

**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 “G”

11 Nov 2012:

Appeal to the Parliamentary Ombudsman
(excluding attachments): *Erroneous Decision by
Environment Appeals Board in Environmental
Information Appeals re: [I] Editorial Decision-
Making: Censorship of Media’s ‘Population-
Environment-Terrorism’ Connection; [II] Bar
Association: Anti-Environmental Complaints Policy.*
(Full PDF¹)

¹ http://issuu.com/js-ror/docs/121112_po-eab

**Erroneous Decision by Environment Appeals Board in
Environmental Information Appeals**

12. november 2012

Complainant

Submitted by

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Complainant

Forename:
Surname:
Address:
Postcode:
Town:

Complaint

Which public agency does your complaint refer to?

Environment Appeals Board / Klagenemnda for Miljoinformasjon

Enter the public agency's case number or reference if known

CASE 2012/2 AND CASE 2012/5

I complain about a decision made Ja

When was the decision made (date of letter)?

10 September 2012

I complain about slow case processing or failure to reply Nei

I complain about other issues (e.g. bad treatment) Nei

Attachments

12-11-11_PO_EAB_MediaCensorship_AdvFor.pdf
12-11-12_PO_[A]_EAB_Media-Aftenposten_Pop-Env-Conn.pdf
12-11-12_PO_[B]_EAB_BarAssoc_DiscComm-DiscBrd.pdf
12-11-12_PO_[C]_EAB-Ruling_Encl_ReqforInfoITOPublicAdminAct.pdf

Grounds for complaint

Describe your complaint

Erroneous Decision by Environment Appeals Board in Environmental Information Appeals re: [I] Editorial Decision-Making: Censorship of Media's ?Population-Environment-Terrorism? Connection; [II] Bar Association: Anti-Environmental Complaints Policy:

The Environmental Appeals Board ?appeals that clearly have to be denied? refusal to process Complainants Appeals against Media Respondents and Bar Association Respondents are a violation of Complainant?s right to due process, and a failure of Impartial Arbitration procedures.

The Environmental Appeals Board?s ruling that Editor Respondents decision-making to censor information about the Media?s Population-Environment-Terrorism Connection during Breivik?s Highly Public Terrorism trial, alleging that it was not ?Environmental Information? is beyond absurd, and totally lacking in factual and legal justifications.

Corporate decision-making (§ 2(1)(b)) to censor factual information (§2 (1)(a)) information about the media?s Population-Environment-Terrorism connection directly affects not only the environment (§2 (1)(b)), but the health, safety and living conditions of all beings who live in that particular environment (§ 2(1)(c)).

The Environmental Appeals Board?s failed to factually or legally justify that there is no appreciable difference between a Printed and an Electronic Complaints policy. To the contrary the Bar Association?s current Anti-Environmental Disciplinary Complaints Policy wastes directly and indirectly between 7.2 and 2,750 trees by failing to implement an Email Complaints policy.

The Editor Respondents, Bar Association Respondents and Environmental Appeals Board?s Refusal of Access to the Environmental Information requested is Contrary to the Provisions of the Freedom of Information Act, Right to Environmental Information Act, and the Aarhus Convention.

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11 November 2012

Parliamentary Ombudsman: Arne Fliflet
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Dear Parliamentary Ombudsman,

Erroneous Decision by Environment Appeals Board in Environmental Information Appeals re: [I] Editorial Decision-Making: Censorship of Media's 'Population-Environment-Terrorism' Connection; [II] Bar Association: Anti-Environmental Complaints Policy:

The Environmental Appeals Board "appeals that clearly have to be denied" refusal to process Complainants Appeals against Media Respondents and Bar Association Respondents are a violation of Complainant's right to due process, and a failure of Impartial Arbitration procedures.

The Environmental Appeals Board's ruling that Editor Respondents decision-making to censor information about the Media's Population-Environment-Terrorism Connection during Breivik's Highly Public Terrorism trial, alleging that it was not 'Environmental Information' is beyond absurd, and totally lacking in factual and legal justifications.

Corporate decision-making (§ 2(1)(b)) to censor factual information (§2 (1)(a)) information about the media's Population-Environment-Terrorism connection directly affects not only the environment (§2 (1)(b)), but the health, safety and living conditions of all beings who live in that particular environment (§ 2(1)(c)).

The Environmental Appeals Board's failed to factually or legally justify that there is no appreciable difference between a Printed and an Electronic Complaints policy. To the contrary the Bar Association's current Anti-Environmental Disciplinary Complaints Policy wastes directly and indirectly between 7.2 and 2,750 trees by failing to implement an Email Complaints policy.

The Editor Respondents, Bar Association Respondents and Environmental Appeals Board's Refusal of Access to the Environmental Information requested is Contrary to the Provisions of the Freedom of Information Act, Right to Environmental Information Act, and the Aarhus Convention.

BACKGROUND OF COMPLAINTS:

[I] Editorial Decision-Making: Censorship of Media's 'Population-Environment-Terrorism' Connection

Anders Breivik Alleged that his Terrorism was motivated by the Media's Censorship of Non-Violent Problem Solving, which facilitated a socio-political pressure cooker reality for their If it Leads, It Bleeds Profit from violence.

Oslo Organized Crime Police Investigation Report: "Explanation of 22 July 2011, doc 08,01, states:

"[Breivik] emphasizes that if he had not been censored by the media all his life, he would not have had to do what he did. He believes the media have the main responsibility for what has happened because they did not publish his opinions.... The low-intensity civil war that he had already described, had lasted until now with ideological struggle and censorship of cultural conservatives..... He explains that this is the worst day of his life and that he has dreaded this for 2 years. He has been censored for years. He mentions Dagbladet and Aftenposten as those who among other things have censored him..... He says that he also wrote "essays" that he tried to publish via the usual channels, but that they were all censored..... The subject summarizes: As long as more than twelve were executed, the operation will still be a success. The experts ask how the number twelve comes into consideration. Twelve dead are needed to penetrate the censorship wall, he explains..... About his thoughts on the Utøya killings now, the subject says: The goal was to execute as many as possible. At least 30. It was horrible, but the number had to be assessed based on the global censorship limit. Utøya was a martyrdom, and I am very proud of it..... The subject says in the conversation that he knows the truth that is hidden from others. He believes that there is a civil war in the country. He believes he had to kill at least twelve, because there is a censorship-wall preventing an open debate about what is happening in the country..... So I knew I had to cross a certain threshold to exceed the censorship-wall of the international media."

