



agreed through informal silence procedure on 23 September 2020

Aarhus Convention

Revised draft of the updated Recommendations on electronic tools

- Comments by the EU and its Member States -

The EU and its Member States would like to thank the Chair of the Task Force on Access to Information and the Secretariat for preparing the revised draft of the updated Recommendations on electronic tools and we welcome the invitation to participate in the third round of consultations (July to September 2020).

We support the revised draft in principle as this document takes into account to a broad extent comments made by stakeholders in the previous consultation rounds and meetings of the Task Force. The revised draft will strengthen the recommendations and meet the expectations as set up in decision VI/1.

Therefore, aiming at strengthening the revised draft even more, the EU and its Member States have only few comments as follows:

1. Currently the document differentiates between the wording “making accessible information progressively” in para. 20 (d) and para 20 (e) and furthermore the wording “to the extent feasible and appropriate” in para. 20 (e). In view of the current situation and our common ambition level on digitalization, a more ambitious wording would be justified, bearing in mind that these are non-binding recommendations and not a legally binding instrument. Therefore we propose

- to phrase para. 20 (d) as follows:

“(d) The following types of information are made publicly accessible, in a timely manner, through the Internet, preferably through a one-stop web access point:”

- to phrase para. 20 (e) as follows:

“(e) The following types of information are made publicly accessible, in a timely manner, through the Internet, preferably through a one-stop web access point:”

- Furthermore, this would allow to merge para. 20 (d) and (e) into a single subsection.
- As follow-up the reference in para. 21 to the term “progressively” concerning para. 20 (d) and (e) is not needed anymore and should be deleted.

2. On Annex, Part IV, para. 22, - “22. Environmental information can be disseminated to the public using various electronic information tools, as appropriate, including...”:

There’s a substantive listing of techniques, however we consider that it two more should be added:

- **“Micro services architectures”** to communicate data to the public using technology-agnostic protocols;
- **“Digital Twins and Augmented reality”** digital replicas are very efficient tools to disseminate environmental information.

In the Annex to this document the proposed amendments are included in the context of the revised draft.

Economic Commission for Europe

Meeting of the Parties to the Convention on
Access to Information, Public Participation
in Decision-making and Access to Justice
in Environmental Matters

Working Group of the Parties

Twenty-fourth meeting

Geneva, 1–3 July 2020

Item 3 (b) of the provisional agenda

Substantive issues: access to information

**Draft updated Recommendations on the more effective
use of electronic information tools***

Prepared by the Chair of the Task Force on Access to Information

EU + MS COMMENTS

(23 September 2020)

Summary

The present document was prepared under the auspices of the Task Force on Access to Information pursuant to decision VI/1 on promoting effective access to information (ECE/MP.PP/2017/2/Add.1, para. 13 (b) (i)), adopted by the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) at its sixth session (Budva, Montenegro, 11–14 September 2017). Through this decision, the Meeting of the Parties requested the Task Force on Access to Information to update the Recommendations on the more effective use of electronic information tools to provide public access to environmental information set out in decision II/3 on electronic information tools and the clearing-house mechanism (see ECE/MP.PP/2005/2/Add.4, annex).

The document is based on the outcomes of the consultation on the update of the Recommendations in advance of the sixth meeting of the Task Force on Access to Information (Geneva, 3 and 4 October 2020), comments received at the meeting and follow-up consultation in advance of the twenty-fourth meeting of the Working Group of the Parties to the Convention.

* Preparation of the present document was supported by a consultant with expertise in electronic information tools commissioned by the Convention secretariat.

...

III. Priority types of information and its accessibility

20. Ensure, where necessary through the introduction of appropriate legislative or regulatory measures, that, subject to article 5 (10) of the Convention:

(a) Public access to environmental information is provided in electronic form and made available through the Internet, so that information required to be publicly available under the Convention is provided in electronic form where so requested and where the information exists in that form or can be readily converted to that form at reasonable cost;

(b) Documentation which is required to be drawn up and/or submitted in the context of decision-making procedures in environmental matters that are subject to the provisions of articles 6, 7 and 8 of the Convention is required to be provided in electronic form and is progressively made accessible to the public through the Internet;

