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THE STATE OF ACCESS TO INFORMATION IN THE EU

The European Environmental Bureau (EEB) is the largest network of environmental citizens' organisations in Europe. It unites 190 civil society organisations from 41 countries, working for a better future where people and nature thrive together.

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The BeLIFE project focuses on the role citizens and civil society can play in enforcing and ensuring compliance with European Environmental Law, particularly the European Green Deal. The main objective of the project is to enhance compliance with EU environmental and climate law and to strengthen environmental democracy rights.

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Executive Summary

The implementation of the Aarhus Convention (AC) is meant to ensure the protection of the right of every person of present and future generations to live in an environment adequate to their health and well-being. Access to information is the foundation on which the Convention's other two pillars – of public participation and access to justice – are built.

The first pillar of the AC has two main aspects: access to information requests by the public, which have to be addressed by the relevant public authority (Article 4); and the active dissemination of environmental information by the public authorities (Article 5). This report examines the current state of play with regards to access to environmental information in the EU according to these two main aspects of access to environmental information, with a special focus on current access to information at Member State level. The report also gives policy recommendations and examples on how civil society and the public can exercise their right to information for a strengthened democracy.

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Introduction

Environmental data on the air we breathe, the lakes we swim in, the food we eat, the water we drink, and the chemicals in everyday products directly affect us all. Due to its relevance to the public, information on the environment enjoys a special status under the law and is treated differently from other categories of data. Up to date environmental information should be readily publicly available and where it is not, it should be requestable from public authorities.

In normal administrative processes, communities and the public often receive information on government or business plans and actions. However, trust in the completeness and reliability of such information is not always strong, leading people to seek access to raw data and independent analyses. Transparency, therefore, is essential for democracy and a key safeguard of good governance.

Access to political, economic, and administrative information allows citizens to influence decisions affecting their health, property, and environment. While environmental information is in theory an enabler of public participation, it can also fulfil a purpose in its own right by increasing trust and legitimacy and allowing people to take informed choices.

In Europe, the Aarhus Convention guarantees public access to environmental information and sets minimum standards, despite variations in national systems.[1] Access is granted either through proactive publication or by allowing the public to request information from authorities. The right of access to environmental information, constituting the Convention's first pillar, is articulated in Articles 4 and 5. This right obliges public authorities to both respond to information requests and actively disseminate relevant environmental information to the public.

Article 4 guarantees that public authorities must make environmental information available to any applicant—natural or legal person—without requiring them to state an interest. Responses must be provided within one month, or two months where justified by the complexity of the request. Refusals are permissible only under a limited set of exceptions, such as those protecting national security or commercial confidentiality, which must be interpreted restrictively and weighed against the public interest in disclosure of the information.

Article 5 imposes a duty on public authorities to proactively collect and disseminate environmental information. This includes data on the state of the environmental elements (such as air, water, soil, and biodiversity), as well as factors affecting these elements, including emissions, noise, and waste. Authorities are required to make this information accessible via

[1] Article 2.3 of the Aarhus Convention uses a broad, non-exhaustive definition of environmental information that can take "written, visual, aural, electronic or any other material form". Environmental information can relate to the "state of elements of the environment" including air, atmosphere, water, soil, land, natural sites, biological diversity, GMOs and the interplay amongst them (Article 2.3a AC), as well as substances, energy, noise and radiation, alongside such activities and measures as administrative measures, environmental agreements, policies, legislation, plans and programmes, which either affect or are likely to affect elements of the environment specified in Article 2.3 AC. It can further include the state of human health and safety, conditions of human life, cultural sites and built structures, to the extent that they are (or may be) affected by the state of the environment, or by the above phenomena (Article 2.3c AC).

electronic databases and other public platforms, ensure it is up to date, and present it in a clear and understandable form. In cases of imminent threats to human health or the environment, Article 5 further requires urgent and immediate dissemination of relevant information.

The definition of "environmental information" is found in Article 2(3) and is notably broad. It encompasses not only environmental data but also information on policies, legislation, programmes, and activities impacting the environment, as well as data on environmental effects on human health and safety.

The EU and its Member States have implemented these provisions through national laws and EU directives (Directive 2003/4/EC on public access to environmental information), sector-specific laws on water, waste, air and emissions,[2] and Regulation (EC) No 1367/2006, which applies to EU institutions and bodies. These instruments establish minimum standards for access to information on the Union level to implement the Convention.

Accessing environmental data is a first step toward public participation, enabling community engagement in policy, citizen science, consultations, and awareness-raising, thereby, fostering more responsible environmental behaviour. Ideally, data is available in open data formats without the need to request it. This enables an informed public, creates better decision-making, and enables scientific development. Publicly available environmental data, even in its raw format, can be a catalyst for public knowledge, community engagement, and awareness of the climate, biodiversity and pollution crisis.

Complete online access to environmental information reduces formal requests under freedom of information laws, saving time for both the requestors and administrations. Publishing requested documents for wider use avoids duplicate requests and increases efficiency.

This report explains the basics of the right to access to environmental information, highlights proactive methods for sharing environmental data, gives impetus for further development using existing tools, and gives case examples of challenges faced at national and EU levels. It concludes with a set of recommendations.

[2] For an overview of access to information provisions in EU sectoral legislation, you may consult the BeLife Environmental Rights Report (2025), which explores how environmental rights can be claimed and enforced within the EU, with a particular focus on procedural rights linked to environmental democracy.

Actively informing the public

Public authorities in EU countries and the EU institutions are required to inform the public proactively about the state of the environment. These active requirements seek to ensure that transparency is safeguarded and trust is built between state and public. While proactive publication is a requirement under article 5 of the Aarhus Convention and under numerous pieces of EU and national thematic laws on climate, biodiversity, and pollution, these legal obligations are usually loose and non-specific leaving much room for interpretation.