13 May 2012: Social Science Testing of Anders Breivik's Media Censorship Allegations:

Complainant sent over 1,300 Norwegian Editors and Journalists an email¹: *Breivik Acquittal Justified by Media's Massive Censorship of Oslo Crt Proceedings?*, which included information that:

[1] *In December 2011, complainant informed² 1,283 Norwegian Editors and Journalists of her EcoFeminist support for Breivik's right to a free and fair trial, in a Habeus Mentem application to the Oslo District Court.*

The application argued that the roots of terrorism – irrespective of whether it was Mr. Breivik's 'right wing' terrorism, or Mandela and Guevarra's left wing terrorism -- were a result of the Mainstream Media's censorship of non-violent problem solving to facilitate a socio-political pressure cooker reality for their "If it Bleeds, It Leads" corporate propaganda profits from terrorism violence. The mainstream media are the chief

¹ http://ecofeminist-v-breivik.weebly.com/1/post/2012/04/120416_amicus_1384media.html

² http://ecofeminist-v-breivik.weebly.com/1/post/2011/12/111207_habeusmedia.html

cheerleaders for overpopulation and overconsumption, which cause resource scarcity, local and national resource wars, which frequently include terrorism.

Mainstream media deliberately and intentionally aggravate overpopulation, overconsumption and resource scarcity social conflict, by providing preferential access to parties who advocate on behalf of population growth and Consumptionism and silencing those opposing overpopulation and overconsumption.

The media's conscious deliberate choices to advocate on behalf of population growth and Consumptionism, to the detriment of the environment, and ecological social and economic problems were well documented in the study by Dr. Michael Maher: **How and Why Journalists Avoid Population - Environment Connection**³.

The consequence of the Media's advocacy results in an Anthropocentric Masculine Insecurity legal system, which refuses to acknowledge the laws of nature: i.e. sustainable security demands that societies live in accordance to their carrying capacity, and acts and advocacy in support of breeding and consumption wars should be acknowledged as ACTS OF WAR.. However Anthropocentric legal doctrine ignores the laws of nature, believing that the earth is flat, resources are infinite, and everyone has the inalienable right to be a breeding war or consumption war combatant, pretending breeding and consumption war combatants are 'innocent'.

[2] *In April 2012, complainant informed 1,384 Norwegian Editors and Journalists of her EcoFeminist support for Brevik's right to a free and fair, in an Application to the Oslo District Court to proceed as an Ecocentric Amicus Curiae.*

The proposed Amicus would provide the court with – among others - a Laws of Nature perspective how Masculine Insecurity was a direct and indirect root cause and aggravating factor for most of the worlds problems, due to obstructing Radical Transparency communication problem solving, and being the cognitive foundation of the anti-Meritocratic Bullshit the Public Relations communication paradigm.

Anthropocentric Flat Earth Society law views the world from a fundamentalist inaccurate masculine insecurity human-centred perspective, assuming there will always be “enough” Non Renewable Natural Resources (NNR's) to enable a brighter future, concerning itself with production and distribution of NNR's for ever improving material living standards for ever-increasing numbers of our ever-expanding global population. From an Ecocentric Finite Resource Scarcity perspective, Peak NNR: Overpopulation and Overconsumption of NNR's shall result in the impending collapse of industrial civilization, which cannot exist without these resources (Scarcity: Humanity's Last Chapter: A Comprehensive Analysis of Nonrenewable Natural Resource (NNR) Scarcity's Consequences, by Chris Clugston)

[3] *Masculine Insecurity of Norwegian Elite's Political Psychiatry Silencing of Brevik's Heresy: “The inquisition is to heresy, as psychiatry is to mental illness.”*

Both applications also provided extensive evidence of how Politics is a dispute about the power or authority to define other people's reality, and that Political Correctness is a symptom of the Political elite's use of Psychiatry to enforce Political Correct conformity. Psychiatry is an agent of, or a state mechanism of, social control to enforce Political and State power; which often allows for social control and coercion of Political Correct Conformity outside of the criminal justice system. Information included International Experts who argued that “there is no such thing as mental illness, or a mental disorder”, its all just about social control, PC “value judgements and cultural norms”; based upon “horoscope chart science” and Pharma-Psychiatry's Humpty Dumpty definition of “insanity” and “disorder”.

³ CCT 23-10: Statement of Consent by Dr. T. Michael Maher www.scribd.com/doc/31373074; How and Why Journalists Avoid Population-Environment Connection, www.scribd.com/doc/33694415

25 May 2012: Request for Access to Environment and Health Information in terms of S.28 (Freedom of Information Act) and S.10 (Environmental Law)

Complainant contacted the editors of Adresseavisen, Aftenposten, Bergens Tidende, Adresseavisen⁴, Aftenposten⁵, Bergens Tidende⁶, Dagbladet⁷, NRK⁸, TV2⁹ and VG¹⁰ requesting:

[1] Your Editors decision-making justification for censorship of the Norway v. Breivik Environment-Population-Terrorism Connection documentation provided to your publication in 13 May 2012 email: Breivik Acquittal Justified by Media's Massive Censorship of Oslo Crt Proceedings?

[2] (a) The total number of articles published by your publication either in print or online which refer to Breivik's alleged "insanity"; and (b) the number of these articles which - for fairness, impartiality and scientific objectivity - include a "Critical Psychiatry" perspective, such as: "The Myth of Mental Illness", the Marketing of Madness¹¹, the use of Psychiatry as social control, and Psychiatrists Legal Testimony being equivalent to that of "Whores of the Court": "psychobabble with scientific foundations equal to horoscope charts... the science behind it all is nonexistent".¹²

[3] The total amount of advertising revenue received by your publication from Pharmaceutical Corporations per year, over the past five years.