(c) A nationwide digital environmental information system supports public access to real-time and other dynamic and historical, up-to-date, accurate and quality-controlled, comprehensive, standardized and functional environmental information and this information is made discoverable and accessible through the Internet in forms and formats meeting the needs of different users;

(d) The following types of information **are made** publicly accessible, in a timely manner, through the Internet, preferably through a one-stop web access point:

- (i) Reports on the state of the environment;¹
- (ii) Texts, including consolidated versions, of legislation, regulations, rules and other legally binding instruments relating to the environment and their drafts;²
- (iii) Texts, including consolidated versions, of policies, plans and programmes relating to the environment, and environmental agreements and their drafts;³
- (iv) International treaties, conventions and agreements on environmental issues, decisions and reports relevant to their implementation and compliance at the national/state level, including findings and recommendations of the Convention's Compliance Committee concerning the Party in question, and environmental performance reviews conducted upon request of the country;⁴
- (v) Data on releases and transfers of pollutants within the scope of the Convention;⁵

Gelöscht: progressively become

¹ Aarhus Convention, art. 5 (3) (a) and (4).

² Ibid., arts. 5 (3) (b) and (5) (a) and 8 (b).

³ Ibid., art. 5 (3) (c) and (5) (a).

⁴ Ibid., art. 5 (5) (b) and (c); and the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums (ECE/MP.PP/2005/2/Add.5, annex).

⁵ Aarhus Convention, art. 5 (9).

(vi) Documentation related to environmental impact assessments, state ecological expertise, licensing or permitting processes subject to the provisions of article 6 of the Convention (for example, public notices, applications, risk assessment and other studies, all other relevant documentation, comments of third parties, draft and final decisions and attached conditions) where it is held in, or can be readily converted to, electronic form. Where it is not available in electronic form and cannot be converted to electronic form at reasonable cost, a reference to where such documentation can be accessed;⁶

(vii) Documentation related to strategic environmental assessment or other processes of preparing plans, programmes or policies relating to the environment subject to the provisions of article 7 of the Convention (for example, public notices, all other relevant documentation, including risk assessment and other studies, economic analysis and assumptions, comments of third parties, draft and final decisions) where it is held in or can be readily converted to electronic form. Where it is not available in electronic form and cannot be converted to electronic form at reasonable cost, a reference to where such documentation can be accessed;⁷

(viii) All information which could enable the public to take measures to prevent or mitigate harm arising from an imminent threat to human health or the environment, whether caused by human activities or due to natural causes;⁸

(ix) Information on mechanisms related to access to justice, and decisions and reports of courts, information commissioners, Ombudsmen and other national human rights institutions and review bodies related to environmental matters;⁹

(e) The following types of information are made publicly accessible, in a timely manner, through the Internet, preferably through a one-stop web access point:

(i) Environmental monitoring data¹⁰ held by or on behalf of public authorities, including spatially attributed historical and dynamic data, both primary and processed, regarding quality and pollution of air, soil, water and other elements of the environment;

(ii) Other environmental information, such as big data or space-based data, and data contained in electronic databases, registers, cadastres and inventories;¹¹

(iii) Product-specific data and information, such as those on material and energy efficiency, toxicity, material composition, durability, repairability and recycling, to enable consumers as well as other actors in value chains (for example, market surveillance and waste management) to improve their environmental performance;¹² cooperation with the private sector being essential in ensuring provision of this information. Examples include product databases, digital product passports, eco-labelling, energy efficiency and eco-auditing schemes and environmental product declarations;

Gelöscht: To the extent feasible and appropriate, t

Gelöscht: progressively become

⁶ Ibid., arts. 5 (3) (d) and 6.

⁷ Ibid., arts. 5 (3) (d) and 7.

⁸ Ibid., art. 5 (1) (c).

⁹ Ibid., art. 9, in particular (4) and (5).

¹⁰ Ibid., art. 5 (2) (b) and (c), (3) (d), (7) (a) and (9).

¹¹ Ibid., article 5 (2) (b) and (c), (3) (d), (7) (a) and (9).

¹² Ibid., art. 5 (6) and (8).

