



Citizens' Role in the EU's Environmental Governance

Master Thesis

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I, -- Chen Wenwen--, hereby declare that, I am the author of the above thesis and it is my original research work. This work has not been submitted anywhere else, either in part of whole, for a degree or other academic credits.

I undertake the sole responsibility for any inaccuracy in this declaration.

Yours sincerely,

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ABBREVIATIONS

AESGP—Association of the European Self-Medication Industry

CAP—Common Agricultural Policy

CJEU—Court of Justice of the European Union

DG—Directorate General

EAP—European Environmental Action Program

EC—European Community

ECHA—European Chemical Agency

ECHR—Convention for the Protection of Human Rights and Fundamental Freedoms

ECJ—European Court of Justice

ECSC—European Coal and Steel Community

EEB—European Environment Bureau

EIA—Environmental Impact Assessment

EO—European Ombudsman

EU—European Union

GC—General Court

MEPs—Members of the European Parliament

NGO—Non-Government Organization

SEA—Single European Act

TEU—Treaty on European Union

TFEU—Treaty on the Functioning of the European Union

TR—Transparency Register

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Citizens' Role in EU Environmental Governance at the EU Level

Introduction

Ever since the EC had launched the first European Environmental Action Plans (EAP) after the first United Nations Conference on the Environment in Stockholm in 1972, environmental protection gradually became the focus of attention. With the development of the Single European Act (1986), the Maastricht Treaty (1992), the Amsterdam Treaty (1997), and the Nice Treaty (2001), environmental policy has become a core policy area of the EU. Although the Treaty of Lisbon largely maintained the status quo in its explicitly environmental provision¹, some changes in other parts of the Treaty, such as amendments on provision concerning access to justice, reinforced principle of participation may attracts more people's attention on environmental governance. Because those changes are closely linked with the effects of EU environmental governance and people may interested in whether those changes would inject new vitality to the EU environmental governance. In addition, citizen rights provided by the Charter of Fundamental Rights may bring new impetus to environmental governance as it was given legal status.

In the second half of the 19th century, non-governmental organization (NGO) had already participated in environmental decision making and pushed the adoption of a convention about bird protection.² After that, the public participation in international environmental matters became more and more frequent. And the Rio Declaration on Environment and Development made it a principle of environmental law³, as it provides that

“Environmental issues are best handled with the participation of all concerned

¹ Maria Lee, *the Environmental Implications of the Lisbon Treaty*, in *Environmental Law Review*, 2008, pp. 131-138.

² Daniel Bodansky, Jutta Brunnée and Ellen Hey, *The Oxford Handbook of International Environmental Law*, Oxford University Press, 2007, p. 683.

³ Ibid.

citizens, at the relevant level”⁴

The Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters established a number of rights for the public to better participate in environmental governance.⁵ Public participation in environmental governance becomes a tendency of international environmental governance.

As a party of the Aarhus Convention and as an important player in international environmental governance, the EU's attitude and measures concerning citizen participation deserves to be explored. Of course, the EU has its own reasons and considerations on this issue. Participation in environmental decision making is undoubtedly the core part of environmental governance as we have discussed in above sector. As getting environmental information is the precondition of participation in decision making and of public monitoring on institutions' environmental measures, it is also a very important part of environmental governance. By exploring the ways and limitations of getting environmental information we can know whether citizens' right to know is respected by the EU. As for administrative and judicial remedies, they are just like umbrellas providing for supporting people's right to participation in environmental governance. As the purpose of this thesis is to explore the role of citizens in EU environmental governance, the author would firstly explore the relationship between EU citizens and environmental governance. And then mainly from three perspectives, namely access to environmental information, participation in environmental decision making and access to administrative and judicial remedies, the author would study the role of citizens in EU level environmental governance.

Main Research issues

The research intends to analyze several main questions in order to explore

⁴ Principle 10, Rio Declaration on Environment and Development, (1992)

⁵ Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, Aarhus, Denmark, 25 June 1998, United Nations, Treaty Series, vol.2161, p. 447.

citizens' role in EU level environmental governance. The author would firstly analyze the ways and limitations for EU citizens to access to environmental information held by EU institutions, bodies, offices, agencies under current EU legal system and further explore whether citizens can effectively get information under this legal framework. Then, the author would explore whether EU citizens could participate effectively in environmental decision making under current consultation regime. After that, the author would study how the citizens apply administrative remedies to fight for their rights concerning information and participation and whether those remedies are effective or not. Finally, the author would discuss the legal standing of private parties before EU courts in environmental cases and study whether the Lisbon Treaty and Regulation 1367/2006 bring big steps forward concerning private parties' legal standing.

Methodology

In this thesis, the author used several research methods. Historic method is mainly used to analyze the development of environmental policy, the evolution of EU measures concerning access to environmental information and the development of rules on participation. The method of document analysis is the main method applied by the author to explore EU level legal system for citizen participation in access to information, decision making and access to remedies in environmental matters. As the Case of CJEU is a kind of source of EU environmental law, Case analysis method is used to study the exceptions on access to environmental information and to make clear the legal standing of private parties before EU courts in environmental matters. Analysis of cases would help us make clear the attitude of the courts and the institutions on involving citizens in environmental governance. Besides, the author makes comparative study on EU provisions and Aarhus Convention when there is a need. Comparative study could help us learn whether the EU actively involving the public in EU environmental governance.