automatically or on a case-by-case basis, by the authority responsible for the plan or programme and before it is adopted or submitted to the legislative and regulatory procedure - that an environmental impact report shall be prepared, in which the likely significant impacts and reasonable alternatives are identified, described and evaluated - that the draft plan or programme – before it is adopted or submitted to the legislative or regulatory procedure – shall be made available to the public as follows: the subject-matter of the draft plan or programme and of the EIA report shall be *publicized* via electronic media and in the press; electronic media publicity may be supplemented by information meetings convened by the authority responsible for the plan or programme; at the same time, *the public shall have the opportunity* to inspect all the documents at the premises of the authority concerned for a period of 30 days, thus giving *all those interested the opportunity* to make comments and suggestions via electronic media or to forward their written comments directly to the responsible authority no later than 45 days from the beginning of the period of publicity;in addition, all the documents shall be sent to *other authorities with specific responsibilities on the environment*, in order to obtain their views- that a copy of the draft report shall be forwarded to *any other Member State* likely to be affected by it, before the plan or programme is adopted or submitted to the legislative and regulatory procedure. Existing frameworks of *bilateral relations* will be used to ensure that the authorities and the public concerned in that State are informed and have the opportunity to make their opinions known within a reasonable period of time and that the decision made on the draft is notified to the State in question- that the public and other authorities with specific responsibilities on the environment shall be informed of the adoption of a plan or programme, *publicized* via electronic media and in at least four daily publications printed and published in Luxembourg - that an *application for annulment* may be lodged by persons concerned, including recognized environmental associations which are deemed to have a personal interest in the case in point, against decisions relating to the implementation or non-implementation of an environmental assessment and to the contract documents relating to the environmental impact report. Mention should also be made of Directive 2003/35/EC providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC. Information and public consultation – publicized *inter alia* via electronic media, (which may be replaced by information meetings) and in the press, thus giving those interested the opportunity to inspect all the documents and to make comments and suggestions – have been provided for in legislative and regulatory provisions on *inter alia* waste management, air quality management and water management (the General Waste Management Plan, sectoral waste management plans, plans or programmes for improving air quality, a nitrates action programme).  |

 XX. Opportunities for public participation in the preparation of policies relating to the environment provided pursuant
to article 7

*Explain what opportunities are provided for public participation in the preparation of policies relating to the environment, pursuant to article 7.*

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| In Luxembourg, as a general rule, public participation in environmental matters is achieved informally through information and awareness sessions and leaflets, press releases, press conferences and regular contact between the public authorities and, for example, environmental associations. Appropriate information is also available to the public through *inter alia* the Government’s programme, including the State of the Nation Address delivered annually by the Prime Minister, and policy debates in the parliamentary Chamber of Deputies. There are no particular obstacles to highlight in this area, since procedures are transparent and easily accessible. The Strategic Environmental Assessment Act applies *inter alia* in the drawing up of local development plans for *communes* on the basis of the Law of 28 July 2011 amending the amended Law of 19 July 2004 on Municipal Planning and Urban Development and amending 1. the amended Law on Municipal Government of 13 December 1988, 2. the amended Law of 28 December 1988 regulating Access to Craft Trades, Business and Industry and to Certain Liberal Professions, 3. the amended Law of 19 January 2004 on the Protection of Nature and Natural Resources, 4. the Water Law of 19 December 2008. |

 XXI. Obstacles encountered in the implementation of article 7

*Describe any* ***obstacles encountered*** *in the implementation of article 7.*

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| None  |

 XXII. Further information on the practical application of the provisions of article 7

*Provide further information on* ***the practical application of the provisions on public participation in decisions on specific activities in article 7****.*

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| The Law of 25 June 2005 on the Co-ordination of National Policy on Sustainable Development established a Superior Council for Sustainable Development and an Interdepartmental Commission for Sustainable Development. The Superior Council works *inter alia* towards the broadest possible participation by public and private bodies and citizens in the achievement of sustainable development objectives; it also puts forward its views on all measures relating to national sustainable development policy. The Interdepartmental Commission is tasked *inter alia* with drawing up and monitoring the National Plan for Sustainable Development. The Strategic Environmental Assessment Act has established an interministerial committee to assist the Minister responsible for the environment in fulfilling his brief.  |