Active and systemic dissemination of environmental information to the public should be a cornerstone of a transparent democracy following open government principles. Public bodies at all levels must ensure that environmental information progressively becomes available in open data formats through easily accessible online databases[3]. Proactive publication enables an informed public, facilitates scientific development, informs political decision-making, and reduces the administrative burden associated with official requests for information.

OPEN GOVERNMENT PRINCIPLES AND OPEN DATA

Ideally, the display of environmental information should orient itself on the 7 Open Government Principles. The principles related to transparency and easy and inclusive accessibility enable effective participation and are particularly relevant for environmental information which often impacts people's health and wellbeing. Principle three on Open Data refers to machine-readability, interoperability, and comprehensiveness of available data. In the European Union, the Directive on open data and the reuse of public-sector information, the EU Open Data Portal,stick alongside the Data Governance Act, and the INSPIRE Directive (specifically on geospatial data) are moving in the right direction towards utilising the socioeconomic potential of public-sector information including a lot of data relevant to the environment.

In countries where several different portals and websites for environmental information and data exist, these should be linked together in a manner that allows users to easily interact with the different portals without having to start completely anew with each search. Connecting search engines and linking directly to the relevant datasets can facilitate this bridging between multiple portals. A central requirement for this is that links are maintained to ensure that these bridges actually work in practice and continue to do so in the future as information is regularly updated.

In embracing the European data strategy and the digital agenda, public bodies should realise the potential of big data, artificial intelligence and earth observation for improved information flows while being mindful of the associated risks. As the European Environmental Agency and the European Environment Information and Observation Network state in objective 4 of their joint 2021-2030 strategy, institutions should intensify data sharing and automation, increase

[3] When environmental information is actively disseminated to the public, it should be done so accessibly and transparently (Aarhus Convention, 1998, Article 5.2)

interoperability and accessibility, exploit systems such as Copernicus, foster innovation, and facilitate the exchange of technical expertise.

In principle, environmental information and data should be accessible through one single portal that covers all domains in a user-friendly way making it a one-stop shop for searching all environmental data. Unfortunately, few countries or thematic areas tick all the boxes of accuracy, user-friendliness, and open data compatibility. Taking Environmental Impact Assessments (EIAs) as an example, in Slovenia there are three distinct online portals instead of one but in combination they provide a lot of information and data on EIAs. One of the portals even offers an interactive digital map. Whereas, in Ireland there's one convenient portal pooling all EIAs together, but the data within the portal is incomplete and missing cross-references to the competent authorities.

Common obstacles on the dissemination of environmental information also arise with overlapping responsibilities and varying data formats in relation to geospatial data. Heterogenous data formats and reluctance to share information across borders for example causes issues with river water sampling and other hydrographic information. The EU's INSPIRE Directive[4] aims to increase the interoperability and shareability of data between countries, ultimately benefitting both public authorities and the public.

While it is very important to make information understandable and accessible to all parts of society, the public should not be underestimated in its ability to understand complex and technical environmental information. The public is made up of scientists, lawyers, NGO experts and geographers who are capable of understanding and processing raw data. Hence, although information provided by authorities should in principle always be user-friendly, the fact that the only information authorities have is in a very technical format should never be used as an excuse not to publish information at all.

INFORMATION ON INDUSTRIAL EMISSIONS AND THE POLLUTION RELEASE AND TRANSFER REGISTER

In 2003, a Protocol to the Aarhus Convention was adopted to establish national pollutant release and transfer registers (PRTR) and grant public access to such information in the region. The EU implements this through Regulation 2024/1244 on the European Industrial Emissions Portal (IEPR) which replaces the previous E-PRTR portal. The IEPR covers around 60,000 Installations and is supposed to include data on pollutants (including PFAS), resources use (including of water and raw materials) and production volumes (to help put pollution values into context). Virtually all the data that is or should be on the E-PRTR is crucial environmental information as it relates to the polluting emissions of factories and industry.

Despite its intent, the portal still lacks sufficient ambition for transparency and benchmarking. Firstly, it falls short of delivering a true one-stop-shop tool that would enable benchmarking and

[4] The regulatory framework is under revision at the time of writing.

comparability of environmental performance and permits. Secondly, while the legal set-up and link with the Industrial Emission's Directive provides for more robust data, the regulatory regime is weakened by numerous derogations and exceptions opening the door for abuse and delay of its application. Thirdly, although operators of industrial sites have to submit transformation plans by 2030 to outline how they will transition to clean, circular, and climate-neutral production[5], these plans lack performance indicators and could become mere paper tigers. Fourthly, the portal references confidential business information which may prevent certain data from being released but does not specify what this exception entails. Lastly, the portal lacks some key information on applicability of derogations and energy transformation plans and thereby does not efficiently contribute to an informed public which could engage in the decision-making process on permitting decision for damaging industry.

The Norwegian PRTR system can serve as a good practice example for the integration of information as it combines permit and inspection information with detailed emissions monitoring data. It also provides plant-specific information displayed next to the permit limit in a graph and enables users to convert data easily to carry out benchmarking of environmental performance. Consolidated up-to-date permits, annual compliance reports and the full inspection report(s) are also available on plant-specific pages.

Across Europe, the installations covered by the European Industrial Emissions Portal account for roughly 20% of air and water pollutant emissions and about 40% of EU industrial greenhouse gas emissions. Data from the European Environmental Agency indicates that industrial air pollution costs to society ranged between EUR 2.7 to EUR 4.3 trillion over 2012–2021. Information on the pollutants released by industry is clearly amongst the most important categories of environmental information which have to be available to the public.

