

**Appendix 6**  
**Environmental Management Act**  
**Chapter 19. Public access to environmental information**

**Section 19.1a**

1. In this Chapter and the provisions based thereon environmental information means: all information set down in documents on:
  - a. the state of the various elements of the environment, such as air and atmosphere, water, soil, land, countryside and nature areas including wet biotopes, coastal and marine areas, biodiversity and its components, including genetically modified organisms, and the interactions between these elements;
  - b. factors such as substances, energy, noise, radiation and waste, including radioactive waste, emissions, discharges and other releases of substances into the environment which harm or probably harm the elements of the environment referred to in point a;
  - c. measures, including administrative measures such as policy measures, legislation, plans, programmes, environmental agreements and activities which affect or may affect the elements and factors of the environment referred to in points a and b, and measures or activities to protect these elements;
  - d. reports on the application of environmental legislation;
  - e. cost-benefit and other economic analyses and assumptions used in connection with the measures and activities referred to in point c;
  - f. the state of human health and safety, including contamination of the food chain if applicable, human living conditions, areas of cultural importance and buildings of special interest in so far as they are or may be harmed by the state of elements of the environment referred to in point a or, through these elements, by the factors, measures or activities referred to in points b and c.
2. Section 1, opening words and (a) of the Government Information (Public Access) Act apply *mutatis mutandis*.

[...]

**Section 19.1c**

Without prejudice to section 8 of the Government Information (Public Access) Act, administrative authorities must take the initiative in providing information on their public responsibilities and functions and on the public services which they perform in relation to the environment.

**Section 19.2**

1. If an event occurs which poses an imminent threat to human life or health, the environment or major material interests, the mayor must immediately provide, in so far as this information does not otherwise have to be provided pursuant to section 7 of the Safety Regions Act or another statutory provision, all information in an appropriate manner to the persons who could be affected on the measures that have been taken to prevent or reduce the threat and its adverse consequences, and the action they should take in this regard. In the event of a situation as referred to in section 39 of the Safety Regions Act, the information must be provided by the chair of the safety region.

2. Further rules may be issued by order in council on the cases in which information is to be provided pursuant to subsection 1, on the content of that information and on the manner in which it is provided.

### **Section 19.3**

1. If a document whose disclosure is laid down by or pursuant to this Act or by Part 3.4 or 3.6 of the General Administrative Law Act contains environmental information which may justifiably be kept secret by virtue of section 10 of the Government Information (Public Access) Act, or if such information may be deduced from such a document, the competent authority may, in response to a written request to this effect from the interested party, permit the latter for disclosure purposes to supply another text approved by the competent authority which does not contain that information or from which the information cannot be deduced. The competent authority must make use of this power only with respect to trade secrets and security information. In order to implement a treaty which is binding on the Netherlands or the decision of an international organisation which is binding on the Netherlands, information to which the first sentence of this subsection applies may be designated by an order in council pursuant to this Act.
2. If a document whose disclosure is laid down by or pursuant to this Act or by Part 3.4 or 3.6 of the General Administrative Law Act contains environmental information which must not be disclosed or may remain undisclosed by virtue of section 10, subsection 1, opening words and (b) or section 10, subsection 2, opening words and (a) of the Government Information (Public Access) Act, or if such environmental information may be deduced from such a document, another text must be supplied for disclosure purposes, on the instructions of our Minister concerned, which does not contain that information or from which the information cannot be deduced.

### **Section 19.4**

1. In cases where section 19.3, subsection 1 has been applied, if in the opinion of the competent authority a second text would not provide sufficient information for a proper assessment of the document to which the request relates, another document in connection with which the document was submitted, the draft decision or the decision, the person who made the request must supplement the documents as far as possible with other information which may be relevant to the assessment within a time limit to be laid down by the authority.
2. In cases where section 19.3, subsection 2 has been applied, if in the opinion of Our Minister concerned a second text would not provide sufficient information for a proper assessment of the document to which the request relates, another document in connection with which the document was submitted, the draft decision or the decision, he must supplement the documents as far as possible with other information which may be relevant to the assessment.
2. The competent authority must make a note on the second text to show that it replaces the original text which contains information which must or may justifiably be kept secret. If subsection 1 or 2 has been applied, the note must also state that the documents have been supplemented with information as referred to in these subsections.

### **Section 19.5**

1. The competent authority must take a decision on a request to maintain secrecy within four weeks of receiving the request. The decision must be communicated to the administrative

authorities concerned. If the request was made in connection with the application of Chapter 7 and relates to a plan or a decision on which the Environmental Impact Assessment Committee is given the opportunity, in accordance with section 7.12 or section 7.32, subsection 5 in conjunction with section 7.12, to make recommendations, the decision must also be communicated to this Committee.

2. If a request to maintain secrecy is made in connection with the application of Part 3.4 or 3.6 of the General Administrative Law Act, if the request relates to a decision on an application, or of Part 7.2 or Part 7.8 or 7.9, the competent authority must suspend the further handling of the application until, if the request is granted, the second text has been supplied and the documents have been supplemented with the information referred to in section 19.4, subsection 1, or if the request is wholly or partly refused, until the decision on the request has become final and unappealable. The time limits which apply pursuant to sections 3:18 and 4:5 of the General Administrative Law Act, section 31 of the Services Act, section 3.9 of the Environmental Permitting (General Provisions) Act and section 7.21, subsection 5 and section 13.8 are suspended for as long as the further handling of the application is suspended.
3. If a request to maintain secrecy is made in connection with the application of Part 3.4 or 3.6 of the General Administrative Law Act, if the request does not relate to a decision on an application, or of Division 7.10, the competent authority must delay disclosure of the document to which the request relates until, if the request is granted, the second text has been supplied and the documents have been supplemented with the information referred to in section 19.4, subsection 1 or, if the request is wholly or partially refused, until the decision on the request has become final and unappealable.

## **Section 19.6** [Repealed as of 01-07-2005]

### **Section 19.6a**

Sections 19.3 to 19.5 apply *mutatis mutandis* to information which is contained in a document to which public access is prescribed or which may be deduced from such a document and which cannot be considered environmental information.

### **Section 19.6b**

If information is made public in preparing a decision designated pursuant to section 7.2 in relation to an activity in the preparation of which an environmental impact statement must be drawn up, or a decision on an environmental permit for an establishment pursuant to a statutory provision or a decision of the competent authority, and that statutory provision or decision precludes the information being made public on grounds other than those contained in section 10 of the Government Information (Public Access) Act, section 10 of the Government Information (Public Access) Act applies *mutatis mutandis* and the statutory provision or decision which precludes the information being made public does not apply. If environmental information is not deposited for inspection, this must be made known.

[...]