

Effective Nature Laws – ERC Project (PI Professor Suzanne Kingston)

The Democratisation of European Nature Governance 1992 - 2015: Introducing the Comparative Nature Governance Index

Nature Governance Index Coding Protocol

I. Traditional Nature Governance Index	
1. Criminal penalty with custodial sentence	Possibility of criminal penalty with custodial sentence = 6; No possibility = 0.
	Maximum sentence from < 6 months to +6 years = Graduated scale of between 1-6 applied; Unspecified = 0.
2. Criminal penalty with fine	Possibility of a criminal penalty with a fine = 5; No fine = 0.
	Maximum fine from €1 (or national currency equivalent) to + €1 million = Graduated scale of between 0.5-5 applied; None specified = 0.
3. Criminal penalty with possibility of damages	Possibility of a criminal penalty with damages = 4; No possibility = 0.
4. Civil fine	Possibility of court-imposed civil (non-criminal) fine/penalty = 3; No possibility = 0.
5. Administrative fine	Possibility of an administrative fine/penalty in the case of breach; No possibility = 0.
	Maximum administrative fine €1 (or national currency equivalent) to +€1 million = Graduated scale of 0.2 – 2 applied; None specified = 0.
6. Financial incentive	Financial incentive for pro-environmental behaviour = 1; None = 0.
	Maximum incentive €1 (or national currency equivalent) to +€1 million = Graduated scale of 0.1 – 1 applied; None specified = 0.

II. Access to Information Index	
1. Implementation of Aarhus Convention	Created to implement the Convention = 1; No/unclear = 0.
2. Aim	Aim of increasing access to information = 1; No/unclear = 0.
3. Public / privately held information	Applies to public & privately held information = 1; Only public or private = 0.5.
4. Legal right	Creates legal right of access = 5; No/unclear = 0.
5. Beneficiary	Information available to public in general without need to request; to public in general upon request; to only certain members of the public upon request; Graduated scale of between 1- 0 applied.
6. Time limits	Clear timeline for provision = 1; None = 0.
	Information to be provided as soon as possible; 1 month or less after a request; 2 months or less after a request; + 2 months after a request. Graduated scale of 1 – 0 applied.
7. Cost	No charge for access = 1; Charge = 0.
	Charge of €20 - + €60; Graduated scale of 1 – 0 applied.
8. Scope of Exceptions	Graduated scale of 1 – 0 applied according to breadth of exceptions to right accorded.
9. Format	Information to be publicly available online = 1; Not specified = 0
10. Appeal	Graduated scale of 1 – 0 if decision can be challenged by court / court or administrative body / not subject to challenge
11. Cost of appeal	No charge = 1; Charge = 0.
	Graduated scale of 1 – 0 if cost of appeal is < € 20 to +€60
III. Public Participation Index	
1. Implementation of Aarhus Convention	Created to implement the Convention = 1; No/unclear = 0.

2. Aim	Aim of increasing public participation = 1; No/unclear = 0.
3. Legal right	Creates legal right of participation = 5; No/unclear = 0.
4. Scope of rule	Graduated scale of 1 – 0 applied according to scope of projects / activities covered (broader, equal to or narrower than Directive 2003/35/EC).
5. Beneficiary	Graduated scale of 1 – 0 applied according to scope of beneficiary (broader, equal to or narrower than Directive 2003/35/EC).
6. Deadline	Graduated scale of 1 – 0 applied according to timeline for participation (broader, equal to or narrower than Directive 2003/35/EC).
7. Cost of public participation	No charge for participation = 1; Charge = 0.
	Graduated scale of 1 – 0 applied according to level of charge applied.
8. Impact of observations	Legal duty to take observations into account = 1; None = 0.
9. Duty to inform the public	Legal duty to inform participating public of decision = 1; None = 0.
IV. Access to Justice Index	
1. Implementation of Aarhus Convention	Created to implement the Convention = 1; No/unclear = 0.
2. Aim	Aim of increasing access to justice = 1; No/unclear = 0.
3. Legal right	Creates legal right of access to justice = 5; No/unclear = 0.
4. Scope of rule	Graduated scale of 1 – 0 applied according to scope of projects / activities covered (broader, equal to or narrower than Directive 2003/35/EC).

5. Legal standing for individuals	Graduated scale of 1 – 0 applied according to whether substantive right, sufficient interest, or broader standing rule applied.
6. Legal standing for ENGOs	Graduated scale of 1 – 0 applied according to whether substantive right, sufficient interest, or broader standing rule applied.
7. Substantive / Procedural legality	Graduated scale of 1 – 0 applied according to whether solely procedural legality may be challenged, or substantive and procedural legality.
8. Availability of interim relief	Injunctive/interim relief available = 1; None = 0.
9. Limitation period	Graduated scale of 1 – 0 applied depending on length of limitation period for bringing a claim.
10. Costs	More favourable costs regime for environmental claims = 1; None = 0.
11. Discretion in costs	Graduated scale of 1 – 0 applied depending if applicants' award of costs conditional on judicial discretion.
12. Protective Costs	Protective Costs Order possible = 1; Not possible = 0.
13. Legal aid	Legal aid provided for environmental claimants = 1; Not provided = 0.
14. Accessibility of information	Information on Access to Justice must be made available to public = 1; No such requirement = 0.
15. Cost of information	Decisions on environmental matters must be publicly accessible free of charge = 1; No such requirement = 0.