

Manual of European Environmental Policy

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Public participation

Formal references	
2003/35/EC (OJ L156 25.6.2003)	Directive 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
Proposed 18.1.2001 – COM(2000)839 (OJ C154E 29.05.2001) as amended by COM(2001)779 (OJ C75E 26.03.2002)	
Legal base	Article 192 TFEU (originally Article 175 TEC)
Binding dates	
Formal compliance	25 June 2005
Commission report	25 June 2009

Purpose of the Directive

The Directive seeks to foster effective public participation and access to justice in the field of Community environmental legislation, and is to contribute to the implementation of the UN Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision making and Access to Justice in Environmental Matters (Århus Convention). As the preamble and Article 1 state, the Directive aims to contribute to the proper implementation of the Århus Convention (in particular, Articles 6, 7, 9(2) and 9(4) of The Convention) thus paving the way for ratification by the European Community. Nearly all the Directive's provisions reflect requirements of The Convention and in certain instances the exact wording of the Århus Convention is used.

Summary of the Directive

The Directive is concerned with ensuring proper public participation in environmental Decision making. To this end, it introduces a public participation procedure for certain plans and programmes, and improves the existing procedure contained in the environmental impact assessment (EIA) Directive 85/337/EEC (see section on [environmental impact assessment](#)) and the Integrated Pollution Prevention and Control (IPPC) Directive 96/61/EC (see section on [integrated pollution prevention and control](#)). While some Directives requiring the establishment of plans and programmes relating to the environment already provide for sufficient public participation, others need to be updated. Accordingly, the Directive does not apply to those plans and programmes for which a public participation procedure is already carried out under strategic environmental assessment (SEA) Directive 2001/42/EC (see section on [strategic environmental assessment](#)), or under the Water Framework Directive 2000/60/EC (see section on [Water Framework Directive](#)). A list of the Directives to which the new procedure does apply is contained in Annex I of the Directive. In future, EU environmental legislation is to provide for public participation procedures aligned with the Århus Convention from the outset (Preamble, paragraph 10).

The Directive consists of only eight articles. Article 1 defines the objective, Article 2 regulates public participation concerning plans and programmes, Article 3 amends the EIA Directive 85/337/EEC and Article 4 amends the IPPC Directive 96/61/EC. The untypical structure of the Directive is due to its ‘horizontal’ nature. It is not linked with one environmental medium, but is relevant for many of the administrative procedures in the field of environmental policy.

Public participation concerning plans and programmes

Member States have to ensure the participation of the public in the preparation, modification or review procedures of various plans and programmes required to be drawn up under the following Directives listed in Annex I:

- Waste Framework Directive (75/442/EEC) (see section on [Waste Framework Directive](#)).
- Directive on batteries and accumulators containing certain dangerous substances (91/157/EEC) (see section on [batteries and accumulators](#)).
- Directive on nitrates from agricultural sources (91/676/EEC) (see section on [nitrates from agricultural sources](#)).
- Directive on hazardous waste (91/689/EEC) (see section on [hazardous waste](#)).
- Directive on packaging and packaging waste ([94/62/EC](#)) (see section on [packaging and packaging waste](#)).
- Directive on ambient air quality assessment and management (96/62/EC) (see section on [air quality framework](#)).

However, as a result of legislative changes such as the consolidation or the amendment of the Directives concerned, only the following plans and programmes will be affected:

- The waste management plans referred to in the Directive on waste (2008/98/EC) (see section on [Waste Framework Directive](#)) (as from 12 December 2010).
- The action programmes referred to in the Nitrates Directive (91/676/EEC) (see section on [nitrates from agricultural sources](#)).
- The air quality plans referred to in the Directive on ambient air quality (2008/50/EC) (see section on [air quality framework](#)).

The Directive on waste (2008/98/EC) will repeal Directive 2006/1/EC [(codifying Directive 75/442/EEC) and the Hazardous Waste Directive (91/689/EC) on 12 December 2010. The management plans referred to in the Directive on packaging and packaging waste (94/62/EC) will be included in the waste management plans referred to in the Directive on waste. The Directive on batteries and accumulators containing certain dangerous substances (91/157/EEC) was repealed in September 2008 by the Directive on (waste) batteries and accumulators ([2006/66/EC](#)). As a result the programmes initially provided for in Directive 91/157/EEC have ceased to exist. The revised Directive indeed takes a different approach. The Air Quality Framework Directive 2008/50/EC repealed Directive 96/62/EC on 11 June 2010.

