

## Policy Paper

# Digital Public Participation in Environmental Matters

## Focus on EU law and implementation in EU member states

**In recent years, digital public participation in environmental decision-making processes has gained increasing importance. The advent of digital technologies has created new avenues for citizens to engage with policymakers, contribute to discussions, and voice their opinions on matters that affect them. However, despite progress in some areas, the current state of digital public participation across EU member states remains unsatisfactory.**

**To address the existing gaps and ensure effective engagement, the following recommendations are proposed:**

1. **Amendments to the EIA and SEA Directive:** The EU should consider amending the EIA and SEA Directives to include explicit provisions for digital public participation, outlining requirements and mechanisms for incorporating digital tools in EIA and SEA procedures. Particular attention should be paid to the SEA Directive, which will become increasingly important with the expansion of renewable energies, as it does not yet include provisions for digital public participation.
2. **Integration of Digital Platforms:** The EU should facilitate the development and integration of user-friendly digital platforms for public consultations and engagement in all procedures on environmental matters, including EIA and SEA procedures. These platforms should be accessible to all citizens and provide support to promote inclusivity.
3. **Guidelines for Digital Participation:** Establishing clear guidelines and best practices for digital public participation can help standardize processes and ensure consistency across member states.
4. **Capacity Building and Training:** Investing in capacity building and training programs for policymakers, stakeholders, and citizens can enhance understanding and utilization of digital tools for public participation.
5. **Monitoring and Evaluation:** Implementing robust monitoring and evaluation mechanisms can enable the assessment of the effectiveness and impact of digital public participation initiatives, facilitating continuous improvement and refinement.

## The current situation

While the EU has made strides in promoting public participation in environmental matters through mechanisms such as public consultations and stakeholder engagement, the implementation and effectiveness of these initiatives vary significantly among member states. Many countries still lack comprehensive frameworks for digital public participation, resulting in limited opportunities for citizens to engage meaningfully in decision-making processes. This finding became apparent in a recent [research report](#) by the Independent Institute for Environmental Issues - UfU e.V. on digital public participation in five EU member states (Estonia, Germany, Hungary, Slovenia, and Spain). None of the countries analysed has a satisfactory digital way of informing the public about environmentally relevant projects and enabling participation. This means that the right to public participation is not fully and effectively guaranteed.

## Legal framework

The EU's legal framework for public participation in environmental matters revolves primarily around the [EIA Directive](#) (Directive 2011/92/EU) and the [SEA Directive](#) (Directive 2001/42/EC). The EIA Directive mandates public participation in environmental decision-making processes for projects likely to have significant impacts on the environment. The SEA Directive on the other hand focuses on assessing the environmental implications of plans and programs and also contains regulations on public participation.

In its Article 6 (5), the EIA Directive contains a provision on digital possibilities for public participation:

*“Member States shall take the necessary measures to ensure that the relevant information is **electronically accessible to the public**, through at least a **central portal** or easily accessible **points of access**, at the appropriate administrative level.”*

The provision proscribes the general installation of central EIA portals or comparable digital structures, without any further mention of their set-up. On the other hand, the current SEA Directive lacks any specific provisions addressing digital public participation, leaving significant gaps in ensuring inclusive and accessible engagement.

Both the EIA Directive and the SEA Directive integrate the principles of the Aarhus Convention, formally known as the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, by mandating public participation in environmental assessment procedures and strategic planning processes. The Aarhus Convention serves as a foundational pillar for the development of environmental democracy at both national and international levels. All European member states and the EU have ratified the Convention. In addition to fundamental rights regarding access to environmental information and justice, the Convention acknowledges the significance of early and effective public participation. This entails engaging the public in environmental decision-making processes at an early stage, ensuring stakeholders can voice their opinions, share expertise, and participate in dialogue with decision-makers. These standards are also and especially applicable to public participation processes that take place in the digital sphere.

### Press contact

Jonas Ruffer  
jonas.rueffer@ufu.de  
T: +49 (0)30 4284 993-36

### Content-related questions

Luisa Schneider  
Luisa.schneider@ufu.de  
T: +49 (0)304284 993-41

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In light of the principles enshrined in the Aarhus Convention and the evolving landscape of environmental governance, there is a compelling need to enhance the legal framework governing digital public participation, particularly within the context of SEAs, but also provisions on EIAs need revision. By aligning EU legislation with the principles of the Aarhus Convention and embracing digital technologies to facilitate broader and more inclusive engagement, the European Union can strengthen its commitment to environmental democracy and promote sustainable development for present and future generations.