 XXIII. Website addresses relevant to the implementation of article 7

*Give relevant website addresses, if available:*

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| The main Web addresses are: [www.emwelt.lu](http://www.emwelt.lu).<http://www.developpement-durable-infrastructures.public.lu/fr/index.html>These websites provide a range of environmental information, with links to other, more specific sites.  |
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 XXIV. Efforts made to promote public participation during
the preparation of regulations and rules that may have a significant effect on the environment pursuant to article 8

*Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment, pursuant to article 8. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.*

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| The country’s laws and Grand-Ducal regulations are published in *Mémorial*, the official gazette of the Grand Duchy of Luxembourg. Draft laws and Grand-Ducal regulations are submitted *inter alia* to professional bodies concerned for their views; they are also are notified, where relevant, to any appropriate environmental associations. Discussion of draft laws in the Chamber of Deputies’ Environmental Committee enables consultation with the private sector and with environmental associations.  |

 XXV. Obstacles encountered in the implementation of article 8

*Describe any* ***obstacles encountered*** *in the implementation of article 8.*

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| There are no particular obstacles to highlight in this area, since the mandatory procedures for consulting professional bodies are strictly adhered to, with consultation often taking place even before the draft law or regulation has come before the Council of Government (Cabinet).  |

 XXVI. Further information on the practical application of the provisions of article 8

*Provide further information on* ***the practical application of the provisions on public participation in the field covered by article 8****.*

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| None  |

 XXVII. Website addresses relevant to the implementation of article 8

*Give relevant website addresses, if available:*

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| The main Web addresses are: [www.emwelt.lu](http://www.emwelt.lu).<http://www.developpement-durable-infrastructures.public.lu/fr/index.html>These websites provide a range of environmental information, with links to other, more specific sites.  |
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XXVIII. Legislative, regulatory and other measures implementing the provisions on access to justice in article 9