Member States have to inform the public about any proposal for the establishment, modification or review of such plans or programmes, and to make available the relevant information. This must include information regarding the right to participate and the participation process. The public can express comments and opinions at an early stage when

all options are still open. Authorities have to take into account the submitted comments and opinions and are then to inform the public about the Decision and the reasons and considerations upon which the Decision is based.

Public participation is not required for plans and programmes whose sole purpose is national defence or those taken in the case of civil emergencies (Article 2(4)). This provision, added by the Council, has the same effect as Article 3(8) of Directive 2001/42/EC.

According to Article 2(5) defining the relationship of the Directive with other legal instruments already providing for public participation in the establishment of plans and programmes, the Directive shall not apply to the following:

- Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment.
- Directive 2000/60/EC establishing a framework for Community action in the field of water policy.

Amendment of environmental impact assessment Directive 85/337/EEC

The Directive reforms the existing public participation provisions under Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, bringing them in line with the requirements of the Århus Convention. To comply with the access to justice provisions of The Convention, the Directive inserts a new Article (Article 10a), requiring the Member States to guarantee access to a review procedure before a court of law or a similar body to challenge the substantive or procedural legality of Decisions, acts or omissions subject to the participation requirements.

The Directive sets out detailed requirements for public participation on EIA projects. It introduces a definition of ‘the public’ and ‘the public concerned’ (new Article 1(2) EIA Directive 85/337/EEC), and defines the type of information which has to be made available (new Article 6(2) and (3) EIA Directive 85/337/EEC). Member States are now required to give the public concerned early and effective opportunities to participate in the environmental decision-making process concerning the projects covered by the EIA Directive 85/337/EEC and to inform the public when a Decision to grant or refuse consent has been taken (amended Article 9(1) EIA Directive 85/337/EEC). Transboundary participation of other Member States is extended from the EIA procedures to the environmental decision-making process itself (amended Article 7 EIA Directive 85/337/EEC). In accordance with their national legal systems, Member States may limit access to justice to those members of the public who have a sufficient interest or maintain an impairment of a right. However, non-governmental organizations promoting environmental protection and meeting any requirements under national law are – by definition – deemed to have a sufficient interest.

Amendment of integrated pollution prevention and control Directive 96/61/EC

Article 4 of the Directive reforms public participation under the IPPC Directive 96/61/EC and introduces an identical provision on access to justice as for the EIA Directive 85/337/EEC (Article 15a). The new definitions of ‘the public’ and ‘the public concerned’ in Article 2 of the IPPC Directive 96/61/EC are also identical to those introduced in the EIA Directive

85/337/EEC. According to the amended Article 15 of the IPPC Directive 96/61/EC, the public has to be informed and has to be given early and effective opportunity to participate in the procedures in relation to the following:

- Issuing a permit for a new installation.
- Issuing a permit for any substantial change in the operation of the unit, as well as.
- Updating of a permit or permit conditions.

The result of the consultation of the public must be taken into account by the authority taking a Decision (No 4 of new Annex V to the IPPC Directive 96/61/EC) and the public has to be informed when a Decision has been taken (new Article 15(5), IPPC Directive 96/61/EC). The detailed procedure for public participation is set out in the new Annex V to the IPPC Directive 96/61/EC. The definition of substantial change in Article 2 is also altered. The effect is to clarify that changes that in themselves meet the thresholds, are considered to be substantial. Article 4(5) fosters the participation of Member States and the public when installations are likely to have significant effects on the environment of other Member States. The amendments to Directive 96/61/EC were combined in a codified text as Directive 2008/1/EC. This Directive will be repealed in January 2014 by the [Industrial Emissions](#) Directive.

Development of the Directive

On 25 June 1998 during the International Ministerial Summit on the Environment, the European Community signed the UN/ECE Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters (the Århus Convention). On 18 January 2001 the Commission submitted its proposal for a European Parliament and Council Directive on providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending Council Directives 85/337/EEC and 96/61/EC.

