

GREATER DISCLOSURE OF ENVIRONMENTAL INFORMATION – WISH OR NECESSITY?

MARA SILINA/EUROPEAN ECO FORUM

**FOURTH MEETING OF THE TASK FORCE ON ACCESS TO
INFORMATION**

AGENDA ITEM 2 A

GENEVA, 8 – 10 DECEMBER 2015

AARHUS CONVENTION – ARTICLE 2.3

Environmental information' means any information in written, visual, aural, electronic or any other material form* on:

- (a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;
- (b) Factors, such as substances, energy, noise and radiation, and activities or measures, including administrative measures, environmental agreements, policies, legislation, plans and programmes, affecting or likely to affect the elements of the environment within the scope of subparagraph (a) above, and cost-benefit and other economic analyses and assumptions used in environmental decision-making;
- (c) The state of human health and safety, conditions of human life, cultural sites and built structures, inasmuch as they are or may be affected by the state of the elements of the environment or, through these elements, to the factors, activities or measures referred to in subparagraph (b);

* Photographs, maps, drawings, plans, computer files, e mail correspondence, reports, datasets, digital versions of datasets etc.

EU DIRECTIVE 2003/4/EC ON ACCESS TO INFORMATION – ARTICLE 2.1

1. 'Environmental information' shall mean any information in written, visual, aural, electronic or any other material form on:

- (a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;
- (b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);
- (c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements;
- (d) reports on the implementation of environmental legislation;
- (e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c); and
- (f) the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c).

EUROPEAN ECO FORUM QUICK SURVEY ON WHAT TYPES OF ENVIRONMENTAL INFORMATION NEED GREATER DISCLOSURE

- 3 simple questions asked
- 16 countries approached
- 8 responses received

- 1. What types of environmental information need greater disclosure?**
- 2. What the Task Force on Access to Information should/could do to ensure greater disclosure?**
- 3. What could be the first two or three steps your government should/could take to broaden the scope of information available for public?**

1. WHAT TYPES OF ENVIRONMENTAL INFORMATION NEED GREATER DISCLOSURE?

GREECE: The main domain that needs greater disclosure is the one of industrial facilities/secretcy (including chemical facilities).

HUNGARY: 1. Anything that is related to compliance, namely compliance by companies with national law, compliance by Member State(s) with the EU law. 2. Detailed timelines (or metadata) on what kind of information is there about cases involving economic entities and Member States(list of permits and sanctions of a company, list of documents exchanged in an infringement procedure etc.). 3. Environmental background data, information on areas, on its natural value, groundwater classification, biodiversity status, noise status, infrastructures, preferably all on one map. 4. PRTR data.

KAZAKHSTAN: In Kazakhstan (also in other countries in Central Asia) the monitoring of air, water and soil pollution is not ensured and, thus, information about that is not available.

1. WHAT TYPES OF ENVIRONMENTAL INFORMATION NEED GREATER DISCLOSURE?

MOLDOVA: the state should collect and disclose environmental information, for example on status of water in the river (runoff in m³/sec, hydrochemical parameters, bacteriology, temperature, pH etc.). Such data should be stored in water data register. Similarly should be done with air etc.

RUSSIA: Results of the inspections of the state environmental and sanitary control (acts of inspections, inquiries, conclusions etc.) should be available on the website of the regulatory authorities; * Primary research documents regarding the quality of the environment as well as the research required to issue permits and approvals; * Acts of sampling and research protocols showing time and place of the sampling, methods used etc. in order to be able to check whether all requirements are met. It is very important in cases when one has to go to court.

SPAIN: Most of the time we ask for environmental information we face many difficulties. Therefore, there is no type of environmental information which needs greater disclosure but **all environmental information has to be disclosed.**

1. WHAT TYPES OF ENVIRONMENTAL INFORMATION NEED GREATER DISCLOSURE?

UKRAINE: Disclosure of information on natural resources. In many EECCA countries, including Ukraine, no information is available about the amount of key minerals and ores (estimations of available volumes).

* Focus on Article 5 regarding the obligation to gather certain information [unlike in the EU/OECD no information is gathered about environmental health (such as deaths caused by PM10), trends in species (estimations of some populations date back to 70s! in Ukrainian Red Book)], monitoring of the environment is poor.

UZBEKISTAN: Information on the state of the atmospheric air and the quality of surface water and groundwater, according to their maximum permissible concentration; * Measures undertaken by regulatory authorities against polluters in order to improve the environment

2. What the Task Force on Access to Information should/could do to ensure greater disclosure?

HUNGARY: Bring together Parties to the Aarhus Convention for a large conference on the status of Access to Environmental Information in the ECE region and what we can do (Eye on Earth aftermath for Europe). Also prepare a manual on typical reasons for refusal of information and best case examples and answers how to overcome them

KAZAKHSTAN: The Task Force may prepare questionnaires and profiles in different areas related to access to information, for example, how the Party provides access to information on biosafety, products, monitoring data etc. The Task Force may also hold consultations with the governmental authorities on needs, gaps and good practices on access to environmental information, for example, the use of the internet and other information tools for providing information. The Task Force could also broadly disseminate information about the situation in countries regarding access to information, particularly in international organizations.