18 June 2012: Complaint to Environment Appeals Board:

Complaint submitted¹³ to Environmental Appeals Board: **Request for Access to Environment and Health Information in terms of S.28 (Freedom of Information Act) and S.10 (Environmental Law) RE: Censorship in Norway's Media: (I) Media's Environment-Population-Terrorism Connection; (II) Norway's Stalinesque Political Psychiatry Tyranny.**

[II] Bar Association: Anti-Environmental Complaints Policy:

In June 2012, complainant filed 170 complaints with the Bar Association Disciplinary Committee and Disciplinary Board, against Attorneys for Anders Breivik and Attorneys for the Families of 22 July victims. The Complaints alleged violation of the CCBE Code of Ethics: Obstruction of Justice Participation in a StaliNorsk Political Psychiatry Show

⁴ http://ecofeminist-v-breivik.weebly.com/1/post/2012/05/120525_addvisen.html

⁵ http://ecofeminist-v-breivik.weebly.com/1/post/2012/05/120525_aftenposten.html

⁶ http://ecofeminist-v-breivik.weebly.com/1/post/2012/05/120525_btidende.html

⁷ http://ecofeminist-v-breivik.weebly.com/1/post/2012/05/120525_dagbladet.html

⁸ http://ecofeminist-v-breivik.weebly.com/1/post/2012/05/120525_nrk-htb.html

⁹ http://ecofeminist-v-breivik.weebly.com/1/post/2012/05/120525_tv2.html

¹⁰ http://ecofeminist-v-breivik.weebly.com/1/post/2012/05/120528_vg-tp.html

¹¹ <http://norway-v-breivik.blogspot.com/2011/12/marketing-of-madness-are-independent.html>

¹² Psychology's takeover of our legal system represents not an advance into new but clearly charted areas of science but a terrifying retreat into mysticism and romanticism, a massive suspension of disbelief propelled by powerful propaganda. Thanks to the willingness of judges and juries to believe psychobabble with scientific foundations equal to horoscope charts, babble puffed about by psychological professionals with impressive credentials, what we've got now are thousands of self-styled soul doctors run amok in our courts, drunk with power, bedazzled by spectacular fees for the no-heavy-lifting job of shooting off their mouths about any psychological topic that sneaks a toe into a courtroom. The demand is great, the supply is huge, and the science behind it all is nonexistent. But the reality does not matter." – Margaret Hagen, Ph.D: Whores of the Court: The Fraud of Psychiatric Testimony (www.whoresofthecourt.com)

¹³ http://ecofeminist-v-breivik.weebly.com/1/post/2012/06/120618_eab-complaint.html

Trial, to (1) deny Defendant his Political Necessity Treason Trial; and (2) support Corruption of the Court to deny submittal to the Court of Controversial Evidence related to: [1] Media's Environment-Population-Terrorism Connection; [2] Norway's endorsement of Political Psychiatry & Psychiatric Fraud, etc.

On 19 June the Bar Association refused to accept the complaints by email, citing their policy of insisting that all complaints be submitted on printed paper mailed by land mail:

Should you nevertheless uphold your complaints, please be aware that all complaints must be submitted in writing and signed, and send us as two originals by ordinary mail. We would like to emphasize the importance of sending your complaints by ordinary mail due to the fact that the Norwegian Bar Association does not accept any complaints sent by e-mail.

[..] The Norwegian Bar Association cannot process the complaint without a completed and signed attorney complaint form. Documents received without the complaint form attached will be returned to the complainant.

Please send two copies of the signed written complaint enclosed with any documentation you find relevant, in duplicate, and a filled-out and signed consent form in original ..

On 20 June 2012, complainant filed a Request for Access to Environment and Health Information in terms of S.28 (Freedom of Information Act) and S.10 (Environmental Law) RE: Complaints filed against Attorneys for Defendant (4) and Victims Families (166) in Norway v. Breivik matter: Violation of: 2.1 (Independence), 2.2 (Honesty), 2.4 (Multiculti Legal Respect) & 4,1 (Rule of Law Conduct) of CCBE Code of Ethics.

[3] The Bar Association Environmental Principles Decision-Making

[1] Please provide The Bar Association Complaints Environmental Principles decision-making justifications for demanding complainants waste paper, ink and non-renewable transportation resources by printing, signing and mailing complaints to the Bar Association; and refusing digitally signed complaints submitted by email, which are much more beneficial to the environment, and are exact environmentally digital copies of print versions?

[2] Please provide The Bar Association Complaints Environmental Principles decision-making justifications for printed complaints; when even third world governments and Bar Associations environmental policies allow courts and organisations to accept email complaints?

On 10 July 2012, the Bar Association's responded¹⁴ by contradicting themselves, stating that they had no Environmental decision-making justifications for their Complaints policy, but that their policy had to be followed, irrespective of lacking any environmental justifications for it.

As to your question on the "Complaints Environmental Principles", the Disciplinary Board does not have any such principles. We thus kindly ask you to follow the complaint procedure described to you in our previous e-mails. Your complaints will thus not be dealt with by the Disciplinary Board as long as they are sent by e-mail.

¹⁴ http://ecofeminist-v-breivik.weebly.com/1/post/2012/07/120710_discbrd.html

On 16 August, complainant filed¹⁵ an Appeal to the Environmental Appeals Board:

Application to Environment Appeals Board: for an Order that the Disciplinary Board and Committee:

Provide their Complaints Environmental Principles decision-making justifications for demanding complainants waste paper, ink and non-renewable transportation resources by printing, signing and mailing complaints to them; and refusing digitally signed complaints submitted by email, which are much more beneficial to the environment, and are exact environmentally digital copies of print versions?

ENVIRONMENT APPEALS BOARD PROCESSING & RULINGS:

25 June – September 2012: Obstruction of Complaint

Initially the media censorship complaint was deleted without reason. Upon complaint to Ministry of Environment¹⁶, it was given a Reference number¹⁷, with no apology for the deletion, implying the deletion was intentional and appropriate. The Environment Appeals Board refused to provide clear and simply answers to questions, delaying the complaint until 'after summer'¹⁸, and refusing¹⁹ to say when the end of summer would be²⁰. Then promising it would be dealt with in August²¹, only to do nothing²² in August²³²⁴²⁵.

10 September 2012: Secretariat of Environmental Appeals Board Ruling:

The Ruling stated²⁶:

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, sub-section 2, concerning factors related to the undertaking, including factor inputs and products, which may have an appreciable effect on the environment".