The responsible Parliament Committee approved the proposal in October 2001 under the co-decision procedure keeping it subject to a number of amendments. It endorsed the Commission's moves to strengthen the public's involvement in Decisions affecting the environment but wanted it to go further and implement the Århus Convention more fully and more precisely. While the Commission generally accepted some of these amendments as they reflected precise provisions of the Århus Convention, it rejected access to justice in relation to public participation in plans, programmes and policies as they were not explicitly stated by the Articles of The Convention.

The 2002 Council common position focused on the practicability of the provisions proposed by the Commission and on the accuracy of the compulsory requirements of The Convention. The Council did not encourage public participation for the preparation of executive Regulations and general binding rules relating to the environment arguing that the formulation of policies is a matter of representative bodies. It also rejected an amendment related to public participation in the decision-making process on the grounds that such a measure would turn Decision making into an inefficient process. Furthermore, the Council stated that the Directive was inappropriate for educational actions with respect to the decision-making process. The Commission broadly supported this common position.

After the European Parliament's second reading, a number of disagreements remained most notably on access to justice in environmental matters. The Conciliation Committee facilitated a compromise reaching through a series of dialogue meetings in November 2002. This concluded that the Commission was to submit, in the first quarter of 2003, a proposal for a Directive concerning implementation of the Århus Convention as regards access to justice in environmental matters ([COM\(2003\)624](#)). The final legislative act was issued in May 2003 and Council Directives 85/337/EEC and 96/61/EC were amended to ensure compatibility with the provisions of the Århus Convention.

Implementation of the Directive

On 14 April 2010 the European Commission published a report on the application and effectiveness of the Directive ([COM\(2010\)143](#)). This report was limited to Article 2 of the Directive, as the application and effectiveness of the EIA Directive had been recently reviewed and those relating to the IPPC Directive will be dealt within a future report. Article 2 aims to ensure that the public is given early and effective opportunities to participate in the preparation and modification/review of the plans and programmes listed in Annex I of the Directive. The report was based on information available to the Commission, supplemented by reports requested from all Member States, to which 20 Member States responded.

A number of Member States pointed out that, thanks to rules regarding public participation, the standard of information acquired by the public on environmental issues, including those linked to plans and programmes, had been raised significantly. The contributions did not mention any particular difficulties (of interpretation or otherwise) of a significant nature. However, the participation of individuals, who are not linked to associations, was found to be more limited, even on strategic projects.

No Member State regarded the extension of the scope of Article 2 as either necessary or appropriate. As a result the Commission will not propose extensions to the scope of this Article or any other amendments. Certain Member States, however, indicated that a clear vision of the scope of the list of plans and programmes falling within the SEA Directive was needed, before considering adding other plans and programmes to the scope of Article 2. Therefore the Commission will conduct an assessment of the relationship between Article 2 and the SEA Directive. The results of this assessment will be presented in 'in due time'. As for public participation within the context of the EIA Directive (Article 10a), the Commission concluded that there was a lack of harmonised practices ([COM\(2009\)378](#)). Some Member States consulted the public already at the screening stage or at the scoping stage, whereas other Member States consulted the public only at a later stage. The timeframes for public participation also varied considerably.

From the court cases (see below) one can see that some Member States expected that the procedural public participation requirements of the Directive would have limited impact on their national law, since they were of the opinion that they already met most of the Directive's requirements on public participation, especially through the legislation implementing the EIA and IPPC Directives and the other Directives mentioned in Annex I. However, the European Court of Justice (ECJ) judgements demonstrate that some adjustments of national legislation were needed and that at least six Member States failed to make all necessary adjustments.

The situation might be even more problematic in the case of the Directive's provisions on access to justice. These require the Member States to give non-governmental environmental organizations access to review procedures to challenge the legality of IPPC permits and EIA planning consents, and the procedure for this must be 'fair, equitable, timely and not prohibitively expensive'. In some Member States, the only option open currently to those wishing to bring a legal challenge is judicial review. This can be an expensive procedure and, in this respect at least, may not meet the terms of the Directive. In the case against Ireland for instance the ECJ declared that, despite the fact that it is common ground that the Irish courts may decline to order an unsuccessful party to pay the costs and can order expenditure incurred by the unsuccessful party to be borne by the other party, this is merely a discretionary practice on the part of the courts and therefore cannot be regarded as valid implementation of the above-mentioned obligation. In its report on the application and effectiveness of the EIA Directive ([COM\(2009\)378](#)), the Commission considered that the cost of procedures was an obstacle to access to justice in some Member States.

