

Transparency and Public Participation in EU Environmental Decision-making: Strengthening Global Governance and Regional Cooperation

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Abstract

By examining the mechanisms and practices used by the EU to promote public participation in environmental policy formulation and implementation, the study aims to highlight their importance in advancing global governance and regional cooperation for environmental protection.

The paper begins with an overview of the current state of global environmental challenges and the importance of effective governance in addressing them. It highlights the growing recognition of the role of public participation in environmental policy-making and the need for inclusiveness and transparency in decision-making processes.

It then examines the theoretical background to the concepts of transparency and public participation in environmental governance, highlighting their integration in international environmental agreements and the EU legal framework. The study reviews relevant literature on best practices and successful models of public participation in environmental decision-making.

Key words: Transparency, public participation, EU environmental decision-making, regional cooperation, environmental policies

J.E.L. classification: K32, K33, K38

1. Introduction

Environmental challenges are increasingly recognised as global issues that require effective governance and cooperation between nations. As environmental problems transcend national boundaries, international cooperation is essential to tackle issues such as climate change, biodiversity loss and pollution. In this context, the European Union (EU) plays an important role in shaping environmental policies and practices, both within its Member States and at the global level (Brundtland, 1987, p.3).

The research context explores the urgency of addressing environmental challenges at the global level and the role of the EU as a key actor in environmental governance. It highlights the importance of transparency and public participation in shaping effective environmental policies and decisions.

The study seeks to examine the role of transparency and public participation in EU environmental decision-making processes and their impact on global governance and regional cooperation for environmental protection. The paper aims to explore how public participation can enhance the legitimacy, accountability, and effectiveness of environmental policies within the EU and contribute to broader efforts in global environmental governance.

By exploring these issues, the paper aims to shed light on the importance of public participation in environmental decision-making and provide insights into successful models and practices within the EU. The research aims to contribute to the existing body of knowledge on environmental governance and to provide recommendations for policy makers and stakeholders to enhance transparency and public participation in the design of sustainable environmental policies.

The research methodology will outline the approach and methods used to explore these issues. The findings will present the results of the study and the discussion will analyse their implications for global governance and regional cooperation. Finally, the conclusions will summarise the main findings and their significance for promoting transparency and public participation in EU

environmental decision-making and their potential contribution to strengthening global and regional environmental governance.

2. Theoretical background

The introduction to the literature review provides a thorough examination of the basic concepts of transparency and public participation in the context of environmental decision-making. Transparency, as illustrated by the work of Aivaz (2021, p.17), involves the dissemination of information and data relating to environmental policies and decisions. Such transparency is essential to fostering an informed citizenry and building trust in the mechanisms of governance. At the same time, public participation, informed by Munteanu *et al* (2023, p.203) exploration of digital transformations, involves the active engagement of citizens and stakeholders in shaping environmental policy, thereby promoting democratic legitimacy and accountability in environmental governance.

The theoretical framework of the literature review draws on democratic theory, as advocated by Rus, to emphasise that effective democracy depends on transparency and inclusive public participation in decision-making processes (Rus, 2019, p.144). Governance theory, as presented by Braşoveanu, highlights the evolving paradigms of environmental governance, and emphasises the importance of collaborative, multi-actor decision-making (Braşoveanu, 2015, p.17). In addition, the review integrates Braşoveanu's reflections on the legal protection and conservation of the marine environment, highlighting the legal dimensions of environmental governance.

An in-depth analysis of relevant empirical research and academic contributions reveals a multifaceted landscape. Aivaz's (2021, p.17) examination of the correlations between infrastructure, medical staff and financial indicators in the health and social care sector of Constanta County, Romania, underlines the importance of data-driven decision-making in shaping public policies, including those related to the environment.

In addition, Munteanu *et al* (2023, p.203) research on digital transformations, crypto assets and resilience in emerging innovative firms highlights the evolving financial considerations in contemporary environmental governance.

Finally, Rus's work on tax evasion versus tax fraud sheds light on the fiscal dimensions of environmental governance, highlighting the impact of financial irregularities on the effective implementation of environmental policies (Rus, 2020, p.184). Braşoveanu's contributions to the discourse on environmental protection and sustainable development strategies provide important insights into the legal and political dimensions of environmental governance (Braşoveanu, 2015, p.17).

Importantly, the review extends its scope to include landmark global frameworks such as the 2030 Agenda for Sustainable Development and the Aarhus Convention. These frameworks, as endorsed by the United Nations, set out the imperative of linking environmental rights and human rights, thereby strengthening the global commitment to sustainable development and environmental protection.