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| **List legislative, regulatory and other measures that implement the provisions on access to justice in article 9.**  |
| Explain how each paragraph of article 9 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe: (a) With respect to **paragraph 1**, measures taken to ensure that:(i) Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law;  |
| (ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;  |
| (iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;  |
| (b) Measures taken to ensure that, within the framework of national legislation, members of the public concerned meeting the criteria set out in **paragraph 2** have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6; |
| (c) With respect to **paragraph 3**, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment; |
| (d) With respect to **paragraph 4**, measures taken to ensure that: |
| (i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies; (ii) Such procedures otherwise meet the requirements of this paragraph; (e) With respect to **paragraph 5**, measures taken to ensure that information is provided to the public on access to administrative and judicial review. |
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| In 2008, the Administrative Court found, in its first ruling based directly on the Aarhus Convention, as follows: “ ...The requirement laid down by article 2, paragraph 5, of the Aarhus Convention that these organizations must meet “any requirements under national law” in order to be deemed to have an interest in bringing proceedings is to be understood in relation to any conditions under national provisions on the capacity to institute proceedings, since the legal standing aspect is specifically governed by direct application of the Convention, by way of presumption.Moreover, since legal standing is deemed sufficient where the conditions laid down by the Convention are satisfied, and the Convention gives no further specific details, it remains for the State to convince the Court – in the absence of any discernible distinction in the text of the Aarhus Convention between different types of legal standing – of its reasoning, by which it maintains that only legal standing of an individual nature is covered by this presumption of interest. Under the second subparagraph of article 9, paragraph 2, of the Aarhus Convention, therefore, *MOUVEMENT ECOLOGIQUE* is deemed to have a sufficient interest within the meaning of article 9, paragraph 2 (a), with the consequence that it must be granted leave to challenge the substantive and procedural legality of the decision at issue, which is subject to the provisions of article 6 of the Aarhus Convention because it concerns construction of an airport with a basic runway length of 2100 metres or more or, alternatively, because from an overall point of view it may have a significant effect on the environment within the meaning of article 6, paragraph 1 (b) of the Convention…” (Administrative Court, 30 June 2008, No. 22984). Since then, the Administrative Court has maintained this approach. Thus, in a judgment of 15 July 2010 (Roll No. 26739C), the Higher Administrative Court found as follows: “It must be accepted that if, alongside the State, acting through the public prosecutor, and the individual victims, such (officially recognized) associations have an acknowledged interest in initiating criminal proceedings – an interest exercised not out of private concerns nor to assert individual rights, but to enforce significant sanctions, such as criminal penalties, in the common interest of environmental protection – they have a parallel interest in subjecting individual administrative decisions taken in the environmental sphere and capable of unlawfully affecting the environment to review by the administrative courts and in seeking to enforce the sanctions of those courts… The recognition of legal standing is all the more important in an administrative matter where there are not two parallel parties in a position to bring a case to court, as there are in a criminal matter.”**Article 9, paragraph 1** Article 6 of the Environmental Information Act establishes an expedited procedure to allow applicants for environmental information to bring proceedings before the Administrative Court if they are not satisfied with the response of the public authority which they have approached. Luxembourg’s courts are independent and impartial; they hand down reasoned decisions in writing. Generally speaking, any explicit or implicit administrative decision taken by a public authority may be challenged before the administrative courts. Public authorities are required to comply with decisions handed down by the courts; if a public authority fails to do so, a special commissioner may be appointed by the court to take a decision in compliance with the judgment, thus depriving the public authority of its powers in the matter: in practice, the use of such a special commissioner is extremely rare. With regard to the costs of proceedings, the Law of 18 August 1995 on Legal Aid and the attendant Grand-Ducal Regulation of 18 September 1995 allow the costs of court proceedings to be borne by the State if the applicants’ resources are insufficient to defend their interests. **Article 9, paragraph 2** As far as concerns legal interest in bringing proceedings before administrative courts, the following case-law should be mentioned: Legal interest in bringing proceedings is to be judged according to the applicant’s claims, regardless of whether they are substantiated (cf. Administrative Court, 14 February 2001, Roll No. 11607, *Pasicrisie administrative* 2004, *V Procédure contentieuse*, No. 1). Legal interest in bringing proceedings is not to be confused with the merits of the proceedings, since it is not to be measured by the substance of the pleas relied on in support of the claim, but by the satisfaction that the claim is deemed to give a party if the pleas relied on are substantiated (cf. Order of the President, 27 September 2002, Roll No. 15373, *Pasicrisie administrative* 2004, *V Procédure contentieuse*, No. 1, and other references cited therein; Administrative Court, 12 January 2005, No. 17911). Legal standing is a requirement for the admissibility of an administrative review. It must be personal and direct, vested and present, genuine and reasonable. It is important to bear in mind that, (i) the applicant must justify a personal interest that is separate from the public interest; (ii) as far as the direct nature of legal standing is concerned, for an applicant to be granted leave to bring proceedings against an individual administrative act which confers or recognizes rights for a third party, it is not enough for the applicant to adopt a position on the situation: rather, the applicant must establish the existence of a sufficiently direct link between the decision at issue and his personal situation; (iii) the condition that the interest involved must be of a vested and present nature – that is, sufficiently certain – means that, for action against an administrative act to be admissible, it is not sufficient to state that one is simply interested. (Administrative Court, 27 June 2001, Rausch, Roll No. 12485). Collective legal standing can be illustrated by the following case-law: Groupings that are properly