

CONCEPT OF RIGHT OF INFORMATION ABOUT ENVIRONMENT

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Abstract: *The recognition and protection of human rights and citizens' rights are a key criterion for legitimacy of any government as an institution. The main areas of public life are based on the different activities to meet the basic needs of the people. They exist on three levels - spiritual and physical reproduction of human beings as biological and social beings, material production and social governance. They are based on the functional structure of the society. Social function based on a broad range of activities related to the inclusion of members of the public in social life. Economic function activity in the creation of material goods. Governing function is associated with implementation activities guide the conduct of members of the public. The main priority of the environmental government policy is to improve the quality of life of the population of Bulgaria. For this purpose it is necessary to improve the quality of groundwater and surface water and air, and also to optimize waste management. Among the actions of government policy implementation included the provision of adequate information about the state of the environment.*

Key words: *human rights, environmentprotection policy, right of information*

The modern conception of human rights considers that biosocial human nature determines the recognition and guarantees a wide range of personal, political, social and cultural rights, which are fixed in national legal acts and thus receive further development and refinement. Human rights and the rights of the citizen match the deep social content as an expression of the needs and interests of the individual, in its objectives and its role in ensuring the development of the human personality. But the rights of the citizen have besides own social and legal content. They are the legal expression of the universal and comprehensive content of human rights and legal basis for meaningful behavior. Human rights are also particularly powerful symbol in the context of European integration.

The recognition and protection of human rights and citizens' rights are a key criterion for legitimacy of any government as an institution. The human dignity is the highest value because it has inalienable and inviolable rights enshrined as a common standard of law achievement. The evolution of human rights is to include more entities that can benefit from the protection of rights in the course of European history. In terms of content three-step development is observed, which establishes three types of rights - liberal rights, political rights, social rights. In spatial terms this concept of human rights is universalized in two directions - the acquisition of international importance by their recognition and ensuring national laws and their validity between nations in the form of equitable redistribution of wealth and resources.

Liberal rights - the law freedoms - ensure security and freedom of each person in respect of any interference. They prohibit tampering and leave the inner area entirely to its owner. These rights are classified as "negative" rights. Political rights are termed "positive" because they require equal freedom in the private sphere, equal participation in public life and in the process of formation of political will and public opinion. Social rights or rights of participation are based on the obligation of society to provide social and economic conditions for a decent existence for their children.

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The policy of the government for environmental protection is aimed at solving problems that pose a potential risk to human health and create inconvenience for everyday household population in many regions of the state. The policy implements the principles of sustained development. The basis for the concept of sustainable development lies the principle that development must meet today's needs of people without subjecting risks prospects of future generations. Sustainable development is based on the following main components: economic and social development, environmental protection.

Strategy for sustainable development is considered a priori in two directions:

- Development of administrative formed communities, the main attention is paid to municipalities;
- Development of economic operators and meet their responsibilities in terms of their own development and the surrounding human and natural environment.

As a result of strong growth of polluting industries in the past, ignoring measures to protect the environment as a result of the activities of industrial enterprises have accumulated contaminants that pose risks to the environment and human health. Yet environmental policy is not closely incorporated into sectoral policies. This fact threatens the process of strategic decision-making for the development of sectors of the economy without global account of the the principles and approaches to pollution prevention. There is a necessity of introduction of strict controls on implementation of measures to bring their activities in line with European environmental standards established in the result of the environmental audits of existing enterprises.

The main priority of the environmental government policy is to improve the quality of life of the population of Bulgaria. For this purpose it is necessary to improve the quality of groundwater and surface water and air, and also to optimize waste management. Among the actions of government policy implementation included the provision of adequate information about the state of the environment. This is achieved through the introduction of a national information network on ambient air transmission of data in real time; also development and implementation of a strategic assessment of the environmental impact of sectoral programs and strategies and consideration of environmental requirements in the restructuring and development of enterprises of energy, mining industry, industry and transport.

Certain agreements of the general welfare nature have been adopted in mid XX century. However, major international document which underlies the policy for a clean environment is the Framework Convention of the United Nations on Climate Change (UNFCCC). It is the first international agreement which treats the problem of climate change at the global level. Bulgaria ratified the UNFCCC in March 1995, thereby assuming the obligation to stabilize the concentration of the greenhouse gas in the atmosphere at a level that does not lead to dangerous anthropogenic interference with the climate system. By signing the UNFCCC and pledging to stabilize emissions, Bulgaria clearly stated his concern about global climate change and its political will to fulfill the relevant obligations.

Activities on harmonization of Bulgarian legislation with the EU in the field of environmental protection is an integral part of the law promulgation process in Bulgaria as a European Union member state. In this process, the Republic of Bulgaria is committed to introducing in Bulgarian legislation and the agreed until EU legislation.

The provisions of Art. 39, 40 and 41 of the Constitution of the Republic of Bulgaria emerging as fundamental rights of the individual right to freely express and disseminate opinion and the right to seek, receive and impart information.