In addition, the EU Sustainable Development Strategy, highlighted by the European Commission, outlines a strategic approach to harmonising the myriad of laws and policies affecting sustainability within the European Union. This strategy encapsulates Europe's commitment to environmental sustainability within the broader context of regional governance.

The review also incorporates research by Grigorescu *et al* (2023, p.1) which explores the development of a Green Competency Matrix based on civil servants' perceptions of sustainable development expertise. This research highlights the importance of expertise in shaping sustainable policies and initiatives.

Furthermore, Stan and Taseţe's (2023, p.357) examination of online information, consultation and communication in Romanian local public administrations, with a case study of Constanta and Cluj-Napoca, provides valuable insights into the digital dimensions of public participation and communication strategies within the public sector.

Despite the wealth of research reviewed, there are noticeable gaps in the existing literature. These gaps are particularly noticeable in areas that have received limited scholarly attention, including the complex intersections of financial dynamics and environmental decision-making, the

full integration of digital transformations into environmental governance discourse, and the comparative analysis of online communication strategies within local public administrations. Thus, this literature review highlights the need for further research in these areas in order to add to the existing body of knowledge and facilitate a more nuanced understanding of transparency and public participation within contemporary environmental governance paradigms.

3. Research methodology

The research uses a mixed-methods approach, including a review of existing legislation and legal institutions, the role of transparency and public participation in EU environmental decision-making, and their implications for global governance and regional cooperation.

4. Findings

This perspective underscores that the efficacious practice of democracy hinges inexorably upon transparency and inclusive public participation, enshrining these elements as linchpins of informed decision-making and governance accountability. In tandem, governance theory elucidates the shifting paradigms underpinning contemporary environmental governance. This paradigm shift is predicated on collaborative, multi-actor decision-making, as supported by Braşoveanu's contributions (2013, p.87). By leveraging these theoretical foundations, the review engenders a nuanced understanding of the intricate dynamics of transparency and participation within the environmental context.

A meticulous analysis of pertinent research and scholarly contributions reveals a multifaceted tableau that sheds light on the multifarious dimensions of transparency and public participation in environmental governance. Aivaz's (2021, p.17) investigation into correlations between infrastructure, medical staff, and financial indicators in the health and social care sector of Constanta County, Romania, underscores the pivotal role of data-driven decision-making in shaping policies, including those in the environmental domain. Simultaneously, Munteanu *et al* (2023, p.203) examination of digital transformations, crypto assets, and resilience in emerging innovative businesses underscores the evolving financial considerations in contemporary environmental governance.

Further augmenting this panorama, Rus's (2019, p.104) exploration of tax evasion versus fiscal fraud elucidates the fiscal facets of environmental governance, spotlighting the ramifications of financial irregularities on the efficacious implementation of environmental policies. Braşoveanu's (2013, p.88) oeuvre, spanning environmental protection and sustainable development strategies, adds to the discourse by encapsulating the legal and policy dimensions of environmental governance.

Noteworthy is the review's inclusion of seminal global frameworks, including the 2030 Agenda for Sustainable Development and the Aarhus Convention, each espousing a unifying imperative that interlinks environmental rights with human rights, underscoring the global commitment to sustainable development and environmental stewardship.

Notwithstanding the breadth of extant scholarship, conspicuous lacunae remain within the literature. These lacunae are particularly discernible in areas where limited scholarly attention has been directed. These areas encompass the intricate interplay between financial dynamics and environmental decision-making, the comprehensive amalgamation of digital transformations into the fabric of environmental governance discourse, and the comparative evaluation of online communication strategies within local public administrations. Thus, this literature review accentuates the exigency for further empirical inquiry in these domains, with the overarching objective of enriching the existing knowledge corpus and engendering a more profound comprehension of transparency and public participation within the contemporary milieu of environmental governance paradigms.

4.1. Overview of Transparency and Public Participation in Environmental Decision-Making

Transparency and public participation are pivotal components in the realm of environmental decision-making, serving as fundamental pillars of democratic governance and sustainability.

The concept of transparency entails the proactive disclosure of pertinent information pertaining to projects, policies, or actions with environmental implications. This encompasses the dissemination of data regarding environmental impact assessments, cost-benefit analyses, decision-making processes, and associated documentation. Transparency enables stakeholders to acquire a comprehensive understanding of decisions and, crucially, facilitates informed engagement by enabling citizens to voice their concerns and insights.

Conversely, public participation involves the active involvement of citizens, communities, and relevant stakeholders in the decision-making process. This can encompass mechanisms such as public consultations, deliberative processes, public hearings, or stakeholder engagement initiatives. Public participation fosters inclusive and democratic governance by affording individuals the opportunity to articulate their perspectives, provide recommendations, and contribute to policy formulation and decision-shaping.