2. What the Task Force on Access to Information should/could do to ensure greater disclosure?

MOLDOVA: work on how to guarantee access to environmental monitoring databases; * Insurance of online availability of databases on environmental monitoring to everybody; * Availability of permits and licenses

RUSSIA: the thematic seminar or visiting session could take place in a country (at least once a year). This would allow the maximum number of participants from this country to engage in the work of the specific group, and would encourage the promotion of the Aarhus Convention in the country.

UKRAINE: Focus on Article 5 regarding collection and dissemination of environmental information to see what countries are gathering, compare who does what and how and push each other to do better

3. WHAT COULD BE THE FIRST TWO OR THREE STEPS YOUR GOVERNMENT SHOULD/COULD TAKE TO BROADEN THE SCOPE OF INFORMATION AVAILABLE FOR PUBLIC?

GREECE: Enhancing dialogue between government officials and civil society on national priorities and needs

HUNGARY: Open a new website called Environmental Information. Organise and put all data there with an easy access and a good server background. Make a mobile app for citizens for monitoring and receiving data from the public. Start a campaign on citizens consciousness and the role of environmental data in decision-making for SDG

KAZAKHSTAN: Governments should provide access to information regarding data of verification and monitoring of production of building and other materials and goods and products for presence of dangerous toxic substances such as mercury, lead, pesticides and others. Also, the state must guarantee access to information not in words but in deeds.

MOLDOVA: to establish environmental data registers with regulations on management and access and to establish non-discriminative stakeholders registers and online active information

UKRAINE: Set clear environmental policy goals (not even proposed in the latest draft of new Environmental Strategy!). Start gathering information about the state of the environment, especially about species populations and environmental health. Go digital about the information they gather already

3. WHAT COULD BE THE FIRST TWO OR THREE STEPS YOUR GOVERNMENT SHOULD/COULD TAKE TO BROADEN THE SCOPE OF INFORMATION AVAILABLE FOR PUBLIC?

RUSSIA: It is necessary to toughen penalties for failure or providing incomplete information on the requests from citizens. More clearly define the content of the information that may be regarded as commercial secrets and intellectual property, as well as to develop mechanisms for the use of such information by the authorities (not just in court). To provide for sanctions in the event of improper classification of information to commercial or state secrets. Place on the internet registers issued by authorities of permits, opinions, expertise and other documents used for approvals, permitting and licensing not only production related but also any economic activity

SPAIN: government should guarantee that public officials respect the law and understand that many kinds of information they have is environmental information. And if they are not environmental authority does not mean that they do not have in their hands environmental information. Capacity building for public officials was to take place according to the law but it seems very little has happened

UZBEKISTAN: According to the law "On the openness of governmental authorities and administration" state agencies have to create websites where information on their activities is posted. But they also need to organise press conferences for the media to inform the public and population. Need information on how the law is implemented in practice

SOME GENERAL REMARKS AND CONCLUSIONS

WHAT NEEDS MORE DISCLOSURE

- Access to land use documents (restricted in many countries) . Difficult and expensive to get cartographic information (maps).
- Access to emissions/discharges statistics data - access only to general information (e.g. total of SOx emitted per year)
- Other than MoE authorities are not familiar with providing info which is considered environmental (for example, Hydrometeorological services)
- Environmental monitoring data (air quality, water quality, soil quality etc.). Monitoring data are not available – need to create a publicly accessible electronic databases
- EIA documentation
- Primary statistical data
- Documentation for licensing and permitting process (applications, comments received, draft and final texts etc.)

SOME GENERAL REMARKS AND CONCLUSIONS

WHAT NEEDS MORE DISCLOSURE

- Pollutant releases and transfers (inputs and outputs, releases and transfers of substances and products, water, energy and resource use, on- and off-site transfers, disposal sites etc.)
- Information about hazardous substances and wastes
- Product information (origins of the product, its contents, effects of the product's contents, impact on health and or/environment etc.)
- Data from different departments/agencies etc.
- Sharing databases (and access) related to cross-border matters (rivers, seas etc.)
- Access to information on the results of environmental monitoring (inspections) of previous years (archived information)
- Information about activities of Transnational Corporations

- Greater disclosure of environmental information is not a wish or desire

IT IS AN ABSOLUTE NECESSITY

and we are looking forward to this Task Force
to take up this challenge

SURVEY PARTICIPANTS:

Emilia LIASKA - Hellenic Society for the Protection of the Environment and the Cultural Heritage – GREECE

Csaba KISS – EMLA – HUNGARY

Lydia ASTANINA – “Greenwomen” Analytical Environmental Agency – KAZAKHSTAN

Sergey KURATOV – Green Salvation – KAZAKHSTAN

Ilya TROMBITSKY – Eco-Tiras – MOLDOVA

Elena VASILYEVA – Volgograd Eco-Press – RUSSIA

Ana BAREIRA – IIDMA - SPAIN

Andriy ANDRUSEVYCH – RACSE - UKRAINE

THANK YOU!

FOR MORE INFORMATION, PLEASE CONTACT

MARA SILINA

CO-CHAIR EUROPEAN ECO FORUM

mara.silina@eco-forum.org