European Industrial Emissions Portal does not offer a user-friendly dashboard capable of EU-wide benchmarking of the environmental performance of IED industrial activities:

- Useful information such as permit conditions, inspection reports findings or other enforcement information (e.g. monitoring reports) and all other relevant data enabling the authorities to assess compliance with the permit conditions are not directly integrated in the portal. Permit ambition cannot be compared, also due to absence of powerful search filters.
- Performance data related to inputs (water consumption, energy use and type, chemicals, resources etc) is not even made available.
- Release and transfer information is also provided in different format (in tonnes per site and year) whilst pollution prevention standards and emission / performance ranges associated relating to that activity (see EU BREFs) are expressed in concentrations, hence it is not possible to assess and benchmark installations in their efforts on pollution prevention and control, which should be the primary objective.

[5] While still included in the legislation at the time of writing, the obligation of having to submit transformation plans is under revision,

- Despite the obligation existing since 2004, the Portal fails to address emissions from products referred to as 'diffuse' emissions.
- Information is not put in context; it is difficult for citizens to understand the scale of pollution and health / hazard relevance they may be exposed to. Performance rating is not being provided.

INFORMATION ABOUT THE PRODUCTS WE BUY, WE EAT, AND THEIR ENVIRONMENTAL FOOTPRINT

Environmental information does not only concern numbers of species in an area or air pollution by industrial installations, but it also covers the environmental impact of the products which are produced, bought, used and disposed of in Europe. Consumer rights are a theme bult in the Aarhus Convention, as it requires Parties to encourage "operators" (private enterprises and other actors whose activities have significant environmental impact) "to inform the public regularly of the environmental impact of their activities and products, where appropriate within the framework of voluntary eco-labelling or eco-auditing schemes or by other means" (Article 5.6 AC).

While the availability of information is the most important element to fulfilling the Aarhus Convention's requirements of access to environmental information,[6] the nature and accuracy of that information is also paramount. Incorrect, incomplete or intentionally misleading information does an immense amount of harm and greenwashing is a major obstacle in protecting the environment and upholding consumer rights. The current legislative landscape in the EU does not sufficiently protect from greenwashing and other forms of unfounded claims[7].

Currently, around ¾ of products are marketed with an explicit or implicit green claim.[8] While in over 50% of cases, these green claims are vague, misleading, or not appropriately substantiated.[9] Without technical expertise it is challenging for consumers (but also procurers such as public authorities) to assess the credibility or relevance of claims and then go on to make an informed purchasing decision based on the life cycle impacts of a given product. Similarly, market surveillance authorities cannot easily verify whether the claims made on products are accurate when diverse approaches are applied.

[6] Parties are required to "develop mechanisms with a view to ensuring that sufficient product information is made available to the public in a manner which enables consumers to make informed environmental choices" (Article 5.8 AC)

[7] The Commission proposed a Green Claims Directive in 2023, but in June 2025 stated the "intention" to withdraw the proposal ahead of the final round of the negotiations, in the midst of a broader deregulatory push targeted at environmental files.

[8] https://op.europa.eu/en/publication-detail/-/publication/f7c4cb8b-f877-11ee-a251-01aa75ed71a1/language-en

[9] https://environment.ec.europa.eu/topics/circular-economy/green-claims_en

Ecolabels can be a solution, as they certify green credentials of a product or service more reliably. There are at the moment too many green labels on the EU market, and not all of them are trustworthy or ambitious. But there are also robust ecolabels which set requirements for the entire life cycle of the product, and which independently verify producers' compliance with these criteria. These are for example the EU Ecolabel, the EU's voluntary EU wide scheme for frontrunner products, and regional official ecolabels, such as the Nordic Swan, the Blue Angel or the Austrian ecolabel. These labels reward the most ambitious companies while helping consumers to easily recognise the more sustainable products.

For the most part, green claims rely on Life Cycle Assessment (LCA) data, although other methodologies, for example single issue approaches such as carbon footprinting, may be applied. Currently, Life Cycle Assessments represent the most comprehensive approach for assessing the impacts of a product through its lifetime. However, this approach allows a significant degree of interpretation and some environmental impacts are poorly captured in Life Cycle Assessments (e.g. biodiversity loss, toxicity exposure, noise pollution). Moreover, a lot of companies don't use LCAs yet to back up their green claims because it takes a lot of time and expertise.

In the EU, the Ecodesign for Sustainable Products Regulation aims to improve the sustainability of products placed on the EU market. It focuses on circularity, energy performance, durability, reuse, and recyclability. The ESPR is the framework legislation addressing the product design and production phase, setting minimum performance requirements and information requirements. These vary by sector, but can concern product aspects like energy performance, durability or reusability of the product. The information requirements mandate that information on these aspects needs to be made available through Digital Product Passports. Additionally, it sets out a minimum standard for digital product passports which are supposed to contain key environmental information on product. As ECOS lays out, besides informing consumers' choices, information contained in product passports should also help manufacturers improve their procurement strategies to design better products. They should increase traceability of complex value chains, help identify suppliers and actors up to raw material providers and help prevent and mitigate environmental and social risks and impacts.

Product passports can be a good way to display comparable, up-to date, and reliable information on the environmental impacts of product. They offer a regulated mechanism for distributing detailed environmental information not just to public authorities but directly to end-consumers, as well as to businesses and experts engaged in recycling and reuse. Product passports in theory go past the traditional right of access (as enshrined in Directive 2003/4/EC) by expanding into the private sphere of supply chains. However, product passports only achieve their goal if the information within does not contain greenwashing, incorporates supply chain and repairability information, and is available online to allow

consumers to directly compare individual products. And as always with laws applying to the EU single market, informed consumer choice can only achieve so much. Crucial still remain the minimum performance requirements on individual product groups and the enforcement of these rules within the EU as well as on imported products.

The current mandate of the Aarhus Convention taskforce on access to information, a configuration set up within the UN to encourage proper application and further development of the Convention's obligations, includes a call to action to the Convention's 48 signatory countries.