¹⁵ http://ecofeminist-v-breivik.weebly.com/1/post/2012/08/120816_eab_advfor.html

¹⁶ http://ecofeminist-v-breivik.weebly.com/1/post/2012/06/120625_minenv.html

¹⁷ http://ecofeminist-v-breivik.weebly.com/1/post/2012/06/120625_eab_12-708.html

¹⁸ http://ecofeminist-v-breivik.weebly.com/1/post/2012/06/120628_eab-1045.html

¹⁹ http://ecofeminist-v-breivik.weebly.com/1/post/2012/06/120629_eab-mjustice.html

²⁰ http://ecofeminist-v-breivik.weebly.com/1/post/2012/06/120628_eab-1315.html

²¹ http://ecofeminist-v-breivik.weebly.com/1/post/2012/07/120703_eab-1021.html

²² http://ecofeminist-v-breivik.weebly.com/1/post/2012/07/120703_mjus-eab-1100.html

²³ http://ecofeminist-v-breivik.weebly.com/1/post/2012/07/120704_po_eab.html

²⁴ http://ecofeminist-v-breivik.weebly.com/1/post/2012/08/120831_eab-mcensor.html

²⁵ http://ecofeminist-v-breivik.weebly.com/1/post/2012/09/120902_po-eab.html

²⁶ http://ecofeminist-v-breivik.weebly.com/1/post/2012/09/120910_eab-ba-media1.html

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".

[..]

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.

Regarding your first appeal, the secretariat for the Appeals Board adds that editors' freedom to make decisions in editorial issues is granted in the Act regarding Editorial Freedom in the Media section 4.

11 September: Request for Information:

Request for Information stated²⁷, in pertinent part:

It is my understanding that general due process procedure includes the following:

[A] Complainant files complaint; [B] Adjudicating Authority immediately issues a Case Number; [C] Complaint provided to Respondents, who are given a specific time period for their response; [D] Respondents provide their arguments, detailing issues such as – FOR EXAMPLE in this case - alleged inaccurate 'environmental information' definitions; or 'rights to discriminate against certain cultures/races/religions and censor all information about such culture/religions/races opinions or actions in any court proceeding'; [E] The Complainant is given the opportunity to respond to the issues raised by the Respondent/s; [F] If there are additional issues still unclear, the adjudicating authority can ask for another round of submissions, repeating [D] and [E]; [G] The Adjudicating authority makes a final decision based upon the evidence and arguments submitted to it; which were transparently provided to both parties, and which both parties had the 'right of reply' to.

²⁷ http://ecofeminist-v-brevik.weebly.com/1/post/2012/09/120911_eab.html

Media Censorship Complaint: Skip [B-F] and go straight to [G]

Now, in my complaint to the Environmental Appeals Board against the media publications of (a) Adresseavisen, (b) Aftenposten, (c) Bergens Tidende, (d) Dagbladet, (e) NRK, (f) TV2 and (g) VG, the Environmental Appeals Board has skipped the due process procedures of [B] to [F] and gone straight to [G].

Could you provide the statutory authority that provides the Environmental Appeals Board with this authority to violate due process procedures?

If the Environmental Appeals Board did receive submissions from any of the Media Publications Respondents; please clarify what authority authorizes you to withhold such submissions from the complainant and to deny the complainant a response to such submissions; and provide the complainant with copies of these submissions that were made to the Environmental Appeals Board?

Bar Association Disciplinary Committee's Obstruction of Justice Complaint: Skip [B-F] and go straight to [G]

Now, in my complaint to the Environmental Appeals Board against the Bar Association Disciplinary Committee and Disciplinary Board for Advocates, the Environmental Appeals Board has also skipped the due process procedures of [B] to [F] and gone straight to [G].

Could you provide the statutory authority that provides the Environmental Appeals Board with this authority to violate due process procedures?

If the Environmental Appeals Board did receive submissions from either the Disciplinary Board of Disciplinary Committee Respondents; please clarify what authority authorizes you to withhold such submissions from the complainant and to deny the complainant a response to such submissions; and provide the complainant with copies of these submissions that were made to the Environmental Appeals Board?

18 September: Env. Appeals Board Response Appeals 'clearly had to be denied':

Environmental Appeals Board Response²⁸:

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, sub-section 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

²⁸ http://ecofeminist-v-brevik.weebly.com/1/post/2012/09/120918_eab.html

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.

Regarding your first appeal, the secretariat for the Appeals Board adds that editors' freedom to make decisions in editorial issues is granted in the Act regarding Editorial Freedom in the Media section 4.

08 October 2012: Request Clarification of 'Environment' Definitions:

Request for Clarification to Env. Appeals Board²⁹:

Please could you clarify for me your reasoning viz a viz: "When receiving appeals that clearly have to be denied"

It is not remotely clear to me why my complaints 'clearly had to be denied'; unless your office is massively corrupt, like many other Norwegian government offices, on the matter of Mr. Breivik's case and surrounding issues.

The Dept of Environment clearly encourages people to be active in holding Government Departments and corporations accountable on environmental issues:

A prerequisite for environmental law to work as intended is that the public uses it actively.

²⁹ http://ecofeminist-v-breivik.weebly.com/1/post/2012/10/121008_eab1.html

The law will put citizens able to:

- * contribute to the protection of the environment
- * protect against health and environmental
- * influence public and private decision makers in environmental issues

According to: LAW 2003-05-09 # 31: Act concerning the right to information and participation in public decision-making processes relating to the environment (environmental law).

<http://www.lovdata.no/all/hl-20030509-031.html>

§ 2 What is understood by environmental

(1) An environmental means factual information and reviews about

- a) environment,
 - b) factors that affect or may affect the environment, including
 - planned and implemented measures and activities in the environment,
 - product features or content,
 - Ratio of operating the business, and
 - administrative decisions and actions, including individual decisions, agreements, regulations, plans, strategies and programs, and associated analyzes, calculations and assumptions,
 - c) human health, safety and living conditions to the extent they are or may be affected by the state of the environment or the factors mentioned in b
- (2) The environment means the environment including cultural heritage.

The Aarhus Convention defines 'environmental information' as:

3. "Environmental information" means any information in written, visual, aural, electronic or any other material form on:

- (a) The state of elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;
- (b) Factors, such as substances, energy, noise and radiation, and activities or measures, including administrative measures, environmental agreements, policies, legislation, plans and programmes, affecting or likely to affect the elements of the environment within the scope of subparagraph (a) above, and cost-benefit and other economic analyses and assumptions used in environmental decision-making;
- (c) The state of human health and safety, conditions of human life, cultural sites and built structures, inasmuch as they are or may be affected by the state of the elements of the environment or, through these elements, by the factors, activities or measures referred to in subparagraph (b) above;

The information requested of the Adresseavisen, Aftenposten, Bergens Tidende, Dagbladet, NRK, TV2 and VG clearly - if you read it - falls under both LAW 2003-05-09 # 31: Environmental Law and the Aarhus Convention definitions.