constituted in the form of non-profit associations and seek to apply to the courts for compensation for detriment to the collective interests which they defend are generally granted leave to apply to the court when collective proceedings are dictated by a clear corporate interest and these collective proceedings aim to benefit all those associated. On the other hand, where the collective interest in defence of which the associations claim to act is indissociable from the collective public interest, they are generally refused the right to bring proceedings, given that their action would encroach on the powers of the State authorities, both administrative and law-enforcement, to which defence of the public interest is reserved; this is the case even where their action is consistent with the object stated in their articles of association (cf. Administrative Court 27 June 2001, Roll No. 12485, *Pasicrisie administrative* 2002, *Procédure contentieuse*, No. 37, and other references cited therein). Monitoring of legal standing for nationwide associations which have legal personality and are recognized under the environmental laws concerned has become more flexible because of the Aarhus Convention. Generally, these associations are deemed to have “a sufficient interest” for administrative review of a decision on an establishment covered by the IED or the EIA Directive. As regards “the public concerned”, it must be said that this concept does not exist as such in Luxembourg’s national law. On the basis of the Aarhus Convention, the concept of “the public concerned” can, where appropriate, serve as a binding standard. It should be noted that the Luxembourg legislature, when transposing texts of supranational standing which refer to this concept, generally uses “the public”. This is a broader concept and thus confers more rights on anyone concerned by the activities of administrative authorities. In Luxembourg’s general administrative law, applications for preliminary review – whether to the same authority to reconsider its decision or to a higher administrative authority – are optional. Court proceedings can be introduced in isolation or in parallel to such applications for preliminary review. **Article 9, paragraph 3** The general criterion of admissibility for any remedy in national law is legal standing. This applies to remedies before both the administrative courts and the ordinary courts. Before the ordinary civil courts, it is possible to obtain an interim injunction for protective or restorative measures in order to prevent imminent damage or to halt clearly illicit activities. Such injunctions may be ordered subject to a fine in an amount set by the court in the event of a delay in execution. Breach of a provision of environmental law may be sanctioned other than by obtaining an injunction (for example, a criminal court can remedy damage to the environment by ordering restoration of the site to its previous condition, on pain of a criminal penalty). An Ombudsman was introduced by the Law of 22 August 2003 Creating the Institution of Mediator. His or her role is to receive complaints, in circumstances laid down by the Law, made by persons in cases concerning them, about the administrative operation of central and municipal government and of public institutions responsible to central and municipal government, excluding their industrial, financial and commercial activities. Any natural or legal person governed by private law who considers, in cases concerning them, that an authority covered by Article 1 of the Law has not correctly performed the duties with which it has been entrusted or is in breach of conventions, laws and regulations in force may, via an individual written complaint or by making an oral statement at the Secretariat of the Ombudsman, request that the case be brought to the Ombudsman’s attention. Where the Ombudsman considers a complaint to be substantiated, she or he advises the claimant and the administrative authority, making any recommendations to both sides that seem likely to allow an amicable settlement of the complaint concerned. These recommendations may include *inter alia* proposals for improvements to the operation of the service concerned. When it appears to the Ombudsman, with regard to a complaint received, that the application of the decision at issue is leading to an injustice, she or he may, in compliance with legislative and regulatory provisions, recommend to the authority in question any solution allowing the claimant’s situation to be settled equitably and suggest any amendment which she or he believes it would be desirable to introduce into the legislative or regulatory provisions on which the decision was based. **Article 9, paragraph 4** As a signatory to the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Grand Duchy of Luxembourg has an obligation to observe Articles 6 and 13 of that Convention, which guarantee the right to a fair trial and to an effective remedy. Judgments are enforceable once they have become *res judicata*. In urgent cases and where a serious doubt has been established as to the lawfulness of a disputed decision and if the case has not reached a stage where judgment will be delivered within a short period of time, the court can suspend enforcement of the decision or of some of its effects. A negative decision may also be suspended. The beneficiary of a court decision that has become final has the right to secure the enforcement of a judgment that an administrative authority has failed to execute within a reasonable time. The beneficiary may, under an extraordinary procedure, call for a ‘special commissioner’ to secure the enforcement of the judgment. Public access to the decisions of the administrative courts is ensured *inter alia* at the website [www.jurad.lu](http://www.jurad.lu). The public nature of hearings, the public nature of judicial decisions and the free communication of court decisions and orders to anyone on request are guaranteed under Article 6(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms and constitute basic safeguards secured by various provisions of national law. Hearings generally take place in open court. Justice is delivered in the name of the Grand Duke; judgments of the courts of all instances are enforced in the name of the Grand Duke. **Article 9, paragraph 5** Article 14 of the Grand-Ducal Regulation of 8 June 1979 on the procedure to be followed by central and municipal government provides that administrative decisions refusing to grant the parties’ requests, in whole or in part, or revoking or amending, on the authority’s own initiative, a decision which has created or recognized rights must indicate available remedies against such decisions, the time-limit for making an application for review, the authority to which it must be addressed and the way in which it is to be submitted. Failure to comply with this provision is sanctioned by extensions in the period allowed to initiate court proceedings. The Law of 18 August 1995 on Legal Aid and the attendant Grand-Ducal Regulation of 18 September 1995 allow the costs of court proceedings to be borne by the State if the applicants’ resources are insufficient to defend their interests. |
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 XXIX. Obstacles encountered in the implementation of article 9

