

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2010 Nr. 147

A. TITEL

*Verdrag betreffende toegang tot informatie, inspraak in besluitvorming
en toegang tot de rechter inzake milieuaangelegenheden;
(met Bijlagen)
Aarhus, 25 juni 1998*

B. TEKST

De Engelse en de Franse tekst van het Verdrag, met Bijlagen, zijn geplaatst in *Trb.* 1998, 289.

De Engelse tekst van de wijziging van het Verdrag van 27 mei 2005 is geplaatst in *Trb.* 2008, 2.

C. VERTALING

Zie *Trb.* 2001, 73 en *Trb.* 2008, 107.

D. PARLEMENT

Zie *Trb.* 2005, 22.

Bij brieven van 27 november 2008 (Kamerstukken II 2008/2009, 31798, nr. 1) is de wijziging van het Verdrag van 27 mei 2005 in overeenstemming met artikel 2, eerste lid, en artikel 5, eerste lid, van de Rijkswet goedkeuring en bekendmaking verdragen overgelegd aan de Eerste en de Tweede Kamer der Staten-Generaal.

De toelichtende nota die de brieven vergezelde, is ondertekend door de Minister van Volkshuisvesting, Ruimtelijke Ordening en Milieubeheer J. M. CRAMER en de Minister van Buitenlandse Zaken M. J. M. VERHAGEN.

De goedkeuring door de Staten-Generaal is verleend op 29 december 2008.

E. PARTIJGEGEVENS

Verdrag

Zie rubriek E van *Trb.* 1998, 289 en rubriek F van *Trb.* 2001, 73.

Partij	Onder- tekening	Ratificatie	Type [*]	In werking	Opzeg- ging	Buiten werking
Albanië	25-06-98	27-06-01	R	30-10-01		
Armenië	25-06-98	01-08-01	R	30-10-01		
Azerbeidzjan		23-03-00	T	30-10-01		
Belarus	16-12-98	09-03-00	R	30-10-01		
België	25-06-98	21-01-03	R	21-04-03		
Bosnië en Herzegovina		01-10-08	T	30-12-08		
Bulgarije	25-06-98	17-12-03	R	16-03-04		
Cyprus	25-06-98	19-09-03	R	18-12-03		
Denemarken	25-06-98	29-09-00	R	30-10-01		
Duitsland	21-12-98	15-01-07	R	15-04-07		
Estland	25-06-98	02-08-01	R	31-10-01		
EU (Europese Unie)	25-06-98	17-02-05	R	18-05-05		
Finland	25-06-98	01-09-04	R	29-11-04		
Frankrijk	25-06-98	08-07-02	R	06-10-02		
Georgië	25-06-98	11-04-00	R	30-10-01		
Griekenland	25-06-98	27-01-06	R	27-04-06		
Hongarije	18-12-98	03-07-01	R	30-10-01		
Ierland	25-06-98					
IJsland	25-06-98					
Italië	25-06-98	13-06-01	R	30-10-01		
Kazachstan	25-06-98	11-01-01	R	30-10-01		
Kroatië	25-06-98	27-03-07	R	25-06-07		

Partij	Onder- tekening	Ratificatie	Type [*]	In werking	Opzeg- ging	Buiten werking
Kyrgyzstan		01-05-01	T	30-10-01		
Letland	25-06-98	14-06-02	R	12-09-02		
Liechtenstein	25-06-98					
Litouwen	25-06-98	28-01-02	R	28-04-02		
Luxemburg	25-06-98	25-10-05	R	23-01-06		
Macedonië, Voormalige Joegoslavische Republiek		22-07-99	T	30-10-01		
Malta	18-12-98	23-04-02	R	22-07-02		
Moldavië	25-06-98	09-08-99	R	30-10-01		
Monaco	25-06-98					
Montenegro		02-11-09	T	31-01-10		
Nederlanden, het Koninkrijk der – Nederland – Ned. Antillen – Aruba	25-06-98	29-12-04 – –	R	29-03-05 – –		
Noorwegen	25-06-98	02-05-03	R	31-07-03		
Oekraïne	25-06-98	18-11-99	R	30-10-01		
Oostenrijk	25-06-98	17-01-05	R	17-04-05		
Polen	25-06-98	15-02-02	R	16-05-02		
Portugal	25-06-98	09-06-03	R	07-09-03		
Roemenië	25-06-98	11-07-00	R	30-10-01		
Servië		31-07-09	T	29-10-09		
Slovenië	25-06-98	29-07-04	R	27-10-04		
Slowakije		05-12-05	T	05-03-06		
Spanje	25-06-98	29-12-04	R	29-03-05		
Tadzjikistan		17-07-01	T	30-10-01		
Tsjechië	25-06-98	06-07-04	R	04-10-04		
Turkmenistan		25-06-99	T	30-10-01		

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Verenigd Koninkrijk, het	25-06-98	23-02-05	R	24-05-05		
Zweden	25-06-98	20-05-05	R	18-08-05		
Zwitserland	25-06-98					

* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrchtiging, aanvaarding, goedkeuring f kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend

Verklaringen, voorbehouden en bezwaren

Denemarken, 25 juni 1998

Both the Faroe Islands and Greenland are self-governing under Home Rule Acts, which implies inter alia that environmental affairs in general and the areas covered by the Convention are governed by the right of self-determination. In both the Faroe and the Greenland Home Rule Governments there is great political interest in promoting the fundamental ideas and principles embodied in the Convention to the extent possible. However, as the Convention is prepared with a view to European countries with relatively large populations and corresponding administrative and social structures, it is not a matter of course that the Convention is in all respects suitable for the scarcely populated and far less diverse societies of the Faroe Islands and of Greenland. Thus, full implementation of the Convention in these areas may imply needless and inadequate bureaucratization. The authorities of the Faroe Islands and of Greenland will analyse this question thoroughly.

Signing by Denmark of the Convention, therefore, not necessarily means that Danish ratification will in due course include the Faroe Islands and Greenland.

Duitsland, 21 december 1998

The text of the Convention raises a number of difficult questions regarding its practical implementation in the German legal system which it was not possible to finally resolve during the period provided for the signing of the Convention. These questions require careful consideration, including a consideration of the legislative consequences, before the Convention becomes binding under international law.

The Federal Republic of Germany assumes that implementing the Convention through German administrative enforcement will not lead to developments which counteract efforts towards deregulation and speeding up procedures

EU (Europese Unie), 25 juni 1998

The European Community wishes to express its great satisfaction with the present Convention as an essential step forward in further encouraging and supporting public awareness in the field of environment and better implementation of environmental legislation in the UN/ECE region, in accordance with the principle of sustainable development.

Fully supporting the objectives pursued by the Convention and considering that the European Community itself is being actively involved in the protection of the environment through a comprehensive and evolving set of legislation, it was felt important not only to sign up to the Convention at Community level but also to cover its own institutions, alongside national public authorities.

Within the institutional and legal context of the Community and given also the provisions of the Treaty of Amsterdam with respect to future legislation on transparency, the Community also declares that the Community institutions will apply the Convention within the framework of their existing and future rules on access to documents and other relevant rules of Community law in the field covered by the Convention.

The Community will consider whether any further declaration will be necessary when ratifying the Convention for the purpose of its application to Community institutions.

EU (Europese Unie), 17 februari 2005

The European Community declares that, in accordance with the Treaty establishing the European Community, and in particular Article 175 (1) thereof, it is competent for entering into international agreements, and for implementing the obligations resulting there from, which contribute to the pursuit of the following objectives:

- preserving, protecting and improving the quality of the environment;
- protecting human health;
- prudent and rational utilisation of natural resources;
- promoting measures at international level to deal with regional or world-wide environmental problems.

Moreover, the European Community declares that it has already adopted several legal instruments, binding on its Member States, implementing provisions of this Convention and will submit and update as appropriate a list of those legal instruments to the Depositary in accordance with Article 10 (2) and Article 19 (5) of the Convention. In particular, the European Community also declares that the legal instruments in force do not cover fully the implementation of the obligations resulting from Article 9 (3) of the Convention as they relate to administrative and judicial procedures to challenge acts and omissions by private persons and public authorities other than the institutions of the European Community as covered by Article 2 (2)(d) of the Convention, and that, consequently, its Member States are responsible for the performance of these obligations at the time of approval of the Convention by the European Community and will remain so unless and until the Community, in the exercise of

its powers under the EC Treaty, adopts provisions of Community law covering the implementation of those obligations.

Finally, the Community reiterates its declaration made upon signing the Convention that the Community institutions will apply the Convention within the framework of their existing and future rules on access to documents and other relevant rules of Community law in the field covered by the Convention.

The European Community is responsible for the performance of those obligations resulting from the Convention which are covered by Community law in force.

The exercise of Community competence is, by its nature, subject to continuous development.

Declaration by the European Community concerning certain specific provisions under directive 2003/4/EC

In relation to Article 9 of the Aarhus Convention, the European Community invites Parties to the Convention to take note of Article 2 (2) and Article 6 of Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on Public Access to Environmental Information. These provisions give Member States of the European Community the possibility, in exceptional cases and under strictly specified conditions, to exclude certain institutions and bodies from the rules on review procedures in relation to decisions on requests for information. Therefore the ratification by the European Community of the Aarhus Convention encompasses any reservation by a Member State of the European Community to the extent that such a reservation is compatible with Article 2 (2) and Article 6 of Directive 2003/4/EC.

Finland, 1 september 2004

1. Finland considers that provisions of Article 9, paragraph 2 on access to a review procedure do not require those provisions to be applied at a stage of the decision-making of an activity in which a decision in principle is made by the Government and which then is endorsed or rejected by the national Parliament, provided that provisions of Article 9, paragraph 2 are applicable at a subsequent decision-making stage of the activity.

