

## QUESTIONNAIRE FOR CONSULTATION PROCESS ON ISSUES ADDRESSED BY THE AARHUS CONVENTION'S ALMATY GUIDELINES

The aim of this questionnaire is to elicit the views of international forums on the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums, in a context of exchange of experience between international [forums/fora](#) on access to information, public participation in decision-making and access to justice on environmental matters.

1. Please provide any comments on the Guidelines, in view of your forum's own processes, activities and particular characteristics. [These have been included in mark-up text in the document.](#)
2. Does your forum have any formalized rules or procedures concerning access to information, public participation in decision-making, and access to justice in environmental matters? If yes, please provide an overview.  
[Yes, the European Bank for Reconstruction and Development \(EBRD\) has an Environmental Policy \(2003\) with significant commitments on public consultation and information disclosure, particularly associated with projects that require an environmental impact assessment. Annex 2 of the Environmental Policy is on Public Consultation. The Bank also has a Public Information Policy which identifies information disclosure, principles of transparency, and definition of confidentiality and commits to certain information release on the EBRD website \(www.ebrd.com\) and from the Publications Office and Resident Offices. Public comments are sought on most draft Bank policies and strategies and issues of translation are also dealt with in the Public Information Policy. Copies of the relevant policies are attached. The Bank also has an Independent Recourse Mechanism \(IRM\) by which local people who believe they have been harmed by a project financed by the EBRD can complain 1\) that the Bank did not follow its own policies \(e.g., Environmental Policy\) or 2\) that that they want assistance in resolving the problem \(e.g., the IRM playing a role in re-establishing communication between the aggrieved parties and the project proponent.](#)  
[In its Environmental Policy, the EBRD acknowledges and supports the principles of international conventions, such as the Aarhus Convention and Espoo Convention.](#)
3. Does your forum have any non-formalized practices concerning access to information, public participation in decision-making and access to justice in environmental matters? If yes, please provide an overview.  
[Yes, EBRD also has procedures and guidance notes on scoping, for disclosing information and on developing Public Consultation and Disclosure Plans.](#)
4. Are there any current or future work plans of your forum that may affect the extent of or modalities for access to information, public participation in decision-making and access to justice in environmental matters? If yes, please provide an overview.  
[Yes, EBRD is beginning a review of its 2003 Environmental Policy and this is likely to lead into a revision of the Policy in 2007. The review and revision will be undertaken in consultation with governments, institutions, NGOs, and the public. A consultation plan is being prepared.](#)
5. In particular, what kind of challenges, if any, has your forum encountered with regard to access to information, public participation in decision-making and access to justice in environmental matters (for example, low involvement of civil society, or practical difficulties in managing public participation)? If appropriate, please provide a description underlining

those experiences you think could be most useful to consider when reviewing the relevance and practicality of the Almaty guidelines.

- Challenges involve the identification of stakeholders affected by a project—and not just NGOs who self-select participation. Affected stakeholders may be reticent to participate, and may not be aware of processes—and so it is critical that adequate resources are spent on identifying them and agreeing a communication process by which they can provide comments. It is often unclear who NGOs “represent”, and they often are focused on a few issues instead of a larger context.
- When EBRD revises a country or sector strategy—quite often the number of comments received is only from a handful of people. While some NGOs prepare detailed reports on their expectations, there is not significant input from a larger stakeholder group.
- It is possible that the development banks’ policies enable participation on specific projects, but that does not provide capacity building in the country for appropriate legislation to secure stakeholder input. This is a particular issue for institutions that do project finance and not policy development.
- The majority of input EBRD receives is from the international NGO community, and not from local groups; however, the number of national NGOs from EBRD’s region of operations that attend our Annual Meeting is good. - [We focus on gradually enhancing our interaction with local organisations.]
- The Almaty Guidelines should encourage transparency in policy and strategy development of the institution and on *Public Consultation*—but we should not be told to conduct *Public Participation*—as we do not have the ability to provide the public with a decision-making role. This would be the remit of the relevant government to provide rights. We can only take comments into account, but it is the decision of our Board of Directors with regard to final decisions.
- The focus of NGOs on EBRD are with regard to environment, and recently, a growing list of social issues, such as worker protection, human rights, and indigenous peoples. A wider range of NGOs is needed to balance the comments coming in from “the public” when they are often comments coming in on environment from one group. [We also engage with business organisations and groups which provide microfinance lending.]