These provisions protect the individual's right of free expression of its essence and dignity as an equal participant in the social community. At the same time they ensure that everyone is informed about the surroundings and society - conditions for its existence and development in accordance with established due to the free exchange of views public opinion.

These features of the rights under Art. 39, 40 and 41 of the Constitution define them as essential for individual and social development. They underpin the democratic process and contribute to its functioning in terms of the democratic way of formation provided for in the Constitution authorities and to control over their activities.

The proclamation of these rights by the Constitution and their full exercise is related to a number of other fundamental rights of individuals and constitutional principles, such as human dignity (Art. 4, para. 2), freedom of thought and freedom of conscience (Art. 37, para. 1), political pluralism (art. 11, para. 1).

The right to seek and receive information on Art. 41, para. 1 of the Constitution includes the duty of public authorities to provide access to information of public interest. The content of this obligation is to be determined by legislation. It includes an obligation on public authorities to publish official information and an obligation to provide access to sources of information. The question of which state authorities, under what circumstances and volume can have guaranteed airtime on national television and radio have to find a legislative solution, taking into account their powers and the principle of separation of powers and freedom of media information and the right to receive and impart information. Collectively, these three provisions protect different aspects of the right to freely express and disseminate opinion and the right to seek, receive and impart information. The three provisions are in systematic and functional relationship.

In Directive 2003/4 / EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313 / EEC is based on the increased public access to environmental information. The distribution of such information contributes to raising public awareness on issues related to the environment, a free exchange of views, more effective public participation in decision-making in relation to the environment and ultimately better environment. The objectives of this Directive are:

- to guarantee the right of access to information for the environment held by or for public authorities and to settle the terms, conditions and practical arrangements for its exercise

- to ensure that the gradual dissemination of environmental information is within the normal order of achieving widest possible accessibility and dissemination of environmental information among society is quite normal. To achieve this objective the use, in particular computer and /or electronic technology, where available, will be encouraged.

Member States should ensure that public authorities inform adequately public about the rights given with this Directive and that submit information or instructions in this regard. Member States should ensure that public authorities, in accordance with the provisions of this Directive are required to ensure access to information the environment held by or for them to any applicant at request and without the legal interest.

Member States shall take the necessary measures to ensure that public authorities organize information about the

environment relating to their functions and which is held by or for them, with a view to its active dissemination. Member States should ensure that gradual environmental information will be provided through electronic databases that are easily accessible to anyone by public telecommunication networks.

Member States should, in accordance with its powers to ensure that any information gathered by them or on their behalf is up to date, accurate and comparable.

The right to seek, receive and impart information under Art. 41, para. 1 of the Constitution belongs to everyone - individuals and legal entities, and protects both the individual interest and the interest of society to be informed. It applies to the press and other media. On the other hand, Art. 41, para. 2 of the Constitution guarantees citizens access to information from state bodies and agencies on matters which are of legitimate interest to them.

Individual rights conferred by the provisions of Art. 39-41 of the Constitution obliges the state to refrain from interfering in the exercise.

Restriction of these rights is permissible in order to guard others also constitutionally protectable rights and interests, and can be done only on the grounds provided for in the Constitution. Not allow the limitation by law other than those specified in the Constitution grounds.

When imposing such restrictions bodies of legislative, executive and judiciary are required to take into account the high public significance of the right to express opinion, freedom of the media and the right to information, which is why restrictions (exceptions) of these rights may be subject to apply strictly only to protect a competing interest.

Among these reasons, the possibility of interference with the right to free expression of opinion, when it is used to the detriment of the rights and reputation of others, is the greatest, because thus protect the honor and dignity and reputation of person under Art. 4, para. 2 and Art. 32, para. 1, sentence. 2 of the Constitution. This constitutional constraint does not mean it can not be carried out public criticism, especially political figures, government officials and public authorities.

Restriction on statements that constitute appeals to incitement of enmity is based on underlying constitutional values as tolerance, mutual respect, and the prohibition to promote hatred of racial, national, ethnic or religious grounds. This restriction does not refuse protection of the diversity of opposing each other opinions. The very essence of the right to freely express and disseminate opinion has as its premise the value of competition of ideas and confrontation of various viewpoints.

Right under Art. 41, para. 1 of the Constitution is available to all, including the media. Its restriction on the grounds specified in sentence. 2 requires that the legislative process of the circumstances relating to the grounds of national security or public order.

This also applies to the grounds on which it may be denied information to citizens by government bodies or agencies in accordance with Art. 41, para. 2 of the Constitution. Right laid down in this provision is personal. It is linked to reasonable legal interests of citizens, and its limitation - the creation of legal regulation of situations in which information constitutes a state secret or other secret, that there are grounds provided by law for its preservation.

Bibliography

- [1] Chalmers D., C. Hadjiemmanuil, G. Monti, A. Tomkin (2006) European Union Law, Cambridge
- [2] Nenovski, N. (1994) Human rights, Sofia
- [3] Shaw, M. (2003) International Law, Cambridge