*Describe any* ***obstacles encountered*** *in the implementation of any of the paragraphs of article 9.*

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| None  |

 XXX. Further information on the practical application of the provisions of article 9

*Provide further information on* ***the practical application of the provisions on access to justice pursuant to article 9****, e.g., are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?*

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| *Answer:* The main issue here is requests for copies of ministerial orders, studies of all kinds and whole or partial sets of application documents. In most cases, requests come from engineering consultancies, architects and others who need information either in connection with drafting new application documents for one of their clients or for initiating a study of a site that is already the subject of a ministerial order, an application or an earlier study. As a general rule, it takes only a few days to deal with requests, and the required documents are sent to the applicant by (non-registered) post. Documents can also be consulted at the premises of administrative authorities by appointment. In the course of this, the interested person will be able to inspect the required documents and, where appropriate, request that copies be made on the spot, as far as this is possible.  |

XXXI. Website addresses relevant to the implementation of article 9

*Give relevant website addresses, if available:*

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| The main Web addresses are: [www.emwelt.lu](http://www.emwelt.lu).<http://www.developpement-durable-infrastructures.public.lu/fr/index.html>These websites provide a range of environmental information, with links to other, more specific sites.  |

 Articles 10-22 are not for national implementation.

 XXXII. General comments on the Convention’s objective

*If appropriate, indicate how the implementation of the Convention contributes 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.*

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| Since the Constitutional Reform of 29 March 2007, Article 11bis of the Constitution of Luxembourg has provided: “The State guarantees the protection of the human and natural environment and works to establish a sustainable equilibrium between the conservation of nature, in particular its capacity for renewal, and meeting the needs of present and future generations.It promotes the protection and welfare of animals.” |

 XXXIII. Legislative, regulatory and other measures implementing the provisions on genetically modified organisms pursuant to article 6bis and Annex Ibis