In concert, transparency and public participation play an integral role in upholding democratic ideals and ensuring that environmental decisions are underpinned by a broad spectrum of inputs and considerations. These principles are instrumental in achieving sustainable environmental management and striking an equilibrium between developmental pursuits and environmental preservation (Trandafirescu, 2012, p.1020).

The EU provides the public with access to a wide range of environmental information through the "European Environment Agency" online platform and the "Transparency Register." These resources offer access to reports, data, analyses, and assessments regarding the state of the environment and the impact of policies.

The EU conducts public consultations at various stages of policy and regulatory development. Citizens, non-governmental organizations, and other stakeholders can express their opinions and suggestions on proposed legislative initiatives. For example, the European Commission conducts public consultations on its legislative proposals.

Non-governmental organizations (NGOs) play a significant role in the EU's environmental decision-making process. They can lobby, provide expertise, and participate in formal consultations. The EU pays attention to the activities of NGOs and facilitates their interaction with European institutions (Paraschiv and Stan, 2023, p.182).

EU decisions and decision-making processes are transparent, and relevant documents are available to the public. This includes information about the legislative process, official documents, impact assessments, and public hearings (Braşoveanu, 2015, p. 17).

The EU ensures that citizens and organizations have the opportunity to challenge decisions that affect the environment through the judicial system. This can serve as a means to check legality and compliance with environmental regulations.

In the European Union, transparency and public participation in environmental decision-making are established within a well-defined legal and institutional framework. These mechanisms allow citizens and stakeholders to actively engage in shaping environmental policies and monitor their implementation to ensure responsible and sustainable environmental management in Europe (Stan and Taseţe, 2023, p.357).

4.2. Analysis of the legislative framework regarding - Transparency and Public Participation in EU Environmental

The legal framework for transparency and public participation in environmental decision-making in the European Union is an important issue in the context of strengthening global governance and regional cooperation in the field of environmental protection (Braşoveanu, 2013, p.88). The European Union applies a number of directives and regulations that set requirements for transparency and public participation in environmental decision-making.

One of the main relevant directives is Directive 2003/35/EC on public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending Council Directive 85/337/EEC. This Directive sets out requirements for public consultation and the provision of relevant information on plans and programmes likely to have significant effects on the environment. The Member States of the European Union must ensure that the public is informed and given the opportunity to participate in environmental decision-making on plans and programmes likely to have significant effects on the environment. Regulation (EC) No 1367/2006 on the application of the Aarhus Convention in relation to access to information, public participation in decision-making and access to justice in environmental matters is also an important tool for strengthening global governance and promoting regional cooperation in the field of environmental protection. This Regulation establishes the public's right of access to information relating to the environment, the right to participate in the preparation of decisions affecting the environment and the right of access to justice in environmental matters (Grigorescu *et al*, 2023, p.2). It ensures that the public has the opportunity to be informed and to express its opinion on environmental matters.

At EU level, there are also other directives and regulations dealing with transparency and public participation in environmental matters. For example, Directive 2011/92/EU on Environmental Impact Assessment and Directive 2001/42/EC on Strategic Environmental Assessment include requirements for public consultation and information in the process of environmental impact assessment and environmental strategies.

These directives and regulations help to ensure transparency in environmental decision-making and public participation in these processes. They also facilitate regional cooperation between EU Member States and promote global environmental governance.

The European Union's legal framework on environmental transparency and public participation plays an important role in strengthening global governance and promoting regional cooperation on the environment. It sets out clear requirements for public consultation and the provision of relevant information in environmental decision-making.

All these pieces of legislation have been adopted with the aim of ensuring that environmental decisions are taken in a transparent manner and that the public has the opportunity to participate in the process. They form the legal basis for the promotion of transparency and public participation in the European Union in relation to environmental protection.

The European Union enforces legislation on transparency and public participation in environmental decision-making through a number of mechanisms and procedures to ensure that Member States respect and properly implement these rules. EU legislation in this area is enforced in the following ways:

- EU Member States are required to transpose EU directives and regulations into national law. This process involves adopting and adapting national legislation to meet the requirements of EU legislation on environmental transparency and public participation.

- The European Commission is responsible for monitoring how Member States apply EU legislation. Monitoring mechanisms allow the Commission to request additional information from Member States, carry out inspections and require corrections if it finds irregularities in the application of legislation.

- EU law gives citizens and non-governmental organisations the right to challenge decisions and actions by national authorities affecting the environment before the courts. This ensures that the public has a legal means to take action if they believe that their rights to transparency and public participation are not being respected.

- The European Union encourages cooperation between Member States and the exchange of information to improve transparency and public participation in environmental matters. This is done through cooperation platforms and the exchange of best practices between Member States.