According to a 2007 study commissioned by the European Commission to map the measures taken by the Member States on access to justice in environmental matters, the overall effectiveness of the system for access to justice was considered to be 'unsatisfactory' for five Member States, 'could be better' for 10, 'satisfactory' for nine, and 'good' for only one (Denmark)¹. The five countries with an ineffective system for access to justice were Austria, Germany, Hungary, Malta and the UK. In these countries an obstacle for access to justice was identified and this obstacle was not compensated by other elements in the system. For instance, in some of those countries the legislation or courts had granted broad rights for legal standing but the procedures were prohibitively costly, constituting an insurmountable obstacle for access to administrative or judicial procedures.

Enforcement and court cases

So far the ECJ has made several judgements concerning the Directive:

- [C-378/09](#) 10.06.2010. This was a judgement against the Czech Republic for failure to adopt within the prescribed period the laws, regulations and administrative provisions necessary to comply with Article 10a of Directive 85/337/EEC, as inserted by Directive 2003/35/EC. This Article requires the Member States to guarantee access to a review procedure before a court of law or a similar body to challenge the legality of decisions, acts or omissions subject to the participation requirements.
- [C-247/07](#) 4.12.2008. This was a judgement against the United Kingdom for failure to adopt all the laws, regulations and administrative provisions necessary to comply with the Directive within the prescribed period.
- [C-427/07](#) 16.7.2009. This was a judgement against Ireland for failure to fulfil obligations of the EIA Directives 85/337/EEC and 2003/35/EC. As far as the latter Directive is concerned, the ECJ declared that Ireland has failed to transpose Articles 3(3) to (7) and 4(2) to (4) and to adequately notify the transposition measures concerned to the Commission. The ECJ especially required the notion of prohibitive costs in judicial environmental cases to be explicitly transposed.
- [C-69/07](#) 31.01.2008. This was a judgement against Italy for failure to adopt all the laws, regulations and administrative provisions necessary to comply with the Directive within the prescribed period.

- [C-93/07](#) 27.09.2007. This was a judgement against Belgium for failure to adopt all the laws, regulations and administrative provisions necessary to comply with the Directive within the prescribed period.
- [C-354/06](#) 27.09.2007. This was a judgement against Luxembourg for failure to adopt all the laws, regulations and administrative provisions necessary to comply with the Directive within the prescribed period.

Next to these judgements against Member States the ECJ has issued some preliminary rulings concerning the Directive:

- [C-128/09](#) to C-131/09, C-134/09 and 135/09 18.10.2011. This was a preliminary ruling requested from the Belgian *Conseil d'Etat*. In this judgment the ECJ holds among others that the EIA Directive does not apply to projects the details of which have been adopted by a specific legislative act, in such a way that the objectives of the EIA Directive have been achieved by the legislative process. It further states that a legislative act that does no more than simply ‘ratify’ a pre-existing administrative act, by merely referring to overriding reasons in the general interest, is not sufficient to exclude the project from the scope of the Directive.
- [C-115/09](#) 12.05.2011. This was a judgment given in response to a request for a preliminary ruling from a German administrative court in which the ECJ holds that the access to justice provisions of the EIA Directive, as amended by Directive 2003/35/EC in the wake of the signing of the 1998 Århus Convention, must be interpreted so as to allow environmental groups to seek judicial review of administrative decisions taken by national authorities on projects subject to EIA and that the Convention's objective of giving the public wide access to justice overrides provisions of national administrative law restricting standing for NGOs in public interest environmental litigation.
- [C-24/09](#) 11.03.2010. This was a preliminary ruling requested by a Swedish court in which the ECJ makes clear that members of the ‘public concerned’ must be able to have access to a review procedure to challenge the Decision on a request for development consent, regardless of the role they might have played in the examination of that request by taking part in the Decision making procedure and by expressing their views. The ECJ furthermore ruled that a provision of national law which reserves the right to bring an appeal against a Decision on projects which fall within the scope of the EIA Directive solely to environmental protection associations which have at least 2000 members is not in conformity with the Directive.
- [C-263/08](#) 15.10.2009. This was a similar preliminary ruling as the one above and requested by that same Swedish court.