Please note that the term “the public” is used throughout the questionnaire to mean one or more natural and legal persons, including non-governmental organizations.

Answering the questionnaire may require selection of a limited number of elements amongst what is often a complex field of rules and practice. To support or complement your answer, please feel free to provide existing relevant documentation about your forum.

The questions have been formulated in a broad manner so that each forum can approach the subject on the basis of its own views and experience. More specific indications of points that may be relevant to the consultation are provided by the Almaty Guidelines themselves.

Responses should be sent in writing to the Aarhus Convention Secretariat, Environment, Housing and Land Management Division, United Nations Economic Commission for Europe, Bureau 332, Palais des Nations, CH-1211 Geneva 10, Switzerland, fax: +41 22 917 0634, email: public.participation@unece.org.

Finally, please note that the deadline for responses to the questionnaire is 17 September 2006.

**Thank you for your kind cooperation!**

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## 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

### REPORT OF THE SECOND MEETING OF THE PARTIES

#### Addendum

#### DECISION II/4

### PROMOTING THE APPLICATION OF THE PRINCIPLES OF THE AARHUS CONVENTION IN INTERNATIONAL [FORUMSFORA](#)

adopted at the second meeting of the Parties  
held in Almaty, Kazakhstan, on 25-27 May 2005

Recalling principle 10 of the Rio Declaration on Environment and Development, which states, inter alia, that environmental issues are best handled with the participation of all concerned citizens, at the relevant level,

Recalling also article 3, paragraph 7, of the Convention, which requires each Party to promote the application of the principles of the Convention in international environmental decision-making processes and within the framework of international organizations in matters relating to the environment, and paragraph 31 of the Lucca Declaration, in which Parties, Signatories and other States and stakeholders recognized the need for guidance on the implementation of this provision of the Convention,

Further recalling the work undertaken by a group of experts and by the Working Group of the Parties on the subject of public participation in international [forumsfora](#), including the preparation of draft guidelines,

Believing that such guidelines would assist Parties in fulfilling their obligations under the Convention and may be of value to Signatories and other interested States not party to the Convention, as well as to international [forumsfora](#), including their secretariats, and nongovernmental organizations,

Underlining the importance of wide consultation regarding the application of such guidelines,

#### The Meeting of the Parties

1. Adopts the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International [ForumsFora](#) as annexed to this decision, recommends their application by all Parties on the understanding that the Guidelines will be reviewed and, if appropriate, amended by the Parties at their third ordinary meeting, in accordance with the procedures set out in this decision, and recognizes that Parties may take a phased approach to the application of the Guidelines, with special emphasis being given to UNECE environmental treaties;
2. Invites Signatories and other interested States to take the concepts reflected in the Guidelines into consideration and to apply them as appropriate;
3. Invites international [forumsfora](#) within the scope of these Guidelines, including their secretariats, to take into account the principles of the Convention as reflected in these Guidelines and to consider how their own processes might further the application of these Guidelines;
4. Invites non-governmental organizations and other relevant actors to support the application of these Guidelines and to consider how their own processes and activities might further that application;

5. Establishes a task force to enter into consultations regarding the Guidelines with the relevant international [forumsfora](#) within the scope of these Guidelines;
6. Requests the task force, with the assistance of the secretariat, to:
  - (a) Submit to the next meeting of the Working Group of the Parties a proposed plan of consultation, including a list of the international [forumsfora](#) to be consulted, the modalities of the consultation and a time schedule, having regard to the internal procedures of these [forumsfora](#);
  - (b) Carry out the consultation process as decided by the Working Group and report on its progress to each meeting of the Working Group; and
  - (c) Prepare a report on the outcome of the consultations for consideration by the Working Group;
7. Invites Parties, Signatories, other interested States, non-governmental organizations, interested international [forumsfora](#) and other relevant actors to submit to the secretariat comments relating to their experience regarding the application of the Guidelines for consideration by the task force;
8. Requests the Working Group of the Parties, based on its consideration of the outcome of the consultations and experiences regarding the application of the Guidelines, to review the Guidelines and make recommendations, as appropriate, for consideration by the Parties at their third ordinary meeting.
9. Welcomes the offer of France to lead the Task Force.

