

## 10th Taskforce on Public Participation, 10-11 October 2022

### Agenda item 2 – Ensuring effective public participation

**Francesca Carlsson, European Environmental Bureau**

Dear honourable delegates,

I would like to zoom in on public participation in the area of permitting decisions on industrial activities. The topic is intrinsically linked to the work of the PRTR protocol, but the origin of any legally released pollutant is an authorising or permitting decision – which should be open to public participation. In the European Union, those decision-making processes lack effective opportunities for participation for the following four reasons:

1. Decisions relevant for permitting industrial pollution are being taken both at national and at EU level. Often times, however, information is only published after a decision has been taken, effectively limiting the public participation to challenging and appeal procedures. For effective public participation to be enabled, information has to be available at least 2 months in advance
2. Europe is lagging far behind the US and even China with respect to enabling meaningful public participation via digital means. Data is provided for in scanned documents, non-machine readable, and in formats that cannot be compared. The relevant level of decision-making is not made clear and interested citizens are not informed on which decisions they could try to participate in.
3. At the EU level, the problem is exacerbated by not publishing Member State positions in Council of Minister's preparatory bodies. While this is an overarching problem addressed many times before, it transforms into an impossible barrier for public participation when an individual cannot even know whether their own government is involved in a particular decision.
4. Access refused. The EEB recently attempted to exercise its right to public participation in decisions on setting benchmarks and derogations in the EU Emission's Trading System. But our participation efforts were stopped dead in the tracks, when we were refused access to the relevant background data.

Dear representatives, if you are interested in the need for adequate access to information to enable participation in industrial permitting decisions, the European Environmental Bureau has produced a report on the matter which we would be happy to share with the taskforce.

Thank you for your attention



**European Environmental Bureau**

• Rue des Deux Églises 14-16, 1000 Brussels, Belgium • ☎ +32 228 91090 • [eeb@eeb.org](mailto:eeb@eeb.org) • [www.eeb.org](http://www.eeb.org)

*International non-profit association • Association internationale sans but lucratif (AISBL) • EC register for interest representatives:  
ID number: 06798511314-27 • BCE ID number: 0415.814.848 • RPM Tribunal de l'entreprise francophone de Bruxelles*