The information requested of Norwegian Bar Association's Disciplinary Committee and the Disciplinary Board clearly falls under both LAW 2003-05-09 # 31: Environmental Law and the Aarhus Convention definitions.

It is therefore not remotely obvious why you wrote:

"When receiving appeals that clearly have to be denied, it is not necessary to ask the respondents to provide their arguments. In these cases the secretariat prepares a draft decision and consults the members of the board. If the draft decision is approved by the members of the board, no further discussion is needed. This makes the Appeals Board able to settle obvious cases without arranging unnecessary meetings. Your appeals have been settled this way. Because no meeting has taken place, you will not receive a signed decision."

Is the secretariat for the Appeals Board for Environmental Information | www.miljoklagenemnda.no | Environmental Appeals Board just a Fake PR front for Corporate whores raping the planet? Setup just to pretend Norwegian Government gives a fuck about the environment? You just sit there and rubber stamp environmental requests with "clearly have to be denied" and laugh how massively stupid the citizens are for believing the bullshit in your Duhmockery press releases that you legislate laws to encourage citizens to:

- * contribute to the protection of the environment
- * protect against health and environmental
- * influence public and private decision makers in environmental issues

03 November: Request to Environment Appeals Board in terms of Public Administration Act (PAA), section 23, 24, 25, and (iii) Freedom of Information Act: Section 22³⁰.

I have received no response to my request for information submitted to you on 08 October: Appeals Board for Environmental Information Decisions: Media Censorship & AdvokatForengin Disc. Brd & Committee; in response to your ruling of 18 September 2012.

Relief Requested:

In terms of the Public Administration Act, Section, 24, 25, and 26, and Freedom of Information Act, Section 2:

Please could you kindly provide a ruling in consideration of clarifying what factual and legal grounds you considered in terms of coming to your conclusion that my complaint 'clearly had to be denied'; including clarifying exactly how my complaints do not fit the definition of Environment as clarified by the Aarhus convention and LAW 2003-05-09 # 31: Act concerning the right to information and participation in public decision-making processes relating to the environment (environmental law), as requested in correspondent of 08 October.

06 November: Information Denied³¹

³⁰ http://ecofeminist-v-brevik.weebly.com/1/post/2012/11/121103_eab.html

³¹ http://ecofeminist-v-brevik.weebly.com/1/post/2012/11/121106_eab1.html

Reference is made to your e-mails of October 8 and November 3 2012, where you request a justification for statements in the e-mail of September 18 2012 from the secretariat for the Appeals Board for Environmental Information.

The secretariat would like to point out that our e-mail of September 18 2012, where we explained how your appeals had been prepared prior to the Appeals Board decision, is not an administrative decision. We can not provide you with a ruling clarifying the factual and legal grounds for our statements in this e-mail. However, as the decision of the Appeals Board for Environmental Information shows, the board agreed that your appeals were not justified and therefore had to be denied. The board's grounds for this were, in accordance with the Public Administration Act § 24, stated in the e-mail of September 10 2012 notifying you of the decision. The secretariat does not wish to add anything to these grounds, and will not reply to further e-mail from you regarding this same matter.

We can however inform you that we have chosen to provide you the Appeals Board's decision on an official letterhead. You will find this document enclosed.

ARGUMENT:

[I] Editorial Decision-Making: Censorship of Media's 'Population-Environment-Terrorism' Connection

[1] Irregular Violation of Due Process: Irregular failure of Impartial Arbitration due process procedures

There is no evidence whatsoever to justify the Environmental Appeals Board's decision that complainants complaint fits the decision of an Appeal that clearly had to be denied. ("When receiving appeals that clearly have to be denied, it is not necessary to ask the respondents to provide their arguments.")

The Environmental Appeal Boards conduct was that of appointing itself as legal counsel for the Respondents, instead of being impartial arbiter of the issues, subsequent to hearing the evidence of both arguments.

An impartial arbiter provides both parties with the opportunity to submit their arguments and evidence and then bases their final ruling upon the evidence submitted to it. Appointing itself as the counsel for one party, is not an indication of impartial arbitration based upon the evidence submitted to the arbiter to adjudicate the matter in accordance to the rule of law.

[2] Environmental Appeals Board fails to justify how the requested Population Growth and Consumptionism information requested from the Media is not 'Environmental Information': Population Growth and Corporate Advocacy of Consumptionism are primary factors in Resource Scarcity, Species Extinction and Environmental Degradation.

The Environmental Appeal Boards decision that the Media's deliberate decision-making to refuse to inform the public of '*How and Why Journalists Censor the Population-Environment Connection*' information supporting Breivik's argument about media censorship being a contributory motivating factor for resource scarcity, social conflict and

political and socio-economic problems; is not 'Environmental information', is beyond absurd.

Population Growth: Population growth is one of the primary, if not the primary factors contributing to species extinction, resource depletion and environmental degradation. Censorship of population growth aggravates species extinction, resource depletion, social conflict and resource wars. Population growth is a primary aggravating factor for the social conditions that pressure Muslims and Africans to emigrate to Europe to escape the overcrowded consequences of overpopulation colliding with declining resources in their own countries.

To censor information about population growth's consequences on the environment massively aggravates population growth's consequences on the environment.

In the same way that an oil company's CEO' is required to make due diligence corporate decisions to protect the environment, by securing his oil tankers from spillage; a media corporation has the same due diligence to educate their readers about information that harms the environment, whether that information is population growth, overconsumption or oil companies bad decision making.

The rule of law requires – or should require – that all corporations, including media corporations are held to the same standards of due diligence in terms of their decision making choices to harm, or protect, the environment.