> ***"Calls on parties [..] to continue developing and improving frameworks to promote the application, by operators whose activities have a significant impact on the environment, of tools such as eco-labelling, energy labelling, product passports, product declarations, warning labelling and other tools to inform consumers in line with the Convention."***[10]

Ultimately, environmental product information should be comparable and reliable for the consumers. Measurable, robust, verifiable, and comparable environmental information on products is necessary to support the development of effective product policies and to provide access to relevant actors in the supply chains, including businesses, consumers and market surveillance authorities. The right to access to environmental information is essential in transitioning the current economic system to a more sustainable circular economy.

NON-GOVERNMENTAL INFORMATION: DUE DILIGENCE IN BUSINESS

Not all information relevant for the environment is held by public authorities. A lot of it is actually held by private companies, and there are a few EU legislative acts to address this fact.

The Corporate Sustainability Reporting Directive (CSRD) requires companies to disclose information on their environmental, social, and governance (ESG) performance. This information should be of high-quality, standardised, comparable and reliable, to enable sustainable decision making. It provides an opportunity for investors and civil society actors to access the information to evaluate EU companies' performance, development, position, and environmental and climate impacts.

The Corporate Sustainability Due Diligence Directive (CSDDD) introduces the obligation for companies to conduct appropriate human rights and environmental due diligence with respect to their operations. To check compliance, the CSDDD gives supervisory (national) authorities the power to request information, conduct investigations and carry out inspections. Companies would also have to communicate relevant information externally on their due diligence policies, processes and activities to identify and address actual or potential adverse impacts, including the findings and outcomes of those activities. It is very important that the Commission in its guidance, and Member States when implementing the CSDDD, guarantee the effectiveness of

[10] At the time of writing the mandate was still in draft stage in form of Draft decision VIII/1 on promoting effective access to information. However, changes to its text before its formal adoption were unlikely.

investigations by specifying the investigatory powers of supervisory authorities (including the powers to conduct on-site inspections, to obtain the compulsory communication of information and documents, to hear persons related to the case, and to obtain opinions from experts relevant to the investigation). For the civil liability mechanism that due diligence laws absolutely must include to be effective, implementing authorities need to consider the allocation of the burden of proof between the company liable and the victim. The burden of proving a breach of due diligence obligations is one of the main obstacles to victims' access to justice. Evidence of a company's (non-)compliance with its due diligence obligations is mainly based on internal documents that make it possible to assess the existence and appropriateness of the measures internally adopted by the company to identify and address adverse impacts. The unavailability of such information to victims outside the company means that the latter are deprived of their right to obtain compensation for their damage.[11]

These Directives are two sides of the same coin: the CSRD primarily focuses on reporting 'sustainability' information (transparency), while the CSDDD focuses on taking action through due diligence procedures. However, as part of a broader deregulation push targeting environmental legislation, in 2025 the Commission proposed an Omnibus package with amendments to several sustainability laws, including the CSRD and the CSDDD, threating their effectiveness and perpetuating corporate impunity, thereby creating a lot of legal uncertainty.

CITIZEN SCIENCE

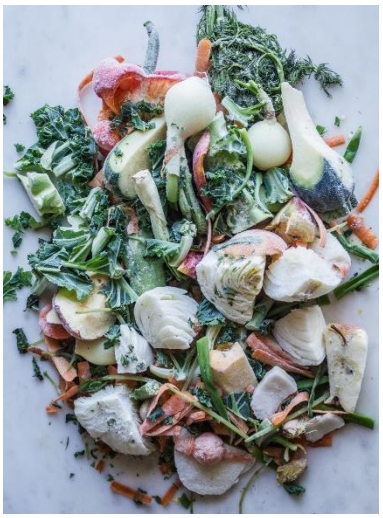
Citizen science is the involvement of members of the public in scientific research, contributing to data collection, analysis, or even project design in collaboration with professional scientists. Through its decentralized nature, it can be a contributor to good policy making. Access to environmental information is a critical enabler of citizen science and extends the notion from mere access to interaction with and even the production of environmental information. Citizen science moves past a traditional expert-driven model of science and policy making towards an era where environmental data is freely accessible, produced and consumed by the public.

Popular applications of citizen science are the monitoring of air quality, biodiversity (reporting on numbers of a given species), and marine litter. Advances in technology and growing public concern for environmental and health issues are key drivers behind the rise of citizen science. Community-generated data should be recognized as a legitimate source of environmental information if it meets scientific standards. Such data can empower citizens to participate meaningfully in decision-making, reflecting the principle that communities have both the right to access environmental information and the capacity to produce it. Local, citizen-held knowledge often offers unique insights into place-specific conditions that are otherwise difficult

[11] Corporate Environmental Due Diligence and Reporting in the EU: Legal analysis of the EU Directive on Corporate Sustainability Due Diligence and policy recommendations for transposition into national law (September 2024), ClientEarth and Frank Bold

to obtain, making it an essential resource for developing informed and effective policies and plans.

CASE STUDY: 2025 EU DIVERSITY & COLLABORATION PRIZE FOR CITIZEN SCIENCE



For the Museum of Food Waste (MoFWaste) project, Portugal, Students, educators, and school canteen staff in Esposende, Portugal, worked together to identify, measure, and reduce food waste. Students were empowered to take full ownership of the process, actively participating in both data collection and analysis. The project goes beyond raising awareness by co-creating and implementing actionable strategies in collaboration with diverse stakeholders. The data collected and the strategies devised allow the project's mission to be easily replicable across the region.

CASE STUDY: ONGOING ACQUA SORGENTE INITIATIVE

The Acqua Sorgente initiative, in Italy, is a participatory citizen science effort launched in April 2024 by the Club Alpino Italiano to identify, monitor, and protect mountain springs across Italy. Recognizing the environmental importance of springs both ecologically and for local communities, the project invites hikers, cyclists, mountaineers, and other nature enthusiasts to use a dedicated app to record essential data. Participation ranges from submission of simple information such as location, photographs and flow estimates of springs to more involved engagement by trained volunteers who have access to portable scientific probes. The data produced has already contributed to hydrological and hydrogeological studies. Additionally, the project uses the data for awareness raising, education, and networking with professional scientific communities.

