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Ninth meeting of the negotiating committee
of the regional agreement on access to information,
participation and justice in environmental matters
in Latin America and the Caribbean

San José, 28 February-4 March 2018

ARTICLE 2*

PROPOSAL OF CHILE, COLOMBIA, COSTA RICA AND URUGUAY

* This document has not undergone formal editing.

ARTICLE 2

Definitions

For the purposes of the present Agreement:

“Access rights” means the right of access to environmental information, the right of participation in the environmental decision-making process and the right of access to justice in environmental matters.

“Competent authority” means any body that, by legal mandate, exercises the powers, authority and functions for the application of the provisions set out under articles 5 and 6 of the present Agreement, including independent and autonomous bodies, organizations or entities owned or controlled by the government, whether by virtue of powers granted by the constitution or other laws, as well as to private organizations that receive public funds or benefits (directly or indirectly), when appropriate, or that perform public functions and services, but only with respect to the public funds or benefits received or to the public functions and services performed. *

“Environmental information” means any information that is written, visual, audio, and electronic, or recorded in any other format, regarding the environment and natural resources, including that information related with possible adverse impacts associated with factors affecting or likely to affect the environment and health, as well as with environmental management.

“Public” means one or more natural or legal persons and the associations, organizations or groups established by those persons, that are nationals or that are subject to the national jurisdiction of the State Party.

* According to the eighth version of the compiled text, the term “public authority” would be replaced by “competent authority” in the following articles: 5.2, 5.4, 5.7, 5.8, 5.10, 5.11, 5.12, 5.13, 5.14, 5.16, 6.1, 6.2, 6.5. and 6.6. Public authority would be kept in article 6.3 and would be replaced by “public authority” in articles 7.6. (letter “b”), 7.7, 7.11 and 7.17 (letter “e”).