## Annex

# ALMATY GUIDELINES ON PROMOTING THE APPLICATION OF THE PRINCIPLES OF THE AARHUS CONVENTION IN INTERNATIONAL FORUMSFORA

## I. PURPOSE AND SCOPE

1. The primary purpose of these Guidelines is to provide general guidance to Parties on promoting the application of the principles of the Convention in international [forumsfora](#) in matters relating to the environment. In order to meet the Convention's objective effectively, Parties should seek to apply these Guidelines to the extent appropriate in the light of reasonable considerations such as the institutional integrity and particular characteristics of each international forum concerned, its procedures and decision-making processes, and the nature and availability of its resources. The level and the extent of application of these Guidelines will depend on the specific rules and composition of each international forum concerned.
2. These Guidelines are intended to provide guidance to Parties in the context of:
  - (a) The development, modification and application of relevant rules and practices applied within international [forumsfora](#) (e.g. rules of procedure covering issues such as transparency, accreditation, [applied strategy and policies that affect environment, safety, social issues, communication within a specific sector or geographical area](#), etc.); and
  - (b) The treatment of relevant substantive issues within those [forumsfora](#).
3. These Guidelines may also serve as a source of inspiration to Signatories and other interested States, as well as to multilateral environmental agreements (MEAs) and other international [forumsfora](#), non-governmental organizations and other members of the public having an interest in promoting the application of the principles of the Convention in international [forumsfora](#).
4. These Guidelines relate to international [forumsfora](#), including:
  - (a) The negotiation and implementation at the international level of MEAs, including decisions and actions taken under their auspices;
  - (b) The negotiation and implementation at the international level of other relevant agreements, if decisions or actions undertaken at that level pursuant to such agreements relate to the environment or may have a significant effect on the environment;
  - (c) Intergovernmental conferences focusing on the environment or having a strong environmental component, and their respective preparatory and follow-up processes at the international level; [\[Note: There may be an over-emphasis on international conferences in this document—they are only one type of communication, and not a primary one for providing rights of access to information, decision-making or justice.\]](#)
  - (d) International environmental and development policy [forumsfora](#); and
  - (e) Decision-making processes within the framework of other international organizations in matters [relating that may be relevant](#) to the environment, [such as applied policies and strategies relevant to sector development or geographical areas](#). [\[Note: it may not just be on environmental documentation—it could be an energy policy, or the Balkan Stability Pact, or some other regional initiative where environment needs to be taken into consideration. The wording of the Guidelines should be generic enough so that people affected by the various decision-making processes can have input—regardless of whether the word 'environment' is in the title.\]](#)
5. These Guidelines relate to all international stages of any relevant decision-making process in matters relating to the environment [or that may have an impact on the environment](#).
6. These Guidelines are intended, through their application, to positively influence the way in which international access is secured in international [forumsfora](#) in which Parties to the Convention participate.

## II. DEFINITIONS

7. For the purposes of these Guidelines, ‘Aarhus Convention’ and ‘the Convention’ mean the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.
8. For the purposes of these Guidelines, the terms ‘Party’, ‘environmental information’, ‘the public’ and ‘the public concerned’ shall be understood mutatis mutandis as defined in article 2, paragraphs 1, 3, 4 and 5, of the Convention.<sup>1</sup>
9. For the purposes of these Guidelines, ‘international forum’ means any multilateral international environmental decision-making process, or any multilateral international organization when dealing with matters relating to the environment, as illustrated in paragraph 4. This does not include any regional economic integration organization or [forumsfora](#) exclusively comprising all member States of a regional economic integration organization.
10. For the purposes of these Guidelines, ‘international access’ means public access to international [forumsfora](#) in accordance with these Guidelines.

