

Article 4

ACCESS TO ENVIRONMENTAL INFORMATION

4. A request for environmental information **may be refused** if the disclosure would adversely affect:

- (a) The confidentiality of the **proceedings** of public authorities, where such confidentiality is provided for under national law;
- (b) International relations**, national defence or public security;
- (c) The course of **justice**, the ability of a person to receive a fair trial or the ability of a public authority to conduct an enquiry of a criminal or disciplinary nature;
- (d) The confidentiality of **commercial and industrial** information, where such confidentiality is protected by law in order to protect a legitimate economic interest. Within this framework, information on emissions which is relevant for the protection of the environment shall be disclosed;
- e) **Intellectual property rights**;
- g) The interests of a **third party** which has supplied the information requested without that party being under or capable of being put under a legal obligation to do so, and where that party does not consent to the release of the material;
- (h) **The environment** to which the information relates, such as the **breeding sites** of rare species.

Now, read this more carefully:

"The confidentiality of **commercial and industrial** information, where such confidentiality is protected by law in order to protect a legitimate economic interest. Within this framework, information on **emissions** which is relevant for the protection of the environment shall be **disclosed**;"

And then pay attention to this:

"The aforementioned grounds for refusal shall be interpreted in a restrictive way, taking into account the public interest served by disclosure and taking into account whether the information requested relates to emissions into the environment."

## Where to find these nicities?



- **CONVENTION ON ACCESS TO INFORMATION, PUBLIC PARTICIPATION IN DECISION-MAKING AND ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS**  
done at Aarhus, Denmark, on 25 June 1998



- **DIRECTIVE 2003/4/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 28 January 2003**  
**on public access to environmental information and repealing Council Directive 90/313/EEC**



- **REGULATION (EC) No 1367/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 6 September 2006**  
**on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies**

The central sentence in the EU version:

”Member States may not, by virtue of paragraph 2(a), (d), (f), (g) and (h), provide for a request to be refused where the request relates to information on **emissions** into the environment”

# What are emissions?

Investigative Reporting Denmark

## On your dinner plate and in your body: the most dangerous pesticide you've never heard of

By: STAFFAN DAHLLÖF | 17/06/2019

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Investigative Reporting Denmark

## One study only paved way for chlorpyrifos

By: NILS MULVAD AND STAFFAN DAHLLÖF | 17/06/2019

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# Leading to...

Investigative Reporting Denmark

## Producers fight back to prevent pesticides ban: "EU bows for pressure from NGOs and media"

By: STAFFAN DAHLÖF AND STÉPHANE HOREL | 02/12/2019

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## Pesticide chlorpyrifos banned by EU





# And...

ANALYSIS

## Sweden in UN spotlight over pesticide 'secrecy'



The screenshot shows the UNECE website interface. At the top, there is the UNECE logo and the Sustainable Development Goals logo. Below this is a navigation bar with the text "ON THE ROAD TO COP26" and several menu items: "About UNECE", "Our work", "Themes", "SDGs", "Open UNECE", "Events", "Publications", and "Media". A secondary navigation bar includes "Executive Secretary", "Mission", "Organizational structure", "Secretariat", "Executive Committee", "Commission", "Legal instruments", and "Work with us". A prominent orange button labeled "ENVIRONMENTAL POLICY" is visible, along with a "PUBLIC PARTICIPATION" link. The main content area features a document titled "ACCC/C/2019/173 Sweden" with a table of documents. The table has columns for "Documents" and "Status".

Documents	Status
Communication	
Annex 1: Rejection of information request SWE	From the communicant
Annex 2: Appeal to court SWE	
Annex 3: Court dismissal of 19 February 2019 SWE	
Annex 4: Appeal to Supreme Administrative Court SWE	
Annex 5: Report regarding chlorpyrifos	
Annex 6: Dismissal by the Supreme Administrative Court of 16 May 2019 SWE	
Update	
Annex: Letter from European Food Safety Authority	From the communicant

# Now what?

## The Recovery and Resilience Facility

The Recovery and Resilience Facility (the Facility) makes €723.8 billion (in current prices) in loans (€385.8 billion) and grants (€338 billion) available to support reforms and investments undertaken by Member States. The aim is to mitigate the economic and social impact of the coronavirus pandemic and make European economies and societies more sustainable, resilient and better prepared for the challenges and opportunities of the green and digital transitions.



**CO<sub>2</sub> and methane are emissions, right?**