2. Some activities in Annex I to the Convention may require consecutive decisions by a public authority or public authorities on whether to permit the activity in question. Finland considers that each party shall, within the framework of its national legislation, determine at what stage the substantive and procedural legality of any decision, act or omission subject to the provisions of Article 6 may be challenged pursuant to Article 9, paragraph 2.

Frankrijk, 8 juli 2002

Interpretative declaration concerning articles 4, 5 and 6 of the Convention:

The French Government will see to the dissemination of relevant information for the protection of the environment while, at the same time, ensuring protection of industrial and commercial secrets, with reference to established legal practice applicable in France.

Nederlanden, het Koninkrijk der, 17 februari 2010

The Kingdom of the Netherlands declares, in accordance with paragraph 2 of Article 16 of the United Nations Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, that it accepts both means of dispute settlement referred to in that paragraph as compulsory in relation to any Party accepting one or both means of dispute settlement.

Noorwegen, 2 mei 2003

In accordance with article 16, paragraph 2 a of the Convention, Norway hereby declares that it will submit the dispute to the International Court of Justice.

Oostenrijk, 17 januari 2005

The Republic of Austria declares in accordance with article 16 (2) of the Convention that it accepts both of the means of dispute settlement mentioned in paragraph 2 as compulsory in relation to any party accepting an obligation concerning one or both of these means of dispute settlement.

Verenigd Koninkrijk, het, 23 februari 2005

The United Kingdom understands the references in article 1 and the seventh preambular paragraph of this Convention to the “right” of every person “to live in an environment adequate to his or her health and well-being” to express an aspiration which motivated the negotiation of this Convention and which is shared fully by the United Kingdom. The legal rights which each Party undertakes to guarantee under article 1 are limited to the rights of access to information, public participation in decision-making and access to justice in environmental matters in accordance with the provisions of this Convention.

Zweden, 20 mei 2005

Sweden lodges a reservation in relation to Article 9.1 with regard to access to a review procedure before a court of law of decisions taken by the Parliament, the Government and Ministers on issues ~ involving the release of official documents.

A reservation is also lodged in relation to Article 9.2 with regard to access by environmental organisations to a review procedure before a court of law concerning such decisions on local plans that require environmental impact assessments. This also applies to decisions regarding

issuing permits that are taken by the Government as the first instance, under, for example the Natural Gas Act (2000:599) and after appeal under Chapter 18 of the Swedish Environmental Code. It is the Government's ambition that Sweden will shortly comply with Article 9.2 in its entirety.

Wijziging van 27 mei 2005

Partij	Onder-tekening	Ratificatie	Type [*]	In werking	Op zeggng	Buiten werking
België		17-06-09	R			
Bulgarije		30-04-07	R			
Cyprus		07-10-09	R			
Denemarken		18-10-06	R			
Duitsland		20-10-09	R			
Estland		01-02-08	R			
EU (Europese Unie)		01-02-08	R			
Finland		10-06-08	R			
Hongarije		16-05-08	R			
Italië		17-12-08	R			
Letland		03-06-08	R			
Litouwen		30-08-07	R			
Luxemburg		04-01-07	R			
Moldavië		07-12-07	R			
Nederlanden, het Koninkrijk der – Nederland – Ned. Antillen – Aruba		23-02-09 – –	R	– –		
Noorwegen		02-05-08	R			
Oostenrijk		21-05-08	R			
Polen		23-03-09	R			
Portugal		08-09-09	R			
Roemenië		29-08-08	R			

Partij	Onder- tekening	Ratificatie	Type*	In werking	Op zegging	Buiten werking
Slowakije		01-04-08	R			
Spanje		21-02-08	R			
Tsjechië		29-01-08	R			
Verenigd Koninkrijk, het		01-05-09	R			
Zweden		15-02-08	R			

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Verklaringen, voorbehouden en bezwaren

Denemarken, 18 oktober 2006

Territorial exclusion in respect of the Faroe Islands and Greenland.

G. INWERKINGTREDING

Zie *Trb.* 2005, 22 en *Trb.* 2008, 2.

J. VERWIJZINGEN

Zie *Trb.* 1998, 289, *Trb.* 2001, 73, *Trb.* 2005, 22, *Trb.* 2008, 2 en *Trb.* 2008, 107.

Titel : Verdrag inzake de internationale burgerluchtvaart;
Chicago , 7 december 1944

Laatste *Trb.* : *Trb.* 2009, 48

Titel : Handvest van de Verenigde Naties;
San Francisco , 26 juni 1945

Laatste *Trb.* : *Trb.* 2009, 143

Titel : Europese Overeenkomst inzake internationale
hoofdverkeerswegen;
Genève, 15 november 1975

Laatste *Trb.* : *Trb.* 2009, 204

Titel : Verdrag inzake milieu-effectrapportage in grensoverschrijdend verband;
Espoo, 25 februari 1991
Laatste *Trb.* : *Trb.* 2008, 179

Uitgegeven de zesde mei 2010.

De Minister van Buitenlandse Zaken,

M. J. M. VERHAGEN