## III. GENERAL CONSIDERATIONS

11. Access to information, public participation and access to justice in environmental matters are fundamental elements of good governance at all levels and essential for sustainability.
12. Providing international access opportunities in environmental matters, and establishing and strengthening procedures that enable the taking of these opportunities, generally improves the quality of decision-making and the implementation of decisions.
13. There may be a need to adapt and structure international processes and mechanisms in order to [identify affected stakeholders and](#) ensure meaningful and equitable ~~international~~ access [for them to information that may have an impact on the environment. In addition, other stakeholders who are not directly affected, may have an interest in the information, and this also should be accommodated wherever possible.](#)
14. In any structuring of international access, care should be taken to make or keep the processes open, in principle, to the public at large, [but particularly designed in a way that the affected stakeholders can participate.](#) [\[Note: international organisations develop policies for investment in developing countries—and design communication programmes that are easy for international NGOs to participate—but less often, for the people in the country actually affected to participate. The mechanisms selected, such as internet access, e-mail comment, may not be appropriate for the affected public.\]](#)
15. Where members of the public have differentiated capacity, resources, socio-cultural circumstances or economic or political influence, special measures should be taken to ensure a balanced and equitable process. Processes and mechanisms for international access should be designed to promote transparency, minimize inequality, avoid the exercise of undue economic or political influence, and facilitate the participation of those constituencies that are most directly affected and might not have the means for participation without encouragement and support.
16. International access should be provided without discrimination on the basis of citizenship, nationality or domicile. In the case of a legal person, international access should be provided without discrimination as to where it has its registered seat or an effective centre of its activities.
17. Capacity-building may be important to facilitate international access for the public concerned, in particular NGOs promoting environmental protection, and especially in developing countries and in countries with economies in transition.
18. Enhancing international access may imply investment of resources. If necessary, resources should, in relevant cases, be made available in the appropriate form and according to modalities

to be agreed upon in each international forum concerned, in order to facilitate meaningful and equitable international access.

[Note: Some sort of recognition of how institutions work would be welcomed. The document currently does not focus on the opportunities associated with organisations and institutions, but instead tries to put them in the Parties format, which does not always work.]

Organisations/institutions often have internal and external policies, strategies, grievance/accountability mechanisms, some of which may have associated or direct environmental issues. Decisions are made by a managerial structure or board of directors, which are held accountable to their shareholders (which vary per institution.) Organisations/institutions have to deal with matters of confidentiality and documentation belonging to third parties, provided under some restrictions. They often have events with stakeholders, such as annual meetings, and they make decisions on external documentation and reporting. All of these issues have a potential public dimension, particularly for those organisations/institutions supported by public funds. While the structure of the Almaty Guidelines is directed at “International Fora”, it perhaps does not take advantage of the potential influence in relevant aspects of organisations and institutions which might be considerable in applying some of the principles (although restricted by structure on applying the letter) of the Aarhus Convention. There is not enough separation in the Guidelines on what applies to an international conference on environment, and to a multilateral organisation whose actions affect environment.]

#### IV. ACCESS TO ENVIRONMENTAL INFORMATION

19. Each Party should encourage international forums/fora to develop and make available to the public a clear and transparent set of policies and procedures on access to the environmental information that they hold-originate in order to make access by the public more consistent and reliable. [Note: there needs to be differentiation between information held by an institution and information generated by that institution. We have control over information we generate. We cannot make the same promises regarding release of information with regard to information submitted to us by third parties, for example, private sector project sponsors. This information does not belong to us and is submitted under confidentiality agreements in most cases. The word “hold” implies that this would apply to any material in our possession, and thus the need for some distinction in ownership of information.] Such policies and procedures should enhance and facilitate both accessibility and understanding of the relevant information.

20. Environmental information contained in all official documents developed and produced within each international forum should be made available to the public through the Internet, or through other appropriate means, in a timely manner, subject to the relevant rules of each individual forum and with due regard for paragraph 25.

21. The availability of appropriate technical means for effectively rendering information accessible to the public free of charge using electronic information tools such as clearing houses, interactive databases and registers should be promoted. Where appropriate, live webcasting of events and alternative methods to reach a broader public should be considered. Consideration should be given to method of release to reach the interested public, taking into account new technologies and methodologies. [Note—We would suggest not specifying “webcasting”, but make it more general—to consider different technologies that may be useful. The key issue is whether or not they are reaching first, the affected public, and secondly, the interested public. The first category may not have as high tech access as the second category of people. In the transition countries, for example, access to this technology may be non-existent or extremely limited.]

22. Environmental information should be provided proactively, in a meaningful, accessible form, including, as appropriate, in the official languages of the concerned international forum, so that access to information may translate into an increase in knowledge and understanding. The

designation of information officers or contact persons in international [forumsfora](#) will facilitate the flow of information to the public and should be promoted.

