

Practical and legal implications of requirement of public participation under the Aarhus Convention

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Legal framework

- ▶ **Article 6 of the Convention → requirement of public participation with regard to decisions on specific activities**
- ▶ **Article 7 of the Convention → requirement of public participation with regard to plans, programmes and policies relating to the environment**
- ▶ **Article 8 of the Convention → general requirement of public participation with regard to generally applicable legally binding normative instruments**

▶ *Legal Framework → National Level*

- Initial reference to the requirement of public participation is included in the Constitution of the Republic of Latvia (Latvijas Republikas Satversme)
- Legislature has opted for inclusion of the requirement of public participation into generally applicable and legally binding instrument – the law, namely, Environmental Protection Law (EPL), Law on Environmental Impact Assessment, Law on Pollution, Law on Administrative Procedure, Law on Planning of the Spatial Development and the Construction Law
- Enforcement of the requirement of public participation relies mainly on regulations of the Cabinet of Ministers (CM), namely, CM Regulation No.300 “Rules of Procedure of the Cabinet of Ministers” of 7 April 2009, CM Regulation No.970 “Procedure for Public Participation in the Development Planning Process” of 25 August 2009

Public participation with regard to practice of judiciary

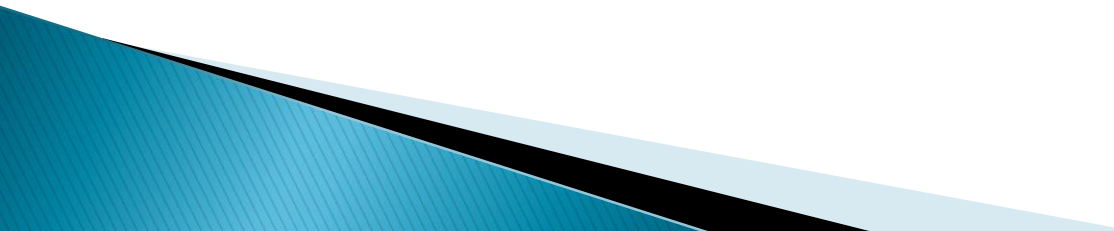
According to well-established case-law of the national judiciary any natural person, legal entity and non-governmental organization might refer directly to the Convention in the court, since Latvia has ratified it and it has become legally binding.

Practical implications of the requirement of public participation

- ▶ In terms of Public Concerned Article 13 of the EPL describes the early involvement of public or its representatives in the preparation and discussion of environmental legislative acts.
- ▶ CM Regulation No.300 “Rules of Procedure of the Cabinet of Ministers”, dated 7 April 2009, contains provisions for NGO involvement in the development of policy documents or legislative acts. The requirement for inclusion of annotation with legislative drafts in included also should cover potential environmental impact, as well as precise and clear information on public involvement and opinion →State’s Chancellery cross-check; Work-notes/guidelines on enforcement of effective public participation.
- ▶ Representatives of NGOs as well as experts of the area of interest are often included in work groups of particular draft legislative act.

- ▶ Draft legislation is freely accessible on the websites of the ministries and the CM. Draft laws are available on the website of the Parliament of the Republic of Latvia. Outcomes of the public participation are submitted to the legislator in the form of annotation in case of draft regulatory enactments and in other appropriate form in case of draft development planning documents.
- ▶ Governmental authorities, for example, MEPRD regularly cooperate with particular professional associations and NGOs, especially in the areas of waste management, packaging management and management of chemicals. Public information is ensured through internet, media and by affected municipalities.
- ▶ The obligation to annotate every legislative draft and to reflect adequately the results of public participation in draft development planning documents, secures practical implementation of Article 8.

Recent Developments of the Working Group of the Convention and Task-Force on Public Participation in Decision Making



Thank you for your attention

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