Requesting documents

In addition to actively disseminating environmental information, public authorities also have an obligation to make environmental information held by them available to anyone who requests it.[12] This obligation originates from Article 4 of the Aarhus Convention and is transposed in the EU Member States through Directive 2003/4/EC and applies to the EU institutions through the Aarhus Regulation (**Regulation 1367/2006**).[13] In practice an important distinction is made

[12] Even the establishment of a system which assumes that the basic form of provision of information is by putting all the available information on publicly accessible websites does not mean that Parties are not obliged to ensure that any request for information should be individually responded to by public authorities, at least by referring them to the appropriate website. (ACCC/C/2009/36 Spain, para. 57)

[13] And revised by Regulation (EU) 2021/1767

between “information” and “documents” whereas requests can often only be filed on documents containing the desired information rather than directly asking for the information itself in whichever format. To access documents from the EU bodies, **Regulation 1049/2001** sets out the process and timeline of handling access to documents request as well as grounds for refusing access.

With more and more information becoming relevant for environmental matters and an increasing number of requests, public authorities and institutions need to adapt to the demand by enhancing their resources and capacities dedicated to processing such requests.[14] The active dissemination of all environmental information through good information systems, as well as publishing all the information that is shared following a request is the most efficient way to alleviate the burden individual requests place on public institutions. In addition, measures must be taken to avoid delays, unreasonable costs as well as the unnecessary refusal of information.

WHAT IS ENVIRONMENTAL INFORMATION, WHAT AN EXISTING DOCUMENT, AND WHO IS A PUBLIC AUTHORITY?

Article 3(1) of the EU Environmental Information Directive requires that public authorities make available “environmental information” held by or for them to any applicant at his request and without an interest having to be stated. “Environmental information” that can be requested is defined broadly under the Aarhus Convention and EU law and can relate to many types of information, such as the state of air, water, biodiversity, waste and other discharge into the environment, policies and plans likely to affect the environment, and the state of human health and safety. A common barrier appears to be that information is wrongly classified as not being ‘environmental information’ and thereby applying lower standards of release on it.

A second issue is the question of what constitutes a public document and who gets to decide on whether a document exists or not. In 2025, at the EU level, the European Commission had to face the so called Pfizergate judgment on its decision not to release the Commission President’s instant text message services exchanges related to the purchase of covid-19 vaccines. Part of the case were the nature of what constitutes a “document” and the determination of whether a document indeed exists. While not an environmental case, it is exemplary of the tensions between information and documents and between official records and modern messaging platforms.

A third point of frequent contention is the question of which body or authority is responsible. The general rule is that a request can be made to any public authority holding the information,

[14] Information within the scope of article 4 should be provided regardless of its volume though the parties may charge for supplying. (ACCC/S/2004/01 and ACCC/C/2004/3 Ukraine, para. 33)

meaning the authority does not necessarily have to be the author of the information.[15] In addition to government and public administration bodies at national, regional or local level, a commercial company can be a 'public authority' within the meaning of the Directive if they fulfil certain public functions.[16] Where a company is subject to administrative supervision, which may include issuing of orders or the imposition of fines, it may follow that the company is not independent from the State when taking decisions, despite the fact that the entity is privatised.

CASE STUDY: THE AUSTRIAN FREEDOM OF INFORMATION ACT

For many years, Austria was the only EU member state that did not guarantee the general right to access to information for the public through a legal act. While access to environmental information was still guaranteed through a specific national law and through supra-national law such as the Aarhus Convention and the EU Directive, the lack of a general national regulatory framework was a major hinderance to reliable and predictable application of the environmental procedural right. As of September 2025, Austria has a Freedom of Information Act but the culture of official secrecy may take years to overcome.

CASE STUDY: ACCESS DELAYED EQUALS ACCESS DENIED

Access to environmental information is often urgent. Bulldozers may already be moving in if information is delivered weeks, months, or even years after the request and zoning/construction/permitting plans develop too quickly.

The 2003 Directive also requires environmental information to be made available to the applicant as soon as possible but no later than within one month of receiving the request.[17] A common issue throughout all levels of government and the EU is the time it takes to process requests for environmental information. A significant delay is often times no different than an outright refusal to those who are seeking the information. This is frequently the case for journalists requiring information on a topical matter of the environment, for those who are

[15] Article 2(2) AC defines "public authority" as:
(a) government at national, regional and other level;
(b) natural or legal persons performing public administrative functions under national law, including specific duties, activities or services in relation to the environment;
(c) any other natural or legal persons having public responsibilities or functions, or providing public services, in relation to the environment, under the control of a body or person falling within subparagraphs (a) or (b) above; or
(d) the institutions of any regional economic integration organisation referred to in article 17 which is a Party to this Convention. This definition does not include bodies or institutions acting in a judicial or legislative capacity

[16] It is not conflicting with the Convention when national legislation delegates some functions related to maintenance and distribution of environmental information to private entities. Such private entities, depending on the particular arrangements adopted in the national law, should be treated for the purpose of access to information as falling under the definition of a "public authority", in the meaning of article 2, paragraph 2 (b) or (c) of the Convention. (ACCC/C/2009/37 Belarus, para. 67)

[17] Irrespective of the number of extensions, the total time of all extensions provided cannot exceed two months after the submission of the request for environmental information. (ACCC/C/2008/24 Spain, para. 74)

engaged in a decision-making process who need more environmental data, or for scientists and researchers assembling up to date reports.

