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Access to Information, Public Participation
in Decision-making and Access to Justice
in Environmental Matters

Working Group of the Parties

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Item 3 (a) of the provisional agenda

**Note by the Chair of the Task Force on Access to Information on
possible future directions for the work¹**

This note was prepared by the Chair of the Task Force on Access to Information to facilitate preparation of the draft elements of the future work programme by the Bureau at its 37th meeting (Geneva, 25-26 February 2016). The note is expected to assist the Bureau and the Working Group of the Parties in their deliberations on the future work in the area on access to information.

Introduction

1. The majority of the Parties reported on their legislative and regulatory frameworks for implementing the first pillar of the Convention on access to environmental information. Such frameworks differ between Parties striving to balance Freedom of Information, Freedom of Environmental Information and sector-based legislation. While it is widely recognized that processing individual public requests for environmental information is a time- and resource-consuming service by public authorities, there is a shift and policy development towards the collection and production of environmental information in electronic form and the effective dissemination of or providing open access to this information to the public.

2. With uneven but continuously increasing Internet-user penetration, mobile-broadband and fixed broadband subscriptions, use of social media and further advances in information and communication technologies (ICTs), there is increasing public demand for up-to-date, accurate and easy-to-find environmental information of various types, aggregation and quality to be provided through web-based and mobile-based applications. There is also a growing interest in linked, geo-referenced, real-time and ready-to-reuse environmental data and information.

3. The Recommendations² adopted through decision II/3 of the Meeting of the Parties to the Convention in 2005 identified the ways of more effective use of electronic information tools to provide public access to environmental information. Nevertheless, since then dynamic changes in supply and demand of environmental information beyond these Recommendations have required constant monitoring and policy updates by the Parties to the Convention.

¹ This document was not formally edited.

² See [http://www.unece.org/env/pp/mop2/mop2.doc.html/](http://www.unece.org/env/pp/mop2/mop2.doc.html#/) (see document ECE/MP.PP/2005/2/Add.4)

4. While the volume of environmental information, the speed of its production, the number of producers and the dissemination of information are continuously increasing, some challenges in legal, institutional and infrastructure frameworks preclude effective public access to environmental information. These challenges were identified through 2014 national implementation reports, Compliance Committee findings of a systemic nature and a survey assessing the implementation of Recommendations adopted through decision II/3.

5. To address these challenges and monitor new developments, the Task Force provided a valuable platform by bringing together experts from governments, civil society, academia, international forums and other stakeholders to exchange experiences regarding the identified challenges and suggest follow up actions and measures to address them.

The outcomes of the Task Force's work done so far

6. Pursuant to decision V/1 adopted by the Convention's Meeting of the Parties at its fifth session (30 June- 1 July 2014)³, the Task Force addressed a number of issues, produced outcomes through reports, background documents, statements and presentations and identified priorities and follow up actions regarding the following subjects:

- (a) The scope of environmental information and its provision of environmental information by the different public authorities (addressed at its third, fourth and likely fifth meetings):
- (b) Associated costs (addressed at its fourth meeting)
- (c) Quality of information (addressed at its third and fourth meetings)
- (d) Comparability of the environmental information (addressed at its third meeting):
- (e) The application of restrictions on access to environmental information (addressed at its third, fourth and likely fifth meetings):
- (f) Active dissemination of environmental information (addressed at its third, fourth and likely fifth meetings), including through:
 - monitoring and supporting the implementation of the recommendations in decision II/3 and the development of the Shared Environmental Information System across the region;
 - Monitoring technical developments and, where appropriate, contribute to other initiatives relevant to access to environmental information;
- (g) Further development of the Aarhus Clearinghouse for Environmental Democracy and PRTR.net (addressed at fourth and likely fifth meeting).

7. The Task Force also identified a number of global, regional and subregional processes of relevance to the first pillar of the Convention, including 2030 Agenda for Sustainable Development⁴, Shared Environmental Information System in the pan-European Region, E-government, Open Government Data, Data Revolution and Global Geospatial Information Management (including GGIM:Europe and EU INSPIRE Directive)

³ Available from http://www.unece.org/env/pp/aarhus/mop5_docs.html#/

⁴ Target 16.10, which calls for ensuring public access to information in accordance with national legislation and international agreements

initiatives, the Sendai Framework for Disaster Risk Reduction 2015-2030⁵, initiatives to improve environmental monitoring and reporting and EU Directive on Re-use of Public Sector Information.

8. The Task Force strived to position itself as a platform where various international forums dealing with issues related to public access to environmental information (UNECE WGEMA, UNEP, OECD, GEO, WHO, HRC, WTO, and IPCC) could learn the relevant obligations under the Aarhus Convention and match their expertise on the modernization of data policy and electronic information tools in geospatial, statistical and other spheres relating to the environmental matters, and discover complementarities in their work and experience.

Substantive issues suggested to be given particular priority in the next intersessional period

9. The substantive issues to be given particular priorities in the next intersessional period could include:

- (a) Public access to environmental information of particular types with the specific focus on:
 - Access to environment-related product information
 - Access to information on emissions into the environment
 - Access to information in environmental decision-making procedures
- (b) Active dissemination of environmental information with focus on:
 - Update of the Recommendations set out in decision II/3 taking into account the developments in the Shared Environmental Information System, Geospatial Information Management, e-Government, Open Government Data, re-use of public sector information and other relevant initiatives across the region and recent technical developments;
 - Active dissemination to the public all necessary information in case of any imminent threat to human health and the environment.
- (c) Application of restrictions on access to environmental information in accordance with the Convention
- (d) Further development and population of the Aarhus Clearinghouse for Environmental Democracy and PRTR.net
- (e) Any additional issues that might be identified through the synthesis report to be prepared for the sixth session of the Meeting of the Parties to the Convention.

10. The work is to be carried out through Task Force meetings, workshop(s) (i.e. improving access to environment-related product information); surveys and collection of case studies.

11. The Task Force could also explore opportunity to use electronic tools in its work (e.g. wiki; webinars), being aware of their limitations in terms of participation of experts that do not speak English.

12. There are a number of policy issues that would deserve attention of national focal points. It is therefore will be important to discuss them at the level of the Working Group of the Parties.

⁵ Adopted at the Third UN World Conference in Sendai, Japan, on 18 March 2015