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Where transparency protects the climate: the Aarhus Convention and EU reluctance to comply

Pia Engelbrecht-Bogdanov · Friday, May 15th, 2026

Imagine trying to understand why a factory polluted the river that runs beside your house, only to find you—or anyone, for that matter—aren't able to access any of the government's water quality test results. Or imagine not being able to access any of the stakeholder input or evidence the EU has used to write environmental policy.

The right to access environmental information is supposed to remove such barriers. Critically, this lets citizens hold their elected representatives accountable, by rewarding or punishing them for their actions at the ballot box, making access to documents a democratic necessity.

This is all the more important where environmental legislation is concerned, because the climate crisis requires immediate action. Climate policy must be based on robust, scientific, and comprehensive environmental information, and cannot be solely accessible to decision-makers. Especially here, where industry lobbying is particularly *pervasive*, the public should be able to understand the reasons, data basis, and the input by stakeholders and interest groups that ultimately lead to political decisions.

Against this broader backdrop, the EU and 48 other states signed the Aarhus Convention in 1998, which enshrined the provision of access to environmental information as a legal obligation. Within the EU legal order, these commitments are given concrete effect through secondary legislation, most notably the Aarhus Regulation (2021/1767), which *states* that EU institutions and bodies “shall organise the environmental information which is relevant to their functions and which is held by them, with a view to *its active and systematic dissemination to the public* [emphasis added].” The Regulation provides for particularly wide access to information related to emissions into the environment. For such information, the public interest in disclosure overrides countervailing interests, most notably commercial interests—in short, when it comes to the environment, transparency should take priority over business concerns.

Yet although the Convention has been in force for over 20 years, it appears the EU has in fact been found *non-compliant* on access to justice and public participation by the Aarhus Convention

Compliance Committee (ACCC) five times since its accession, of which two cases remain ongoing.

And although the EU formally complies with access to information as part of its obligations under the Convention, much environmental information remains difficult for the wider public to obtain, due to complex procedures, a lack of proactive disclosure, or bureaucratic barriers. This stops citizens and organisations from verifying environmental risks, holding decision-makers accountable, and participating meaningfully in climate-related policymaking. As a result, the Convention's goals are often only partially achieved, potentially delaying or weakening climate action.

This has, understandably, left many dissatisfied, including the legal organisation ClientEarth. In September 2025, ClientEarth took the European Commission to court to defend citizens' rights to know why action is—or isn't—being taken to protect public health from pollution. This followed a December 2024 [decision](#) that would limit access to certain official documents. This would leave it up to the EU to decide how much—or little—environmental information it shares with the wider public. According to ClientEarth, this undermines public participation in EU climate policy, and thus breaches the Aarhus Convention entirely.

ClientEarth would be right to sound the alarm. Indeed, at the eighth Aarhus Convention meeting in November last year, it appeared that [the EU 's strategy is to dismantle the Convention from within](#). Here, it seems the Commission employed a variety of tactics, including stalling decisions, trying to influence the ACCC, as well as restricting funding to the Convention itself.

In this vein, on [February 10, 2026](#), we lodged a request for information with the European Commission regarding the “Simplification Roundtables” for Omnibus I (the EU's initiative to change EU laws on corporate climate and human rights reporting and responsibility). These “Roundtables” are the exclusive closed-door meetings the Commission is currently using to inform its policy making, instead of open public consultations, practice the European Ombudsman has deemed amounts to maladministration.

The European Commission's response to our information request was not only incomplete, but, again, abided by neither the principle of good administration nor EU law. Its response lacked both a justification for providing only partial and redacted information as well as for not responding to part of our request. The message is clear: on paper, the public has a right to ask for information, yet in practice, an unchecked Commission decides who and when has access to what happens behind closed doors.

Further revelations have just broken: as [Investigate Europe](#) reported last month, crucial information

on the environmental impact of Europe's data centres was withheld, following industry lobbying to classify it. This might again violate the Aarhus Convention's obligations.

These examples underscore how it seems the EU, despite being a party to the Aarhus Convention, often tends to refuse to live up to its spirit, just as its importance has never been greater. Whatever the Commission's intentions behind these moves, the end result is clear: the limiting of environmental information transparency. Critically, this coincides with the unravelling of the EU's flagship climate policies, known as the Green Deal: as the EU's climate protections weaken, so too do its policies on how such decisions came to be in the first place.

This is why we're calling on the EU to correctly implement the Regulation and the Convention, as well as to publish proactively information in accessible formats. This would ensure more transparent and sound environmental information, that is better protected against interference. Without access to information, citizens can't evaluate the EU's climate moves. Such a disastrous breakdown in accountability puts any meaningful climate action at even greater risk. The Aarhus Convention recognises that transparency and climate policy are two sides of the same coin: it is time for the EU to guarantee not only access to environmental information, but the integrity of its decisions.

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