Where an application to access documents is made to EU bodies, it should be granted within 15 working days of the registration of the request.[18] In both national and EU situations, if the request covers a very large volume of information or particularly complex information, the time limit is extended to double the time.[19] Adequate resources and capacity must be allocated in public authorities and institutions to ensure that these time limits are complied with when citizens exercise their right to environmental information.

COSTS

Environmental information should be available to all and thus not prohibitively expensive.[20] The Aarhus Convention itself does not set an upper limit and in its article 4(8) refers only to a "reasonable amount" which is pre-announced transparently through a list of charges.[21] When determining whether the amount of any charge under article 4, paragraph 8, is reasonable, account must be taken of the objective of access to environmental information, the public interest in the protection of the environment, the recognition that public authorities hold environmental information in the public interest, the economic circumstances of the public in general and of the requester, and the justification given for the amount charged.[22]

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[18] Article 3(2)(a) of the Environmental Information Directive.

[19] Article 3(2)(b) of the Environmental Information Directive. The Aarhus Committee has held with regard to the corresponding provision under the Convention, "[t]he right to information can be fulfilled only if public authorities actively respond to the request and provide information within the time and form required. Even establishment of a system which assumes that the basic form of provision of information is by putting all the available information on publicly accessible websites does not mean that Parties are not obliged to ensure that any request for information should be individually responded to by public authorities, at least by referring them to the appropriate website" ACCC/C/2009/36 (Spain), ECE/MP.PP/C.1/2010/4/Add.2, para. 57.

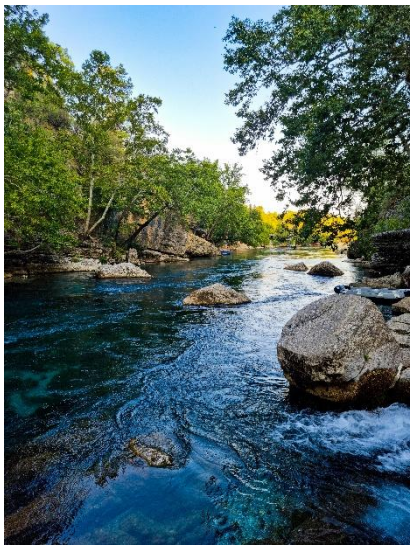
[20] Article 5 of the Environmental Information Directive. See also C-71/14 - East Sussex County Council v Information Commissioner and Others, ECLI:EU:C:2015:656. Concerning the corresponding provision in the Aarhus Convention, see ACCC/C/2008/24 (Spain), ECE/MP.PP/C.1/2009/8/Add.1, para. 75 onwards.

[21] Case ACCC/C/2008/24 Spain, para. 79: Given that the commercial fee for copying in Murcia was €0.03 per page, which seemed to be generally equivalent to the standard commercial fee for copying in the United Nations Economic Commission for Europe (UNECE) countries, the Committee concluded that the charge of €2.05 per page for copying could not be considered reasonable; The Convention does not permit any charge to be levied for simply having access to information and any charges for supplying environmental information must be calculated while recognizing and bearing in mind that such information is held in the public interest. (ACCC/C/2017/147 Republic of Moldova, para. 87)

[22] Any charges for supplying environmental information must be based on a transparent calculation and, while they may include a contribution towards the material costs for supplying the environmental information, they must not include the cost of the initial production, collection or acquisition of the information itself or any other indirect cost. Thus, information held by public authorities should be provided for free or at no more than the reasonable material costs of supplying the requested information (e.g. postage or copying costs). Lastly, any charge must not have a deterrent effect on persons wishing to obtain information, effectively restricting their right of access to information. (ACCC/C/2017/147 Republic of Moldova, para. 88 f.)

CASE STUDY: RIVER WATERS - ECO-TIRAS (NGO) VS THE REPUBLIC OF MOLDOVA

ACCC/C/2017/147



An old but landmark case of the Aarhus Convention Compliance Committee gave some much needed guidance. The environmental non-governmental organization "Eco-TIRAS" International Association of River Keepers requested access to hydrometeorological information regarding the flow and water quality of the Baltata River. The State Hydrometeorological Service assembled the requested data charging the equivalent of EUR 35,700 as a processing fee. After national litigation the case was brought to the Aarhus Convention Compliance Committee which, in 2021, issued some much-needed clarifications on the Convention's text.

- There is a general presumption that requests are as a starting point free of charge.
- Any framework for charges has to be clear, transparent, and consistently applied to ensure predictability.
- Charges must be related to real costs (e.g. copying, printing, staff time) and not simply for obtaining access in and of itself.
- The public interest must be taken into consideration and charges may not appear unreasonable to the public.
- Charges must not have a deterrent effect on persons wishing to obtain information.

ACCESS DENIED

There is a presumption that environmental information should be released.[23] Under certain circumstances, however, access to document request can be refused by Member States or EU institutions, and the refusal has to be justified.[24] In general, all exceptions to the right to request documents must be interpreted narrowly, taking into account the public interest served by disclosure and allow for maximum transparency.[25] The European Court of Justice has ruled repeatedly that the interpretation of the exceptions that authorities can use to refuse access to

[23] The Committee wishes to emphasize that once a piece of information that has been requested is found to be "environmental information" within the scope of article 2, paragraph 3, of the Convention there is a presumption that it should be released. (ACCC/C/2012/69 Romania, para. 52)

[24] Article 3(4) of the Environmental Information Directive. In this respect, the Aarhus Committee has emphasised that "the duty to state reasons is of great importance, not least to enable the applicant to be in a position to challenge the refusal for information under the procedures stipulated in article 9, para. 1, of the Convention. It is, therefore, inadequate if these reasons are only provided at a very late stage, as the applicant will potentially only then be able to fully formulate the grounds for challenging the decision." (ACCC/C/2013/93 (Norway), para. 82).

