

**Communication to the Aarhus Convention Compliance Committee
– Alleged Non-Compliance by Kingdom of Norway with the
obligations under the Aarhus Convention: Rejection of Request
for Access to Environmental Information from (a) Newspaper
Editors, and (b) Bar Association; by Norwegian Environment
Appeals Committee and Parliamentary Ombudsman.**

Annexure “F”

10 Sep 2012:

Secretariat of the Environmental Appeals Board
ruling¹: *Decision in Case 2012/2 and Case 2012/5*
(PDF²) [Note: The decision was only issued on
letterhead, on 06 November 2012]

¹ http://ecofeminist-v-breivik.weebly.com/1/post/2012/09/120910_eab-ba-media1.html

² http://www.miljoklagenemnda.no/Vedtak/Sak_2012_2_og_5.pdf

http://ecofeminist-v-breivik.weebly.com/uploads/1/3/0/7/13072327/12-11-06_envappbrd_decision.pdf



DECISION IN CASE 2012/2 AND CASE 2012/5

Complainant: Lara Johnstone
Habeus Mentem

**Defendants
in case 2012/2:** Adresseavisen
Aftenposten
Bergens Tidende
Dagbladet
NRK
TV2
VG

in case 2012/5: the Norwegian Bar Association's Disciplinary Committee
the Disciplinary Board

We refer to your appeal of June 18 2012 against Adresseavisen, Aftenposten, Bergens Tidende, Dagbladet, NRK, TV2 and VG regarding the undertakings decline to provide a justification for the decision not to publish two articles related to the incident on July 22 2011 and terrorism. We also refer to your appeal of August 16 2012 against the Norwegian Bar Association's Disciplinary Committee and the Disciplinary Board regarding their refusal to provide an environmental justification for the policy to refuse complaints by e-mail.

According to the Environmental Information Act section 16 (1) *"Any person is entitled to receive environmental information from undertakings such as are mentioned in section 5, subsection 2, concerning factors related to the undertaking, including factor inputs and products, which may have an appreciable effect on the environment"*.

When used in the Environmental Information Act, the term "environment" means the external environment, including archaeological and architectural monuments and sites and cultural environments, cf. section 2 (2) of the act. Information regarding the social environment is thus not considered "environmental information" as the term is defined in the act. Information concerning human health, safety and living conditions, is only considered "environmental information" to the extent that these factors are or may be affected by the state of the external environment or factors that affect or may affect the environment, cf. section 2 (1).

The right to receive environmental information from undertakings is limited to information concerning factors "which may have an appreciable effect on the environment".

Concerning your first appeal, the Appeals Board for Environmental Information would like to point out that the editorial choices made by the staff working for newspapers, TV channels etc. are not factors related to the undertaking which may have an effect on the environment.

The information that you have requested from Adresseavisen, Aftenposten, Bergens Tidende, Dagbladet, NRK, TV2 and VG is thus not "environmental information".

Regarding your second appeal, against the Norwegian Bar Association's Disciplinary Committee and the Disciplinary Board, the Appeals Board finds that the policy to refuse complaints by e-mail is not a factor which may have an *appreciable* effect on the environment.

On these grounds, the Appeals Board has made the following decision:

The appeals are denied as not justified.

The decision of the board is final and is not subject for further appeals. Disputes about the duties of undertakings according to The Environmental Information Act may be subject for legal proceedings.

Oslo, 10. september 2012

Hans Chr. Bugge

Morten Hugo Berger

Andreas Pihlstrøm

Karl Kristensen

Cecilie Skarning

Ina Lindahl Nyrud