Political Correct Conformist Consumptionism: Consumptionism is a direct and indirect root cause and aggravating factor for the planets ecological problems, of which the political and economic problems are simply symptoms of the deeper ecological problems. Peak Nonrenewable Natural Resources shall result in the impending collapse of industrial civilization, which cannot exist without these resources³². Consumptionism is a direct result of pharma-psychiatry's zombification of individuals identities from being critical thinking citizens who based their purchases based upon need being converted to pacified zombie conformist consumers, whose identity was based upon their consumptionism. Pacified zombie conformist consumers are incapable of critical thinking faculties to act on behalf of defending their nations environments and natural resources from being raped and pillaged by international consumptionist corporations.

Population growth and Consumptionism is factual information (§2 (1)(a)³³) that directly affects not only the environment (§2 (1)(b)), but the health, safety and living conditions of all beings who live in that particular environment (§ 2(1)(c)). Corporate decision making (§ 2(1)(b)) to censor factual information (§2 (1)(a)) information about of population growth or Consumptionism, similarly directly affects not only the environment (§2 (1)(b)), but the health, safety and living conditions of all beings who live in that particular environment (§ 2(1)(c)).

According to the General Court in Luxembourg³⁴, the Aarhus Convention prevails over the EU's own regulations about access to information, public participation, and access to justice within EU institutions. Consequently in a conflict over interpretation or

³² Scarcity: Humanity's Last Chapter : A Comprehensive Analysis of Nonrenewable Natural Resource (NNR) Scarcity's Consequences, by Chris Clugston

³³ LAW 2003-05-09 # 31: Act concerning the right to information and participation in public decision-making processes relating to the environment (environmental law). <http://www.lovddata.no/all/hl-20030509-031.html>

³⁴ Stichting Natuur en Milieu & Pesticide Action Network Europe v. European Commission (Case T-338/08 at 52) and Vereniging Milieudefensie & Stichting Stop Luchtverontreiniging Utrecht v. European Commission (Case T-396-09 at 43)

definitions, the Aarhus Convention would also prevail over the Right to Environmental Information (LAW 2003-05-09 # 31).

[3] Editor's and Environmental Appeals Board's Refusal of Access to Information from Media Respondents is Contrary to Provisions of Freedom of Information Act, Right to Environmental Information Act³⁵ and Aarhus Convention:

The public's access to information includes access to information about whether any decision by a public, corporate or media official purposing to be acting 'on behalf of informing the public' was impartial, rational, fair, and subjectively and objectively reasonable. The Freedom of the Press does not include the freedom to refuse the public access to information about Editorial decision-making processes.

In the case of reporting on a politically sensitive trial, freedom of the press does not include the freedom to abuse the press' publicity power on behalf of the State, by censoring information to the detriment of a free and fair trial.

The public's access to information, includes access to information from the Respondent Editors, regarding the editorial decision making processes involved in choosing to censor from their readers the information submitted to them in the emails: *Breivik Acquittal Justified by Media's Massive Censorship of Oslo Crt Proceedings?*

The public's access to Environmental Information, includes access to information about how and why the editors choose to censor population information and the consequences of such censorship upon political and social problems experienced by the public.

At the very least the media owe the public an explanation for their editorial decision-making justifications for censoring this information from the public, at this particular time, during this particular trial.

[II] Bar Association: Anti-Environmental Complaints Policy:

[1] Irregular Violation of Due Process: Irregular failure of Impartial Arbitration due process procedures

There is no evidence whatsoever to justify the Environmental Appeals Board's decision that complainants complaint fits the decision of an Appeal that clearly had to be denied. ("When receiving appeals that clearly have to be denied, it is not necessary to ask the respondents to provide their arguments. .. Regarding your .. 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.")

The Environmental Appeal Boards conduct was that of appointing itself as legal counsel for the Respondents, instead of being impartial arbiter of the issues, subsequent to hearing the evidence of both arguments.

An impartial arbiter provides both parties with the opportunity to submit their arguments and evidence and then bases their final ruling upon the evidence submitted to

³⁵ LAW 2003-05-09 # 31: Act concerning the right to information and participation in public decision-making processes relating to the environment (environmental law). <http://www.lovdato.no/all/hl-20030509-031.html>

it. Appointing itself as the counsel for one party, is not an indication of impartial arbitration based upon the evidence submitted to the arbiter to adjudicate the matter in accordance to the rule of law.

The Environmental Appeals Board refused to provide information about what factual and legal environmental factors they considered to come to their conclusion that the Bar Association Disciplinary Committee's "policy to refuse complaints by e-mail is not a factor which may have an appreciable effect on the environment."

[2] Environmental Appeals Board fails to justify that there is no appreciable Environmental difference between a Printed and Electronic Complaints policy: There is a massive physical and psychological Environmental difference in following a policy of printing instead of emailing.

ThinkBeforePrinting³⁶ advocate: "We're not against printing. We're against wasting resources. We don't want to stop people printing. We simply think that sometimes, people, and not everyone, need reminding that wasting paper, ink and toner doesn't make economic or environmental sense.

Reduce.org provides the following factual statistics³⁷ on Paper Usage:

Over 40% of wood pulp goes toward the production of paper. The costs of using paper in the office can run 13 to 31 times the cost of purchasing the paper in the first place! Saving Paper Saves Money: For each sheet of paper used, a company incurs not only purchasing costs, but also storage, copying, printing, postage, disposal, and recycling—and it adds up. A recent Minnesota study estimates that associated paper costs could be as much as 31 times the purchasing costs (not including labor). So, that ream of paper that you paid \$5 for really could cost up to \$155!

Citigroup, a large financial services company, determined that if each employee used double-sided copying to conserve just one sheet of paper each week, the firm would save \$700,000 each year. Bank of America cut its paper consumption by 25% in two years by increasing the use of on-line forms and reports, e-mail, double-sided copying, and lighter-weight paper.

Paper is an office necessity for some essential tasks, but it has an environmental cost. Creating paper from trees requires a lot of natural resources: trees, water, and energy.

It takes more than 1½ cups of water to make one sheet of paper. (Picture a typical soda can.) Reducing paper use reduces greenhouse gases: 40 reams of paper is like 1.5 acres of pine forest absorbing carbon for a year.