23. Subject to the following paragraphs of this chapter, any member of the public should have access to environmental information developed and held in any international forum upon request, without having to state an interest.

24. When environmental information is [reasonably](#) requested by a member of the public, it should be provided as soon as possible following the request, and subject to an appropriate time limit, recalling that the time limit under the Convention is one month. [Note: We suggest that there should be a ‘reasonableness test’ associated with requests. We frequently get requests phrased ‘Give me all your information on projects in (specific country).’ This is not specific enough request to be manageable—a country may have hundreds of projects, etc. and the resources needed to accommodate such a request are unreasonable.]

25. Requests for environmental information should be permitted to be refused only on the basis of specific grounds for refusal, taking into account the relevant provisions of the Convention, including the requirement that grounds for refusal should be interpreted in a restrictive way, taking into account the public interest in disclosure. [Note: this may differ slightly for institutions, which are talking about information that is in the public interest to make transparent—whereas for Parties under the Convention—you are talking about people’s inherent rights to information held by their government. Some differentiation may be in order here—or simply specify that...] Institutions should clearly state they types of information that will not be released and definitions of confidentiality in a publicly available policy (e.g., personnel information, commercially confidential information, etc.).

26. A refusal of a request, in whole or in part, should be in writing if the request was in writing or the applicant so requests and should state reasons for the refusal and give information on access to any review procedure referred to in paragraph 40.

27. Environmental information should be provided in the form requested if it exists in that form. The availability of information free of charge or, at most, at a reasonable charge should be promoted. If there is a charge, a schedule of charges should be available to the public.

## V. PUBLIC PARTICIPATION IN DECISION-MAKING ON ENVIRONMENTAL MATTERS

28. Public participation generally contributes to the quality of decision-making on environmental matters in international [forumsfora](#) by bringing different opinions and expertise to the process and increasing transparency and accountability. The forms of participation might vary according to the nature and phase of the process, and the format of the meeting. Efforts should be made to proactively seek the participation of relevant actors, in a transparent, consultative manner, appropriate to the nature of the forum.

29. Participation of the public concerned in the meetings of international [forumsfora](#), including their subsidiary bodies and other groups established by the [forumsfora](#) to contribute to the decisionmaking, in matters relating to the environment should be allowed at all relevant stages of the decision-making process, unless there is a reasonable basis to exclude such participation according to transparent and clearly stated standards that are made available, if possible, in advance.

30. Participation of the public concerned should be as broad as possible. In an international context, relevant stakeholders may include:

- (a) The members of the public who are, or are likely to be, most directly affected;
- (b) Representatives of public-interest organizations, such as environmental [citizens’](#) organizations; and

(c) Representatives of other interests that might cause, contribute to, be affected by or be in a position to alleviate the problems under discussion.

[Note: 'Environment' is just one aspect of often complex issues and impacts, and Conventions are sometimes unclear on scope that should be covered. The Espoo Convention, for example, includes health impacts, whereas Aarhus Convention talks of environmental information without specifying health-related information regarding impacts can be caused by exposure to environmental factors.]

While we appreciate the focus and principles of public right to environmental information, in our experience, environment is often a cross-cutting issue and this creates a difference of expectations on what information is necessary to be in the public domain. Additionally, without pushing transition countries to adopt overall citizens' rights to information and particularly for those affected by a proposed decision—people's rights are being codified under environmental law, instead of a more general right under constitutional law. The public then forces concerns about proposed projects, for example on zoning or privatisation, into an environmental concern, because a public meeting on environment is their only opportunity to voice a concern about the project generally, no matter what their concern regards. It is not likely the intent of UNECE to use environment in this way.]

31. While an international forum, or a process within it, should in principle be open to the participation of the public, the number of members of the public concerned participating in the meetings may be restricted if this is necessary and unavoidable for practical reasons. Any such restriction should take account of the nature and phase of the decision-making process and the form of participation sought, and should aim at ensuring the quality, efficiency and expediency of the decision-making process. Where they are applied, accreditation or selection procedures should be based on clear and objective criteria, and the public should be informed accordingly. Such procedures should be transparent, fair, timely, accountable and accessible, and aimed at securing meaningful and equitable participation, while avoiding excessive formalization. Selection criteria may include field of expertise, representation in geographic, sectoral, professional and other relevant contexts, and knowledge of the working language, having due regard for paragraphs 17 and 18.