[25] The same applies to the exceptions under Article 4(3)-(4) of the Aarhus Convention. See in this regard ACCC/C/2008/30 (Moldova), para. 31, where the Aarhus Committee held that national public authorities could not withhold "environmental information" on the ground that the requests relates to a large volume of documents as no such exception exists under the Convention.

documents should be uniform between the Member States and at EU level, and that therefore a restrictive approach to the exceptions is appropriate. equally applicable to when request are made to EU institutions under the Aarhus Regulation 1367/2006.

Grounds to refuse documents are broadly similar at Member State and EU level and range from the public interest regarding public security or international relations to privacy protection, ongoing court proceedings, commercial interests including intellectual property, internal use, investigations and confidentiality of proceedings.[26]

Where a request seeks environmental information relating to emissions, even stricter rules apply, preventing the refusal of environmental information on the grounds of confidentiality of proceedings, confidentiality of personal data or commercial interests under the 2003 Directive on access to environmental information. At EU level, commercial interests – including intellectual property rights, inspections and audits – also cannot override an access to documents request on environmental information relating to emissions.[27]

Unfortunately, barriers to requesting documents remain at all levels often starting with a public authority's lack of expertise or awareness on the status of environmental information as compared to other types of information. As environmental information by its very nature concerns all of us, the thresholds of applying exceptions to its release are higher than for other types of information. The French Commission for Access to Administrative documents has recognized this privileged status of environmental information in its working methods. By prioritizing environmental cases it has reduced the average delay in replies from 211 days in 2019 to just 32 in 2023.

At the level of the EU for example, in 2024, the European Commission denied any access whatsoever in just over 20% of cases and only provided partial access to the requested documents in 47%. The most frequently applied exceptions, regardless of the nature of the document, were privacy, and the protection of commercial interests.

[26] Article 4 Access to Information Directive.

[27] Article 6(1) of the Aarhus Regulation 1367/2006.

CASE STUDY: REFUSAL OF ACCESS TO INFORMATION ABOUT PESTICIDES – ACCC/C/2019/173 SWEDEN

The applicants challenged the refusal of environmental information requests by the Swedish Chemicals Agency and two courts related to the pesticide chlorpyrifos. Draft findings from the Aarhus Convention Compliance Committee (ACCC), published on 7 July 2025, found fault with Swedish authorities for not properly applying transparency rules. And in particular, for interpreting exceptions too broadly, particularly when the information is related to emissions, which usually should be made public. The ACCC found that that Swedish authorities neither granted access to the information nor properly explained their refusal, and it recommended Sweden to take "the necessary legislative, regulatory, administrative and practical measures" to ensure that there is no abuse in the application of exceptions, favour public interests, and clearly explain any decision to withhold information.

REFUSE TO ACCEPT REFUSAL

Where access to documents is refused, the institution or authority concerned must give reasons for the refusal and explain how providing access would undermine an interest protected by the exceptions, and weigh the public interest served by disclosure against the interest served by the refusal.[28] As the grounds of refusal are exceptions from the principle that the public should have the widest possible access to environmental information,[29] it must be shown that the risk of undermining a protected interest is reasonably foreseeable and not purely hypothetical and that access would specifically and actually undermine this interest.

All national systems and also the EU system on access to information have appeals procedures in place available to those who receive a decision refusing the access to requested information. In most countries, there are alternatives to court through either Ombudsman offices, Freedom of Information Commissioners, or specific agencies or bodies tasked with administrative oversight.

[28] The Aarhus Committee has held in that regard that the failure to consider the public interest in disclosure vitiates a decision by a public authority on an access to information request (ACCC/C/2010/51 (Romania), para. 95). It also held that "in situations where there is a significant public interest in disclosure of certain "environmental information" and a relatively small amount of harm to the interests involved, the Convention would require disclosure" (ACCC/C/2007/21 (European Community), para. 30(c)).

[29] The obligation under article 4 to make available environmental information to the public upon request is not limited to matters being subject to public participation procedures and — unless legitimate reasons for refusal are being applied according to appropriate procedures — covers all environmental information which is held by public authorities. (ACCC/C/2010/51 Romania, para. 94)

These legal alternatives are usually free of charge and faster than traditional court systems, but their findings may not be legally binding and are unlikely to fundamentally change how the law is applied in the future.

CASE STUDY: GREENHOUSE GAS EMISSIONS BEHIND CLOSED DOORS - CASE C-84/22 REQUEST FOR A PRELIMINARY RULING FROM THE IRISH HIGH COURT

This case is an example of the need to apply exceptions restrictively. In this case the Court of Justice rules on the question of refusing access to documents in order to protect the secrecy of internal communications of a public authority. Right to Know CLG, an NGO governed by Irish law, made a request to the Irish Taoiseach (Prime Minister) for access to all documents which showed cabinet discussions on Ireland's greenhouse gas emissions. Partial access to the requested documents was granted but not all of it was released with the argument that they fell under the protection of internal communications – one exception to the release of environmental information under the law. The EU court, ultimately, stated that this exception based on the proceedings of public authorities must be interpreted narrowly, in a way that it covers only information exchanged in the course of the final stages of the decision-making process of public authorities, which are clearly defined as proceedings under national law and in respect of which such law provides for a duty of confidentiality. As NGO Justice and Environment points out: "This is an important distinction in the environmental cases where not seldom the final administrative decision-making phase is preceded by lengthy expert examinations and exchanges with the stakeholders – according to the Court, such information should not qualify as administrative secret based on intra-agency communication provisions."

Conclusions and Recommendations

Public bodies across the EU and its Member States should strive for maximum transparency by making all environmental information available online, ensuring that the public has the ability to become fully aware of the environmental conditions we live in and how our lives, political, and consumer choices are impacting them and impacted by them. The availability and dissemination of environmental information about products and industrial activities are essential for ensuring transparency, enabling informed consumer choices, and holding industries accountable.