Further developments

UNECE compliance mechanism

A new compliance mechanism, intended to underpin public participation in environmental Decision making under the Århus Convention was launched by the UNECE. It is intended to enable the public and NGOs to formally challenge parties they believe are failing to fulfil their obligations under The Convention. The EC ratified the Århus Convention on 17 February 2005 following an agreement by the EU environment ministers on December 2004. On 12 June 2006, a Lithuanian NGO formally submitted to the Århus Convention

Compliance Committee a communication alleging that the amendments to the EIA and IPPC Directives made by Directive 2003/35/EC are not in conformity with the EC's obligations under The Convention. The communication was declared admissible on 16 June 2006³. The Committee, however, came to the conclusion in April 2008 that it was not convinced that the matters examined by it establish any failure by the EC to comply with the provisions of The Convention when transposing them through the EIA and IPPC Directives⁴. The Compliance Committee furthermore examined whether Belgium, Denmark, Hungary and Romania complied with their obligations under The Convention, concluding that there was no evidence of non compliance ([Decision III/6](#)). On the other hand, the Committee found that some general features of Lithuania's legal framework were not in compliance with Article 6 of The Convention. Those were among others: the lack of a clear requirement for the public to be informed in an adequate, timely and effective manner; making developers rather than the relevant public authorities responsible for organizing public participation; and requiring that comments submitted should be 'motivated' ([Decision III/6d](#)).

The Århus Compliance Committee concluded, in findings published on 24 September 2010, that the potential costs of bringing an application for judicial review to challenge the acts or omissions of public authorities, constitutes a significant obstacle to access to justice in the UK. The Compliance Committee more specifically stated that the UK fails to ensure that the costs for all court procedures subject to article 9 are not prohibitively expensive and that the 'system as a whole is not such as to remove or reduce financial [...] barriers to access to justice'. It therefore recommended the UK government among others to undertake practical and legislative measures to ensure that court procedures are fair and equitable and not prohibitively expensive. These findings have been endorsed by the 4th Meeting of the Parties (MoP) which took place in Moldova in June 2011 ([Decision IV/9i](#)).

The 4th MoP also endorsed the findings of the Århus Compliance Committee that Slovakia failed to comply with Article 6(4) and Article 6(10) of The Convention by failing to provide for early and effective public participation in the decision-making concerning the construction of the Mochovce Nuclear Power Plant. The MoP recommended Slovakia to review its legal framework with a view to ensure that early and effective public participation is provided for in decision-making when old permits are reconsidered or updated, or the activities are changed or extended compared to previous conditions ([Decision IV/9e](#)).

Finally, the 4th MoP endorsed the findings of the Committee that Spain failed to comply with several provisions of the Convention. With respect to a case concerning the decision-making on a residential development project in the city of Murcia, the Committee had found that the access to information provisions of The Convention had not been complied with because a public authority had ignored a request for environmental information for a period of three months after the submission of the request, because of a failure to provide the information in the form requested without giving any reasons, and because of imposing an unreasonable fee for copying the documents. Spain had also failed to comply with the public participation provisions of The Convention, as a result of a public authority setting a time frame of 20 days during the Christmas holiday season for the public to examine the documentation and to submit comments in relation to an urbanization project. The Spanish system of access to justice also failed to provide adequate and effective remedies. With respect to another case, the Committee concluded there was a general failure of the public authorities in Spain to implement The Convention ([Decision IV/9f](#)).

European citizens' initiative

A new instrument that might improve public participation in EU decision-making is the European citizens' initiative introduced by the Lisbon Treaty. The instrument allows more than one million citizens from a 'significant' number of Member States to invite the European Commission to submit a legislative proposal 'within the framework of its powers' and 'for the purpose of implementing the Treaties' (Article 11 TEU). As many issues were left unresolved by the vague provisions of the Lisbon Treaty, the Commission proposed a Regulation ([COM\(2010\)119](#)) on 31 March 2010, responding to a European Parliament's resolution adopted on 9 May 2009 and after publishing a Green Paper ([COM\(2009\)622](#)) and holding a public consultation on the implementation of the initiative in late 2009. In June 2010 the General Affairs Council reached agreement on a general approach on a draft Regulation. In the second half of 2010 the Belgian Presidency on behalf of the Council started trilateral negotiations with the European Parliament and the Commission with a view to adopt the Regulation at first reading before the end of 2010. On 30 November, an agreement was reached between the institutions. The Plenary of the European Parliament formally approved this agreement on 15 December, whereas the Council adopted the Regulation on 16 February 2011. Regulation (EU) [No 211/2011](#) was published in the Official Journal on 11 March 2011 and entered into force on 1 April 2011. As the Regulation will apply from 1 April 2012, Member States have one year to enact the required national legislation. This means that the first Citizens' initiatives or petitions will only be accepted from April 2012 onwards.

