

2011-07-20

**Case Summary posted by the Task Force on Access to Justice**

**Conseil d'Etat, 7 August 2007, N° 266668**

1. <i>Key issue</i>	Access to information (art. 4, 9.1) - The French Conseil d'Etat decided that it was illegal to refuse access to the document merely because it was of preliminary nature and would be preceded by a final decision.
2. <i>Country/Region</i>	France
3. <i>Court/body</i>	Conseil d'Etat
4. <i>Date of judgment /decision</i>	7 August 2007
5. <i>Internal reference</i>	Conseil d'Etat, 7 August 2007, N° 266668
6. <i>Articles of the Aarhus Convention</i>	Art. 4
7. <i>Key words</i>	Access to Environmental Information – Preliminary Documents – Grounds for Refusal
8. <i>Case summary</i>	<p>On 19 February 2004, the Rennes Administrative Tribunal refused to annul the decision of the prefect of Morbihan. The Morbihan decision would denied the association of inhabitants of the Morbihan coast to access the unabridged version of the minutes of the site commission meeting of 4 April 2002.</p> <p>The Conseil d'Etat decided that it was illegal to refuse access to the document merely because it was of preliminary nature and would be preceded by a final decision. Hence, it annulled the decision of the Rennes Administrative Tribunal and the decision of the prefect of Morbihan.</p> <p>Thus, a decision refusing access to information concerning preliminary documents is not compatible with Art. 3 of Directive 90/313/EEC, which limits the refusal for a request for environmental information if the request concerns unfinished documents.</p>
9. <i>Link address</i>	<a href="http://www.legifrance.gouv.fr">www.legifrance.gouv.fr</a>