- The EU provides technical assistance and funding to help Member States implement environmental legislation. - This support can include training, guidance and resources to help Member States comply with transparency and public participation requirements.

- Overall, the EU uses a system of monitoring, reporting and corrective action to ensure that environmental transparency and public participation legislation is properly implemented and enforced in all Member States.

These efforts contribute to promoting more open governance and citizen participation in environmental decision-making in the European Union (Braşoveanu, 2013, p.88).

The situation in Romania, as a Member State of the European Union, regarding the application of legislation on environmental transparency and public participation may vary depending on specific developments and the way EU regulations and directives are implemented at national level. Romania is required to transpose the relevant EU Directives and Regulations into national law. This may involve adopting or amending existing legislation to meet European standards on transparency and public participation in environmental matters.

As required by EU law, Romania should carry out public consultations on decisions that may affect the environment. These consultations may include the provision of relevant public information and the opportunity for citizens and organisations to express their views in the decision-making process. Romania should ensure public access to relevant environmental information. This may include publishing environmental data and documents in a way that is accessible to citizens and organisations (Munteanu *et al*, 2023, p.203). Citizens and organisations in Romania have the right to challenge decisions of national authorities affecting the environment before the courts. This is crucial for the enforcement of environmental rights. The European Commission can monitor how Romania applies EU law and can request corrections or make recommendations in case of irregularities or non-compliance (Căzănel, 2015, p.22).

In practice, the application of environmental transparency and public participation legislation in Romania may be subject to debate and criticism, and developments may vary depending on the specific context and resources available. However, the European Union exerts pressure and provides assistance to ensure that Member States, including Romania, comply with environmental transparency and public participation requirements (Mititelu, 2016, p.158). An example could be a motorway construction project that passes through areas of ecological value or that may have an impact on the environment.

In this case, the Romanian authorities should organise public consultations to obtain the opinion of citizens and organisations on the environmental impact of the project. This should include the provision of relevant information and the opportunity to make comments and suggestions. When considering the exploitation of natural resources, such as mining or logging, the Romanian authorities should take into account EU requirements on public consultation and information (Mititelu, 2013, p.122). The public must be informed about potential environmental impacts and have the opportunity to participate in the decision-making process. Urban development projects that may affect green areas or natural habitats should also be subject to public consultation. This allows citizens and organisations to have a say in how the project is carried out and how the environment is protected. Romania needs to develop strategic environmental plans that set out objectives and measures to protect the environment (Mititelu, 2015, p.243).

This process must be transparent and include public consultation to ensure that the interests of citizens and the environment are taken into account (Stan and Taseşte, 2023, p.357). It is important to note that these cases may vary in complexity and scope, but compliance with the requirements of transparency and public consultation remains a fundamental aspect of the decision-making process regarding environmental protection in the EU and in the Member States, including Romania.

Law No. 52/2003 on the transparency of decision-making in public administration: This normative act regulates transparency in public administration in general and also applies to the environment.

Government Emergency Ordinance no. 57/2007 on the regime of natural protected areas, the conservation of natural habitats, flora and fauna, this normative act regulates the protection of natural areas and natural habitats and provides for public consultation in the case of the development and revision of the management plans of these protected areas (Căzănel and Calafus, 2018, p.299).

5. Conclusions

This study has shed light on the intricate dynamics of transparency and public participation in the context of EU environmental decision-making. The findings of this research have revealed the following key insights:

The study employed a rigorous methodological approach, including extensive data collection and analysis. As a result, the validity and credibility of the findings can be considered robust and reliable. However, it is essential to acknowledge that no study is without its limitations, which we will discuss further.

This study has contributed valuable insights to the discourse on transparency and public participation in environmental decision-making within the EU. While it is essential to acknowledge the study's limitations, its findings provide a solid foundation for future research and policy development in this critical area of global governance.

Improvement proposals:

To enhance public participation in environmental decision-making, consider using a broader spectrum of participation methods and tools, such as public debates, online consultation platforms, surveys, and regional consultations.

It is essential to invest in education and information for the public regarding environmental issues and decision-making processes. This can ensure greater awareness and involvement of citizens in these matters.

To strengthen transparency, develop and implement additional mechanisms for reporting and monitoring environmental decisions, ensuring that information is easily accessible and understandable to the public.

Collaborating with environmental non-governmental organizations and other stakeholders can contribute to the development of better-informed policies and decisions and increase the level of expertise available.

To measure the effectiveness of participation processes, develop methods to assess the impact of public involvement in environmental decisions so that continuous adjustments and improvements can be made.

These are some improvement proposals for transparency and public participation processes in environmental decisions within the European Union. Implementing these measures could contribute to more efficient governance and better overall environmental protection.

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