

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

Twenty-fourth meeting

Geneva, 1–3 July 2020

Item 3 (b) of the provisional agenda

Substantive issues: Access to Information

Note by the Chair of the Task Force on Access to Information on the possible future directions for the work ¹

This note was prepared by the Chair of the Task Force on Access to Information to facilitate the discussion on the future work in this area and preparation of the draft elements of the future work programme by the Bureau at its 46th meeting (Geneva, 25-26 February 2020) and by the Working Group of the Parties at its 24th meeting (Geneva, 1-3 July 2020).

Introduction

1. Through the latest 2017 national implementation reports, the majority of the Parties reported that they were continuously updating their legislative and regulatory frameworks for implementing the first pillar of the Convention on access to environmental information. Since then, as evidenced by the Task Force's work, further policy and legislative developments were undertaken by a number of Parties to promote open data, new and emerging digital technologies, digital inclusiveness and protection of whistle-blowers. At the same time, the scope of environmental information to be made accessible to the public and the application of restrictions on access to environmental information remained a systemic challenge.

2. Due to the continuous pressure of environmental risks on one hand, and rapid changes in digital technologies and strong call for easy accessible and user-friendly information with the increased demand for data-driven inclusive decision-making on the other, there is a clear need for furthering modernization of environmental information systems. Such modernization will help to harness new digital technologies, revamp state of the environment reporting and improve monitoring of environment-related Sustainable Development Goals. It will also allow to benefit from citizen science and other citizen engagement initiatives. Progress in this area of work remained steady but uneven among the Parties. Enhancing transfer of knowledge and capacity building to advance the necessary changes should therefore continue receiving the priority.

3. Advancing access to environment-related product information continued being also crucially important in the light of Parties' commitments to further green and circular economy, and to promote environmental awareness and behaviour change among consumers.

¹ This document was not formally edited.

The outcomes of the work done so far

4. During the current intersessional period, the activities in this work area are guided by decision VI/1 on promoting effective access to information adopted by the Convention's Meeting of the Parties at its sixth session (Budva, Montenegro, 11–14 September 2017).² Pursuant to this decision, a thematic session on the subject matter was organized during the twenty-second meeting of the Working Group of the Parties to the Aarhus Convention on 19-21 June 2018³ and the sixth meeting of the Task Force on Access to Information back-to back with UNECE – EEA Workshop on Open Data for the Environment were held on 2-4 October 2019⁴. The seventh meeting of the Task Force will be held on 16-17 November 2020.

5. The thematic session at the Working Group of the Parties was organized in the format of an interactive panel discussion followed by a general discussion on several subjects, including: (a) the benefits of providing public access to environmental information and the challenges encountered; (b) the scope of environmental information; (c) the providers of information; (d) exceptions to the provision of information and grounds for refusal; (e) the format of the information to be provided and timeliness; and (f) dissemination of real-time, up-to-date, accurate and functional environmental information in forms and formats meeting the needs of different users.

6. The Task Force continued providing 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.

7. The Task Force has worked to address 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) Effective protection of whistle-blowers, environmental activists and other persons exercising their rights in conformity with the provisions of the Convention (addressed at its sixth meeting);

(b) Active dissemination of environmental information (addressed at its sixth meeting and to be addressed at the seventh meeting):

(i) With the focus on the update of the recommendations set out in decision II/3, taking into account the developments in the Shared Environmental Information System, geospatial information management, Earth observation data, e-government, open government data, reuse of public sector information and other relevant initiatives across the region and recent technical developments;

(ii) Along with the provision of all necessary information to the public in case of an imminent threat to human health and the environment;

² Available from http://www.unece.org/env/pp/aarhus/mop5_docs.html#/

³ See the meeting webpage: <http://www.unece.org/env/pp/aarhus/wgp22.html>

⁴ See meeting webpage: <https://www.unece.org/env/pp/aarhus/ppdm8.html>

(iii) Focusing on the use of modern technologies by the public for assembling, exchanging and using environmental data and information;

(c) Public access to environmental information of particular types with a specific focus on:

(i) Access to environment-related product information (to be addressed at its seventh meeting);

(ii) Access to information with respect to genetically modified organisms (to be addressed at its seventh meeting);

(iii) Access to information on emissions into the environment (addressed at its sixth meeting);

(iv) Access to information in environmental decision-making procedures (addressed at its sixth meeting);

(d) Further population of the Aarhus Clearinghouse for Environmental Democracy (addressed at its sixth meeting and to be addressed at the seventh meeting);

(e) Application of restrictions on access to environmental information in accordance with the Convention, specifically including internal communication within the public administration in order to have a better awareness of specific competences and facilitate public access to required information (addressed at its sixth meeting and to be addressed at its seventh meeting).