Conservatree's calculations³⁸ on Printing's cost to Environment: "1 ton of uncoated virgin (non-recycled) printing and office paper uses 24 trees. 1 ton of 100% virgin (non-recycled) newsprint uses 12 trees. A "pallet" of copier paper (20-lb. sheet weight, or 20#) contains 40 cartons and weighs 1 ton. Therefore, 1 carton (10 reams) of 100% virgin copier

³⁶ <http://thinkbeforeprinting.org/>

³⁷ <http://156.98.19.245/paper/index.html>

³⁸ <http://conservatree.org/learn/EnviroIssues/TreeStats.shtml>

paper uses .6 trees. 1 tree makes 16.67 reams of copy paper or 8,333.3 sheets; 1 ream (500 sheets) uses 6% of a tree (and those add up quickly!). 1 ton of coated, higher-end virgin magazine paper (used for magazines like National Geographic and many others) uses a little more than 15 trees (15.36). 1 ton of coated, lower-end virgin magazine paper (used for newsmagazines and most catalogs) uses nearly 8 trees (7.68)."

American Bar Association and American Law Institute's The Practical Lawyer: James Martin: "Don't Print That Email"³⁹ (April 2009); "Going Paperless...Or Not" (October 2007), and "A Model Electronic File Policy for the Law Office" (April 2007).

I don't know about your law office, but in mine email carries 90% of what comes in and 90% of what goes out. Paper in and paper out is just 10%. That means we no longer need to print out email onto paper and then file it in a paper file folder. Email has made us paperless. Nowadays, it actually takes more time to "go paper".

5. Make It a Policy: You want your emails to be your business records, your office file, your client file, your evidence. To avoid any dispute about this, you need to make it your standard practice by putting in writing, as an office policy, that your email folder is your official file. ..

Conclusion: A wonderful side benefit to this email filing approach is that it is good for the planet, it saves trees, it's green, and it comports with the adage "If it ain't broke, don't fix it". If it ain't paper, don't print it. That's good old, simple, money-saving advice. Just what we need in the world today. Just don't forget to make those backup copies.

Bar Association Current Disciplinary Complaint Policy wastes between 7.2 – 2,750 Trees by failing to implement Email Complaints Policy.

According to the Bar Association's Disciplinary Statistics⁴⁰, the total number of complaints from 2009 to 2011 were 2009 (2011: 468 + 233; 2010: 491 + 191; 2009: 441 + 185). Assuming that each complaint was an average of 30 pages, that would amount to 60,270 pages, which is 120 reams, which is 7.2 trees.

It is fair to say that if the Bar Association chose to set an example of ThinkBeforePrinting Environmental Consciousness and amended its Complaints Policy to Florida Lawyer Jim Martin's Email In, Email Out policy, this would set an environmental precedent for the Bar Association's lawyers to adopt Jim Martin's Email In, Email Out policy.

Lexis Nexis reports in **Saving Trees One Page at a Time**⁴¹, that "between January 2008 and May 2012, by choosing to use File & Serve as opposed to traditional paper service, our customers have saved over 220,596 trees! That is equal to over 315 acres of trees or 612,769 feet of paper!"

It also reported that "a 2008 survey conducted by Arnold & Porter reported that a single attorney uses an average of between 20,000-100,000 pages of paper per year. This is equal to approximately ½ of a tree and 2 ½ trees per attorney per year in 2008."

³⁹ <http://jamesmartinpa.com/blog/?p=344>

⁴⁰ <http://www.advokatforeningen.no/Etiske-regler/Disiplinarbeslutninger/Statistikk-Disiplinarsystemet/>

⁴¹ <http://www.lexisnexis.com/community/fileandserve/blogs/industrynews/archive/2012/07/30/saving-trees-one-page-at-a-time.aspx>

In 2008, the Bar Association had about 5,500 Advocate members⁴². Imagine that the Bar Association's Environmental 'Email In, Email Out' Complaints policy encouraged 25% of its members to adopt an Environmentally Friendly 'Email In, Email Out' policy, and converted 80% of their paper lawyering to electronic lawyering.

1375 lawyers x 2 trees, per year is 2,750 trees, at an average of 10 trees per acre⁴³, that would be 275 acres of trees.

RELIEF REQUESTED:

[I] Editorial Decision-Making: Censorship of Media's 'Population-Environment-Terrorism' Connection

[1] Environmental Appeals Board's decision was an irregular denial of due process and should be ruled invalid.

[2] Environmental Appeals Board's definition of 'Environmental Information' is contrary to Right to Environmental Information Act and Aarhus Convention definition.

[3] Editor's and Environmental Appeals Board's Refusal of Access to Information is Contrary to Provisions of Freedom of Information Act, Right to Environmental Information Act and Aarhus Convention.

[II] Bar Association: Anti-Environmental Complaints Policy:

[1] Environmental Appeals Board's decision was an irregular denial of due process and should be ruled invalid.

[2] Environmental Appeals Board definition of 'Appreciable Environmental Difference' is contrary to Right to Environmental Information Act and Aarhus Convention definition.

[3] Bar Association and Environmental Appeals Board's Refusal of Access to Information is Contrary to Provisions of Freedom of Information Act, Right to Environmental Information Act and Aarhus Convention.

PERTINENT LEGISLATION

Freedom of Information Act (1970)

§ 2. The main provisions of the Act

The case documents of the public administration are public insofar as no exception is made by or pursuant to statute.

Any person may demand of the pertinent administrative agency to be apprised of the publicly disclosable contents of the documents in a specific case. The same applies to case registers and similar registers and the agenda of meetings of publicly elected

⁴² <http://www.advokatforeningen.no/Aktuelt/Nyheter/Stadig-flere-medlemmer-i-Advokatforeningen/>

⁴³ <http://warnell.forestry.uga.edu/service/library/for96-054/index.html>

municipal and county municipal bodies. The administrative agency shall keep a register pursuant to the provisions of the Archives Act and its regulations.

Notwithstanding that a document may be exempted from public disclosure pursuant to the provisions of this Act, the administrative agency shall consider whether the document should nevertheless wholly or partly be made public.

LAW 2003-05-09 # 31: Act concerning the right to information and participation in public decision-making processes relating to the environment (environmental law)⁴⁴.

§ 2 What is understood by environmental

(1) An environmental means factual information and reviews about

- a) environment,
- b) factors that affect or may affect the environment, including
 - planned and implemented measures and activities in the environment,
 - product features or content,
 - Ratio of operating the business, and
 - administrative decisions and actions, including individual decisions, agreements, regulations, plans, strategies and programs, and associated analyzes, calculations and assumptions,
- c) human health, safety and living conditions to the extent they are or may be affected by the state of the environment or the factors mentioned in b

(2) The environment means the environment including cultural heritage.