The Regulation stipulates that the signatories of a citizens' initiative should come from a minimum of one quarter of Member States, i.e. seven Member States in a Union of 27. It puts forward a fixed threshold of signatures for each Member State, whereby smaller Member States will need proportionately more signatories than larger Member States. The minimum number of signatures ranges from 74,250 for Germany and over 37,500 for Spain to 3,750 for Malta. Signatories must be citizens of the Union and must be of the age to be entitled to vote in European elections. A so-called "citizens' committee" of at least seven members coming from at least seven different Member States will be set up to register an initiative, to ensure that European citizens' initiatives are 'well-founded' and have a 'European dimension'. Proposed initiatives are to be registered in an online and publicly available Commission register. Initiatives regarded as improper because they fall manifestly 'outside the framework of the Commission's powers to submit a proposal for a legal act of the Union', because they are 'abusive, frivolous or vexatious' because they are 'manifestly contrary to the values of the Union' will not be registered. Designated competent authorities in each Member State will be responsible for the verification and certification of statements of support collected from citizens in that State. Once formally submitted, the Commission has three months to examine the initiative and to set out in a Commission its conclusions on the initiative, the action it intends to take and its reasons for taking or not taking that action. Within this period the Commission shall receive the organisers to allow them to explain in detail the issues raised by the citizens' initiative. In addition, the organisers will be given the opportunity to present the citizens' initiative at a public hearing at the European Parliament and with the Commission represented at an appropriate level.

Access to justice

A proposal for a Directive on access to justice in environmental matters, ([COM\(2003\)624](#)), was published on 24 October 2003, but remains stalled in the Council notwithstanding the favourable opinion which the European Parliament expressed on the Commission's proposal in 2004.

Related legislation

The Directive relates to following Directives as it introduces a public participation procedure for the preparation, modification or review of various plans and programmes required to be drawn up under these Directives:

- Waste framework Directive (75/442/EEC) (see section on [Waste Framework Directive](#)).
- Directive on batteries and accumulators containing certain dangerous substances (91/157/EEC) (see section on [batteries and accumulators](#)).
- Directive on nitrates from agricultural sources (91/676/EEC) (see section on [nitrates from agricultural sources](#)).
- Directive on hazardous waste (91/689/EEC) (see section on [hazardous waste](#)).
- Directive on packaging and packaging waste (94/62/EC) (see section on [packaging and packaging waste](#)).
- Directive on ambient air quality assessment and management (96/62/EC) (see section on [air quality framework](#)).

However, as a result of legislative changes, only these Directives will be affected:

- Directive on waste (2008/98/EC) (see section on [Waste Framework Directive](#)).
- Directive on nitrates from agricultural sources (91/676/EEC) (see section on [nitrates from agricultural sources](#)).
- Directive on ambient air quality (2008/50/EC) (see section on [air quality framework](#)).

In addition, the Directive improves the existing procedure contained in the following two Directives:

- EIA Directive (85/337/EEC) (see section on [environmental impact assessment](#)).
- IPPC Directive (96/61/EC) (to be replaced by the Directive on industrial emissions (2010/75/EU)) (see section on [integrated pollution prevention and control](#)).

The Directive does not apply to the following three Directives, but is nevertheless related as these Directives also include provisions for public participation in environmental Decision making:

- Directive on the assessment of the effects of certain plans and programmes on the environment (2001/42/EC) (see section on [strategic environmental assessment](#)).
- Directive establishing a framework for Community action in the field of water policy (2000/60/EC) (see section on [Water Framework Directive](#)).
- Directive on the assessment and management of flood risks (2007/60/EC) (see section on [floods](#)).

The Directive also relates to Regulation (EC) No 1367/2006 (see section on [access to community institutions and bodies](#)) on the application of the provisions of the Århus Convention to Community institutions and bodies. This Regulation contains provisions on public participation concerning plans and programmes relating to the environment prepared and adopted by Community institutions and bodies, whereas the Directive focuses on plans and programmes required to be drawn up by Member States.

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