32. The international processes should benefit from public participation from an early stage, including, at the international level, the negotiation and application of conventions; the preparation, formulation and implementation of decisions; and substantive preparation of events.

33. Effective participation of the public concerned may be ensured through a variety of forms, depending on different factors, such as the type of international forum concerned and the nature and phase of the decision-making process. Such forms could include, at meetings in international [forums fora](#), observer status, advisory committees open to relevant stakeholders, [forums fora](#) and dialogues open to members of the public and webcasting of events, as well as general calls for comments.

34. Subject to the more specific guidance contained in other relevant paragraphs, the participation of the public concerned should include, at meetings in international [forums fora](#), the entitlement to have access to all documents relevant to the decision-making process produced for the meetings, to circulate written statements and to speak at meetings, without prejudice to the ability of international [forums fora](#) to prioritize their business and apply their rules of procedure.

35. Public participation procedures in international [forums fora](#) should include reasonable time frames for the different stages, allowing sufficient time for informing the public and for the public concerned to prepare and participate effectively during the decision-making process. The timing of the opportunities to participate should be compatible with those pertaining to public access to the relevant documents, in order to facilitate informed public participation. The opportunity to participate in a given international decision-making process should be provided at a stage when options are still open and effective public influence can be exerted.

36. The public should be informed in due time of the opportunities, procedures and criteria for public participation in the decision-making and of the availability of information for the public, such as drafts for comments, final documents, decisions and reports. Such information should be

provided through web sites as well as, if feasible, directly to members of the public concerned having requested to be so notified or having otherwise been identified as in need of direct communication. To preserve the quality of the decision-making process, transparent and clearly stated standards should be set regarding the provision of comments and the public should be informed accordingly.

37. In decisions, due account should be taken of the outcome of public participation. [Note: again, this may be more appropriate phrasing for Parties. For institutions, our boards of directors are not Parties and have not granted the public a specific role in participating in decision-making—only in taking public comments into account, in most cases.] Transparency with respect to the impact of public participation on final decisions should be promoted, through, inter alia, facilitating the public availability of documents submitted by the public.

38. Decision-making processes in international ~~forums-fora~~ are enhanced by the participation of an informed, knowledgeable public, representing diverse constituencies. Measures that would contribute to such participation should be recognized as important and be encouraged. Parties should consider engaging, and relevant organizations and other donors should be invited to engage, in appropriate capacity building activities, taking account of the needs and priorities identified in paragraphs 17 and 18.

39. Noting that traditional arrangements for providing financial support for travel and subsistence costs to facilitate participation in some international ~~forums-fora~~ can be quite costly and thus constrain the number of people who can participate, efforts should be made to apply innovative, cost-efficient and practical approaches which are consistent with good accounting practices with a view to maximizing-allowing full participation, with particular emphasis on affected stakeholders. [Note: We would suggest that the goal is not maximising participation for the sake of large scale initiatives—which have significant resource costs in planning, managing, and implementation. The key is to identify the relevant stakeholders and to ensure full participation for those affected, and as much participation as possible for those who are interested. The goal should not be to just make it as big as possible—but to make it as meaningful as possible.]

## VI. REVIEW PROCEDURES IN ENVIRONMENTAL MATTERS

40. Each Party should encourage the consideration in international forums of measures to facilitate public access to review procedures relating to any application of the rules and standards of each forum regarding access to information and public participation within the scope of these guidelines.

### Notes

- 1 The relevant definitions from article 2 of the Convention are as follows: “For the purposes of this Convention,
  1. ‘Party’ means, unless the text otherwise indicates, a Contracting Party to this Convention;
  2. [...]
  3. ‘Environmental information’ means any information in written, visual, aural, electronic or any other material form on:
    - (a) The state of elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites, 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, by the factors, activities or measures referred to in subparagraph (b) above;
  4. ‘The public’ means one or more natural or legal persons, and, in accordance with national legislation or practice, their associations, organizations or groups;

5. 'The public concerned' means the public affected or likely to be affected by, or having an interest in, the environmental decision-making; for the purposes of this definition, non-governmental organizations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest."

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