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

### **20 Deputies of the Saeima v. Cabinet of Ministers, No.2002-14-04 *Olaine Incinerator***

1. <i>Key issue</i>	Public participation - The State shall ensure that public authorities assist and provide guidance to the public in seeking access to information, in facilitating participation in decision-making and in seeking access to justice in environmental matters.
2. <i>Country/Region</i>	Latvia
3. <i>Court/body</i>	Constitutional Court (Satversmes tiesa)
4. <i>Date of judgment /decision</i>	14 February 2003
5. <i>Internal reference</i>	2002-14-04
6. <i>Articles of the Aarhus Convention</i>	Art. 3, para. 2; Art. 6; Ann. I, para. 5
7. <i>Key words</i>	Access to Environmental Information – Access to Justice – Public Participation
8. <i>Case summary</i>	<p>A group of members of the parliament claimed that the Cabinet of Ministers 8 August 2001 Decree No. 401 'On the Location of the Hazardous Waste Incineration Facility in Olaine' was not in conformity with a number of provisions of Latvian law, including art. 111 and 115 of the Constitution of the Republic of Latvia ('the Satversme').</p> <p>Art. 111 of the Satversme provides that the State shall protect human health and guarantee a basic level of medical assistance for everyone. Art. 115 of the Satversme provides: 'The State shall protect the right of everyone to live in a benevolent environment by providing information about environmental conditions and by promoting the preservation and improvement of the environment'.</p> <p>The Constitutional Court came to a number of conclusions: First, observation of formal legal requirements is not always adequate in determining public opinion on a particular project (e.g., public authorities should choose appropriate media for communication with the public). Second, the greater the expected impact on the environment, the more effort public authorities should make to inform the public. Third, public participation, as far as the public is concerned, is not a duty but a right. Fourth, the procedures of public participation do not require public authorities to adhere to all comments – the decisive criterion is whether the submitted comments have been considered and fairly assessed. Finally, the Court held, <i>inter alia</i>, that the contested Decree was in conformity with the applicable law.</p>
9. <i>Link address</i>	<a href="http://www.satv.tiesa.gov.lv">http://www.satv.tiesa.gov.lv</a> ; the judgment is also available in English.