The Industrial Emissions Portal Regulation (IEPR) should not just enable the public to be made aware of pollution impacts from industrial activities, information should be provided in such a

way that it empowers the various users to track progress on pollution prevention, enables benchmarking of performance and promotes compliance. It needs to enhance participation and accountability in environmental decision-making. Collaboration between companies and regulators is essential to improve the reliability of information on products, their environmental footprint, and performance, enabling consumers to make informed choices, strengthening enforcement, and helping companies enhance their products. Information about permits, Environmental Impact Assessments, and global impacts of supply chains should be prioritized. All public information should be provided adhering to open data principles, enabling innovative public use and the creation of systems beneficial to a wider audience.

Any information which is not proactively disseminated may lead to access to information requests which, in turn, should be handled swiftly and with the public interest in disclosure in mind. Public authorities and EU institutions should strengthen their capacity and resources to meet legal obligations under the Aarhus Convention, Directive 2003/4/EC, Regulation 1367/2006, and Regulation 1049/2001 to provide timely, affordable, and comprehensive access to environmental information and documents. Authorities should ensure requests are processed within statutory deadlines and avoid delays that effectively amount to refusals. They must correctly identify what constitutes a public document, and recognise that "public authority" includes certain private entities under administrative control. Any charges applied to processing requests should remain reasonable and transparent, and exceptions to disclosure must be narrowly interpreted, with stricter rules applied for emissions-related information.[30] Where access is refused, detailed justifications must be given promptly[31], demonstrating foreseeable and specific harm to protected interests. Appeals processes, including Ombudsman or oversight bodies, should be promoted for fast, low-cost redress, while prioritising environmental cases to uphold the higher public interest in environmental transparency.

PROVIDING INFORMATION WITHOUT BEING ASKED

1. Open government principles and open data/source: Authorities managing Environmental Information should design their online platforms so that as many sources as possible can be accessed via a one-stop-shop in line with open data principles;
2. Compatibility and comparability: Authorities within one country, and countries across the EU should cooperate and collaborate so that different tools and data are compatible, interchangeable and the same methodology is used to create the same type of data;

[30] The criteria in legislation for exceptions under article 4, paragraph 4 (a), should be as clear as possible, so as to reduce the discretionary power of authorities to select which proceedings should be confidential or what constitutes "commercial and industrial information", because this might lead to arbitrary application of the exemption. This is in line with the principle that all exemptions to the requirement to provide access to requested environmental information are subject to a restrictive interpretation and must take into account the public interest served by the disclosure. (ACCC/C/2010/51 Romania, para. 89, 90)

[31] The Committee notes that the duty to state reasons is of great importance, not least to enable the applicant to be in a position to challenge the refusal for information under the procedures stipulated in article 9, paragraph 1, of the Convention. It is, therefore, inadequate if these reasons are only provided at a very late stage, as the applicant will potentially only then be able to fully formulate the grounds for challenging the decision. (ACCC/C/2013/93 Norway, para. 82)

3. Proactive publication is king: Authorities should proactively publish and disseminate as much information as possible to subscribe to open government principles, transparency, and reduce the administrative burden associated with handling public access to documents requests;
4. Industrial pollution: Environmental performance assessments and permits for industrial installations should be freely available online and industrial pollution data should enable benchmarking and real-time environmental performance assessments;
5. Product information display and comparability: Product information needs to be displayed clearly and transparently to consumers especially when communicating complex environmental information such as life cycle analyses. The uptake of consumer-oriented ecolabels, which generally provide aggregated and simplified information to improve the clarity and comparability of products for consumers (e.g. EU Ecolabel, Blauer Engel or Nordic Swan labels) should be promoted;
6. Legislation to protect consumers from greenwashing and other forms of unfounded claims should be implemented (Green Claims Directive) and enforced (the already adopted Empowering Consumers for the Green Transition Directive) across the EU;
7. Corporate accountability: strong legislation should be adopted and enforced to ensure all companies have to comply with due diligence duties and transparency standards (through reporting obligations), in line with relevant international principles such as the UN Guiding Principles on Business and Human Rights (UNGPs) and the OECD Guidelines for Multinational Enterprises;
8. Human Rights and Environmental business conduct: Legal obligations on human rights and environmental due diligence need to be strengthened to ensure that companies are obliged to internally assess and minimise their negative impacts on society and planet;
9. Enable Citizen Science: All environmental information gathered through citizen science should be open data in order to encourage reuse and innovation;
10. Capitalise on Citizen Science: Public authorities can reduce their own costs and increase their efficiency of gathering specialized information by promoting citizen science. A minimum level of oversight needs to be maintained and transparency on how the information is being used must be guaranteed.

PROVIDING INFORMATION AFTER BEING ASKED

1. Apply the law: Authorities should reliably and predictably apply the law, including the special status environmental information has as compared to other types of information;
2. Access delayed equals access denied: Requested information should be provided as soon as possible after having been requested and well within the 2-month maximum of the Aarhus Convention;
3. Administrative capacity: Adequate resources need to be available for public authorities to treat request within a reasonable time. Reminder – publishing information directly is cheaper than having to handle requests for release of information later;

4. Charges: Authorities should provide information free of charge whenever possible, and costs, when needed, should not be a deterrent;
5. Publish information releases: Information given to one requester should be automatically published to avoid duplication of administrative burden of dealing with subsequent requests for the same data;
6. Keep exceptions, exceptional: In line with case law of the CJEU, public authorities should interpret exceptions, which allow for the refusal to release requested information, narrowly and apply them sparingly;
7. Weigh the public interest: The public interest in disclosure of information should be the guiding principle when assessing requests for environmental information;
8. Consider partial disclosure: Where full disclosure of requested information is not possible, authorities should proactively consider a partial release or the release with redactions.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