(iv) Good practice information and guidelines on better environmental management, sustainable consumption and production, best available techniques, green procurement, green and circular economy and sustainable development;¹³

(v) Environmental monitoring, pollution, waste-related and other environmental data and information crowdsourced by a public authority, obtained with the use of public funds or supplied to the public authority by a third party;¹⁴

(vi) Information on environmental enforcement and compliance;¹⁵

(vii) Information on funded environmental projects, including international projects, revenues and expenditures of environment-related funds, public procurement and other public records on the performance of public functions or the provision of public services relating to the environment by government at all levels;¹⁶

(viii) Standardized metadata so that the data source, date of its production and update, restrictions, production, verification and validation methods, processes, legal obligations, and context of data and information collection and management are transparent, allow data discoverability and mining, machine-to-machine communication, use and reuse (see also chapter IV of the addendum to the present document);¹⁷

(ix) Metainformation, including catalogues of data sources and details of the scope of information held by public authorities and mechanisms for the provision of access to environmental information;¹⁸

(f) The report on the state of the environment,¹⁹ to be published and disseminated in accordance with article 5 (4) of the Convention, and to include information on the quality of the environment and information on pressures on the environment, should be based on national/state environmental indicators and on the relevant indicators of Sustainable Development Goals, or on environmental indicators agreed under ECE²⁰ or under other international processes. The report should provide references to underlying data sets from a nationwide pollutant release and transfer register and other sources, as appropriate. The report should be prepared through an inclusive consultation process with all interested members of the public and other stakeholders;

(g) Ensure that summaries and press releases relating to the information listed in subparagraphs (d)–(f) above provide a reference to the sources where these underlying data and information can be traced and accessed by the public;

¹³ Ibid., art. 5 (7) (b).

¹⁴ Ibid., art. 5 (1) (b) and (9).

¹⁵ Ibid., arts. 5 (7) (c) and 9 (3).

¹⁶ Ibid., art. 5 (2) (b) and (c), (3) (d), (7) (c) and (9).

¹⁷ Ibid., art. 5 (2) (b) and (c), (3) and (9).

¹⁸ Ibid., art. 5 (2).

¹⁹ Ibid., art. 5 (3) (a) and (4).

²⁰ http://www.unece.org/env/europe/monitoring/iandr_en.html .

(h) Open licences should be issued to promote the use and reuse of environmental information. However, in some cases justified by a public interest objective, a licence may be issued imposing conditions on the reuse by the licensee dealing with issues such as liability, the protection of personal data, the proper use of documents, guaranteeing non-alteration and the acknowledgement of source. If public authorities license environmental information for reuse, the licence conditions should be objective, proportionate and non-discriminatory and in accordance with articles 4–8 of the Convention;

21. The term ‘progressively’ in article 5 (3) of the Convention ~~should imply~~ demonstrable progress with regard to the following parameters:

- (a) The proportion of members of the public that have electronic access;
- (b) The scope and quality of information that is electronically accessible;
- (c) The quality of electronic access;
- (d) The level of understanding of user needs;
- (e) The extent to which user needs are being met;

and that such progress should be communicated to the public, including through the report on the state of the environment;

Gelöscht: and in paragraph 20 (d) and (e) above

IV. Tools and infrastructure

22. Environmental information can be disseminated to the public using various electronic information tools, as appropriate, including:

- (a) Websites of public authorities performing public functions, or providing public services related to the environment at the national, subnational and local levels;
- (b) Single one-stop web access point (hereinafter – environmental portal) for environmental information, including types of information listed in section III above;²¹
- (c) Open Data portal;
- (d) General government or e-government portal;
- (e) Portals of other key providers of information as relevant with respect to legislation, case law, law-making, justice and other legal, policy and public records information;
- (f) Widgets;
- (g) Mobile applications;
- (h) Social media and online media;
- (i) Email alerts;
- (j) Tools to access environmental information through bar-code or quick-response (QR)-code scanning;
- (k) Tools to access environmental information through touch-tone dialling;
- (l) Short message services (SMS) and mobile messaging applications, including chatbots;
- (m) Public electronic information kiosks;

²¹

See ECE/MP.PP/2017/2/Add.1, decision VI/1, para. 3.

(n) Telephone hotline;

(o) Television teletext;²²

(p) Micro services architectures;

(q) Digital Twins and Augmented reality;

23. ...

²²

Aarhus Convention, art. 5 (3).