Aarhus Convention: Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters⁴⁵

3. "Environmental information" means any information in written, visual, aural, electronic or any other material form on:

(a) The state of elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;

(b) Factors, such as substances, energy, noise and radiation, and activities or measures, including administrative measures, environmental agreements, policies, legislation, plans and programmes, affecting or likely to affect the elements of the environment within the scope of subparagraph (a) above, and cost-benefit and other economic analyses and assumptions used in environmental decision-making;

(c) The state of human health and safety, conditions of human life, cultural sites and built structures, inasmuch as they are or may be affected by the state of the elements of the environment or, through these elements, by the factors, activities or measures referred to in subparagraph (b) above;

⁴⁴ <http://www.lovdato.no/all/hl-20030509-031.html>

⁴⁵ <http://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>

Article 9: Access to Justice:

1. Each Party shall, within the framework of its national legislation, ensure that any person who considers that his or her request for information under article 4 has been ignored, wrongfully refused, whether in part or in full, inadequately answered, or otherwise not dealt with in accordance with the provisions of that article, has access to a review procedure before a court of law or another independent and impartial body established by law.

In the circumstances where a Party provides for such a review by a court of law, it shall ensure that such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law.

Final decisions under this paragraph 1 shall be binding on the public authority holding the information. Reasons shall be stated in writing, at least where access to information is refused under this paragraph.

2. Each Party shall, within the framework of its national legislation, ensure that members of the public concerned

- (a) Having a sufficient interest or, alternatively,
- (b) Maintaining impairment of a right, where the administrative procedural law of a Party requires this as a precondition,

have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6 and, where so provided for under national law and without prejudice to paragraph 3 below, of other relevant provisions of this Convention.

What constitutes a sufficient interest and impairment of a right shall be determined in accordance with the requirements of national law and consistently with the objective of giving the public concerned wide access to justice within the scope of this Convention. To this end, the interest of any non-governmental organization meeting the requirements referred to in article 2, paragraph 5, shall be deemed sufficient for the purpose of subparagraph (a) above. Such organizations shall also be deemed to have rights capable of being impaired for the purpose of subparagraph (b) above.

The provisions of this paragraph 2 shall not exclude the possibility of a preliminary review procedure before an administrative authority and shall not affect the requirement of exhaustion of administrative review procedures prior to recourse to judicial review procedures, where such a requirement exists under national law.

3. In addition and without prejudice to the review procedures referred to in paragraphs 1 and 2 above, each Party shall ensure that, where they meet the criteria, if any, laid down in its national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of its national law relating to the environment.

4. In addition and without prejudice to paragraph 1 above, the procedures referred to in paragraphs 1, 2 and 3 above shall provide adequate and effective remedies, including injunctive relief as appropriate, and be fair, equitable, timely and not prohibitively expensive. Decisions under this article shall be given or recorded in

writing. Decisions of courts, and whenever possible of other bodies, shall be publicly accessible.

5. In order to further the effectiveness of the provisions of this article, each Party shall ensure that information is provided to the public on access to administrative and judicial review procedures and shall consider the establishment of appropriate assistance mechanisms to remove or reduce financial and other barriers to access to justice.

Aarhus Convention definitions prevail over the EU's own regulation about access to information, public participation, and access to justice within EU institutions.

CURIA: General Court: Stichting Natuur en Milieu & Pesticide Action Network Europe v. European Commission⁴⁶ (Case T-338/08)

52. The Aarhus Convention was signed by the European Community and subsequently approved by Council Decision 2005/370/EC of 17 February 2005 (OJ 2005 L 124, p. 1). The institutions are accordingly bound by that convention, which prevails over secondary Community legislation. It follows that the validity of Regulation No 1367/2006 may be affected by the fact that it is incompatible with the Aarhus Convention.

CURIA: General Court: Vereniging Milieudéfensie & Stichting Stop Luchtverontreiniging Utrecht v. European Commission⁴⁷ (T-396-09)

43. [...] Given that the Aarhus Convention prevails over Regulation No 1367/2006 ..

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 bodies⁴⁸

Public Administration Act (1967)

The administrative decision

§ 23. (the formal requirements for individual decisions)

An individual decision shall be in writing except where, for practical reasons, this would be particularly burdensome for the administrative agency.

§ 24. (when grounds shall be given for individual decisions)

Grounds shall be given for individual decisions. The administrative agency shall state the grounds at the same time as the decision is made.

§ 25. (the contents of the grounds)

The grounds shall refer to the rules on which the administrative decision is based, unless the party is familiar with the rules. Insofar as it is necessary in order to enable

⁴⁶ <http://curia.europa.eu/juris/document/document.jsf?text=&docid=123824&pageIndex=0&doclang=en&mode=doc&dir=&occ=first&part=1&cid=3936156>

⁴⁷ <http://curia.europa.eu/juris/document/document.jsf?text=&docid=123823&pageIndex=0&doclang=en&mode=doc&dir=&occ=first&part=1&cid=3936156>

⁴⁸ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:264:0013:0013:EN:PDF>

the party to understand the administrative decision, the grounds shall also cite the contents of the rules or the assessment of the problem on which the administrative decision is based.

The grounds shall also mention the factual circumstances upon which the administrative decision is based. If the factual circumstances have been described by the party himself or in a document whose contents have been disclosed to the party, a reference to the previous account shall suffice. In this case a copy of the said account shall be appended to the notification to the party.

Mention should be made of the chief considerations which have been decisive for the exercise of the administrative agency's discretionary powers. If guidelines have been given for the exercise of such powers, reference to these guidelines will as a rule be sufficient.

Respectfully Submitted,



Lara Johnstone

Encl:

- [A] 18 June: Env. Appeals Board: Req for Access to Env Info ITO S.28 & S.10:
Encl: 25 May: Aftenposten: Req for Access to Env Info ITO S.28 & S.10:
Encl: 22 April: Media's Population-Terrorism Connection Report (42.pg)
- [B] 15 Aug: EAB: Req for Access to Info: AdvFor: Disciplinary Comm.
15 Aug: EAB: Req for Access to Info: AdvFor: Disciplinary Board
- [C] 10 Sep: Env. Appeals Board Ruling:
Encl: 03 Nov: Req. for Info ITO Public Admin Act S.23,24, 25.