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| **Concerning legislative, regulatory and other measures that implement the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, describe:**  |
| (a) With respect to **paragraph 1 of article 6 bis** and:(i) **Paragraph 1 of** annex I bis, arrangements in the Party’s regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis; |
| (ii) **Paragraph 2**of annex I bis, any exceptions provided for in the Party’s regulatory framework to the public participation procedure laid down in annex I bis and the criteria for any such exception; |
| (iii) **Paragraph 3** of annex Ibis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorization for the deliberate release or placing on the market of such genetically modified organisms, as well as the assessment report where available; |
| (iv) **Paragraph 4** of annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential; |
| (v) **Paragraph 5** of annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example: |
| a. The nature of possible decisions;  |
| b. The public authority responsible for making the decision;  |
| c. Public participation arrangements laid down pursuant to paragraph 1 of annex I bis; |
| d. An indication of the public authority from which relevant information can be obtained;  |
| e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments;  |
| (vi) **Paragraph 6** of annex I bis, measures taken to ensure that the arrangements introduced to implement paragraph 1 of annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market; |
| (vii) **Paragraph 7** of annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to paragraph 1 of annex I bis; |
| (viii) **Paragraph 8** of annex I bis, measures taken to ensure that the texts of decisions subject to the provisions on annex I bis taken by a public authority are made publicly available along with the reasons and the considerations upon which they are based; |
| (b) With respect to **paragraph 2 of article 6 bis**, how the requirements made in accordance with the provisions of annex I bis are complementary to and mutually supportive of the Party’s national biosafety framework and consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biodiversity. |
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| In the Grand Duchy, this issue is governed *inter alia* by the Law of 13 January 1997 on Control of the Use and Release of Genetically Modified Organisms. The competent authority is the Minister responsible for health matters. The Law can be consulted at <http://www.ms.public.lu/fr/legislation/ogm/index.html>. The Government’s 2013 Programme stated that: “The Government will continue to apply the precautionary principle to genetically modified organisms (GMOs), to promote sustainable GMO-free agriculture and to uphold its critical position on GMOs, not only at the European and international levels, but in Luxembourg itself. It will as far as possible prevent the use of GMOs nationally and will launch information and awareness campaigns on the subject. The Minister (of Agriculture, Viticulture and Consumer Protection) will also ensure that the import of genetically modified plants for use as animal feed is reduced to the greatest possible extent. To this end, the Minister intends to promote a GMO-free sector within conventional agriculture, as well as the widespread use of a ‘Free from GM feed’ label, which is intended to guarantee that foods produced in Luxembourg, such as milk, meat and eggs, come from animals reared without the use of GMO-based feeds.”In this context, we should recall that Luxembourg has always had major reservations about GMOs, given the absence of any widespread consensus in the scientific community that these organisms are harmless. Thus, in line with its preventive and precautionary approach, Luxembourg has already prohibited the marketing of some of these products, with a ban on the cultivation of Mon 810, a transgenic variety of maize, and a ban on placing Amflora, a transgenic variety of potato, on the market with a view to its cultivation.It should be noted that the marketing of these genetically modified organisms was authorized by the European Commission without the criticisms of several Member States, including Luxembourg, being taken into account. Luxembourg has always opposed the introduction of GMOs into agriculture at EU level. For a long time, agriculture in Luxembourg has resolutely focused on **high-quality production** sectors, asserting positive differences from mass-market imported products and aiming to thrive in the face of globalization and the increasingly international nature of trade in agricultural produce. This approach highlights the virtues of local produce and aims to offer consumers regional premium agricultural products of unimpeachable quality – and so it has no place for GM crops. Luxembourg has adopted **very strict national legislation on the coexistence** of GMOs and traditional crops: the Law of 18 March 2008 on the Marketing of Seeds and Plants and on the Coexistence of Genetically Modified, Conventional and Biological Crops (<http://www.legilux.public.lu/leg/a/archives/2008/0032/a032.pdf#page=2>) aims to ensure absolute transparency and extremely high levels of accountability in relation to GM crops. It sets out measures providing a guarantee and a very high level of protection for producers who do not use GMOs against the unintended release of GMOs on their farms, thus ensuring continued freedom of choice for farmers and consumers. Luxembourg is currently a GM-crop-free country. Luxembourg became a Contracting Party to the Nagoya - Kuala Lumpur Supplementary Protocol of 15 October 2010 on Liability and Redress to the Cartagena Protocol on Biosafety.  |
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 XXXIV. Obstacles encountered in the implementation of article 6 bis
and annex I bis

*Describe any* ***obstacles encountered*** *in the implementation of any of the paragraphs of article 6 bis and annex I bis.*

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| None. |

 XXXV. Further information on the practical application of the provisions of article 6 bisand annex I bis

*Provide further information on* ***the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis****, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?*

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| None*:* |

 XXXVI. Website addresses relevant to the implementation of article 6 bis

*Give relevant website addresses, if available, including website addresses for registers of decisions and releases related to genetically modified organisms:*

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| The main Web addresses are: [www.emwelt.lu](http://www.emwelt.lu).<http://www.developpement-durable-infrastructures.public.lu/fr/index.html>These websites provide a range of environmental information, with links to other, more specific sites. |

XXXVII. Follow-up on issues of compliance

*If, upon consideration of a report and any recommendations of the Compliance Committee, the Meeting of the Parties at its last session has decided upon measures concerning compliance by your country, please indicate (a) what were the measures; and (b) what specific actions your country has undertaken to implement the measures in order to achieve compliance with the Convention.*

*Please include cross-references to the respective sections, as appropriate.*

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| None  |