8. 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 Development⁵, Shared Environmental Information System in the pan-European Region, E-government, Open Government Data, Data Revolution and Global Geospatial Information Management initiatives, the Sendai Framework for Disaster Risk Reduction 2015-2030⁶ and the initiatives to improve environmental information systems and reporting.

9. The Task Force continued its work in cooperation with EEA, OSCE, UNITAR and other partner organization to support countries' efforts in promoting active dissemination of environmental information, in particular harnessing on Open Data and e-government frameworks.

10. The Task Force has continued exploring the existing possibilities to strengthen cooperation with relevant international forums dealing with issues related to public access to environmental information (e.g. UNEP, GEO, WMO, WHO, HRC) regarding 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.

⁵ Target 16.10, which calls for ensuring public access to information in accordance with national legislation and international agreements

⁶ Adopted at the Third UN World Conference in Sendai, Japan, on 18 March 2015

Suggested issues to be given particular priority

11. The policy discussion at the Working Group of the Parties underpinned by expert work of the Task Force each had an added value for supporting countries efforts' to address current challenges and implement the first pillar of the Convention . It is therefore suggested that the work in the next intersessional period will be carried out by both bodies in a similar format and will be widely supported.

12. The Meeting of the Parties to the Convention at its seventh session in 2021 is expected to consider the updated Recommendations on Electronic Information Tools aiming to support Parties to advance active dissemination of environmental information and harness the modern digital technologies for the Convention's implementation.

13. Considering the above-mentioned challenges and outcomes, the work on several substantive issues should be extended to the next intersessional period and several new subjects should be suggested as indicated below. Cooperation with the relevant international forums and support by the partner organizations will remain crucially important for effective assistance to countries in synergy. Such assistance would aim at promoting active dissemination of environmental information and digital inclusion, and modernizing environmental information .

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

(a) Active dissemination of environmental information with focus on sharing experience regarding:

- the implementation of the updated Recommendations on electronic information tools;
- the use of modern technologies by the public for assembling, exchanging and using environmental data and information (to be continued);
- provision of information to the public authorities by third parties routinely and in case of an imminent threat to human health and the environment;

(b) Public access to environmental information with focus on:

- scope of environmental information in accordance with the Convention's article 2 (3);
- application of restrictions on access to environmental information in accordance with the Convention (to be continued);
- access to environment-related product information (to be continued);
- access to information on emissions into the environment (to be continued);

(c) Protection of whistle-blowers and other persons exercising their rights in accordance with the Convention against harassment and other forms of retaliation in cases relating to disclosure of environmental violations (to be continued);

(d) Further development and population of the Aarhus Clearinghouse for Environmental Democracy, its national nodes, and PRTR.net (to be continued).

15. The work on the suggested issues will continue support countries' efforts in implementing, monitoring and measuring **target 10 SDG 16** (Ensure Public Access to Information) in conjunction with other environment-related Sustainable Development Goals, including **SDGs 3** (Health), **SDG 6** (Water), **SDG 11** (Resilient and Sustainable Cities), **SDG 12** (Sustainable Consumption and Production), **SDG 13** (Climate Action), **SDG 15** (Life on Land) and, and the Sendai Framework for Disaster Risk Reduction 2015–2030.

16. The work is to be carried out through Task Force meetings, workshop(s); surveys and collection of case studies and relevant resources of the Aarhus Clearinghouse and if resources allow supporting capacity-building initiatives and contributing to the work of other relevant forums.

17. Subject to the availability of resources, 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.

18. The Working Group to the Parties shall continue its effective oversight of this work area and consider issues that deserve its particular attention at the thematic sessions dedicated to access to information.