## Enhancing digital public participation in the EIA Directive

To support digital public participation, specific provisions must be included into the EIA Directive. According to our research, the following criteria are at the heart of a well-functioning digital infrastructure for public participation:

- All projects that require formal public participation in environmental matters are published on a standardised internet portal.
- The documents available on the portal are complete, organised in a predefined filing system with easily identifiable file names and can be downloaded in a user-friendly format. At least for complex proceedings, there is also an overview of all documents that have been published digitally (file plan).
- Current and past proceedings are accessible through a search and archive function.
- Objections and comments can be raised directly via the portal without a lengthy registration procedure. The responses to individual objections are public and can be easily viewed and retrieved via the portal.

Standardizing digital participation mechanisms across member states enhances coherence in environmental decision-making throughout the European Union. Investment in digital infrastructure and capacity-building supports member states in developing robust participation portals.

## The significance of digital public participation provisions in the SEA Directive

The same regulatory proposals suggested for the EIA Directive can also be adopted for the SEA Directive. However, it is important to bear in mind that as the recent amendments to the Renewable Energy Directive (RED III) signal a shift from the traditional focus on EIA towards SEA in the renewable energy sector, the lack of regulations concerning digital public participation in the SEA Directive becomes increasingly crucial. Under RED III, there is an expected decrease in the applicability of EIA at the project level in the context of renewable energy projects. The emphasis is placed on SEA for assessing broader environmental implications and strategic planning. Art. 15d of the RED III, dealing with public participation, refers explicitly to Art. 6 of the SEA-Directive, which regarding public participation merely requires that

*“the public [...] shall be given an **early and effective opportunity** within appropriate time frames to express their opinion on the draft plan or programme and the accompanying environmental report”.*

Even basic and vague provisions on digital public participation as present in the EIA Directive are absent from the SEA framework. As SEA becomes the primary mode of assessment for the planning of renewable energy projects, the absence of specific provisions for digital public engagement within the SEA Directive poses significant challenges to ensuring transparency, inclusivity, and accountability in decision-making processes. Addressing this gap is paramount to effectively harnessing the potential of digital technologies for informed and meaningful public engagement. By aligning regulatory frameworks with evolving needs and technological advancements, the EU can strengthen democratic governance and promote sustainable development in the renewable energy sector and beyond.

## Why is effective public participation essential?

Public participation in environmental planning processes fosters democratic decision-making and enhances transparency and accountability in governance. By soliciting input from civil society, decision-makers gain valuable insights, local knowledge, and diverse perspectives on environmental issues, enabling them to make more informed and balanced decisions that reflect community needs. This inclusive approach increases the legitimacy of outcomes and encourages stakeholder acceptance and support for resulting policies or projects, even when not fully aligned with individual preferences. Moreover, public engagement often leads to better environmental planning outcomes by identifying risks, exploring alternative solutions, and maximizing benefits for all stakeholders. Communities empowered through participation take ownership of environmental issues, advocating for their interests and driving positive change in their local environments. Environmental organizations, leveraging their expertise, play vital roles as advocates and contributors to decision-making processes. Inclusive participation builds trust between civil society and decision-makers, showcasing transparency, fairness, and respect for diverse viewpoints, thereby fostering confidence in environmental planning institutions.

## Why is digital public participation necessary?

Digital platforms make participation more **accessible** to a wider range of stakeholders, including those who may face barriers to attending in-person meetings due to geographical, time, or mobility constraints. Digital tools enable people to engage from anywhere with an internet connection, increasing **inclusivity in decision-making processes**. They have the potential to reach a **larger audience** and scale up participation efforts. They allow for the dissemination of information, surveys, and feedback mechanisms to a broader population.

Additionally, digital platforms can be **more cost-effective** than traditional methods of public engagement, such as organizing physical meetings or mailing out surveys. By leveraging existing technology and online resources, governments and organizations can reduce expenses associated with outreach and communication efforts. Digital tools enable efficient data collection, analysis, and synthesis of public input. Automated features, such as surveys and data analytics, can help streamline the processing of feedback and **identify key trends or priorities among participants**, informing decision-making processes.

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Overall, digital public participation **democratizes decision-making processes**, enhances civic engagement, and strengthens the relationship between governments, organizations, and the communities they serve. By embracing digital tools and platforms, stakeholders can harness the collective wisdom and expertise of diverse voices to **address complex challenges** and **drive positive change in society**.

## Outlook

Looking ahead, it is imperative for the EU to prioritize the development of a **comprehensive framework for digital public participation**, particularly within the context of EIAs and SEAs. Enhancing digital public participation in environmental matters at the EU level is essential for fostering **transparency, accountability, and democratic governance**. By addressing the existing challenges and investing in inclusive and accessible digital platforms, the EU can strengthen public trust and legitimacy while **advancing sustainable environmental decision-making processes**.

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