Economic and Social Council

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

Seventeenth meeting
Geneva, 26–28 February 2014
Item 3 (a) of the provisional agenda
Substantive issues: access to information

Report of the Task Force on Access to Information on its second meeting*

Summary

> The Task Force on Access to Information under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters was established by the Meeting of the Parties to the Convention through its decision IV/1 (see ECE/MP.PP/2011/2/Add.1).[1]
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> The present document contains the report of the second meeting of the Task Force (Geneva, 16–17 December 2013), summarizing the discussion at the meeting and outlining activities undertaken in implementation of its mandate. Annexed to the document is a summary report on the implementation of the recommendations of the Meeting of the Parties on electronic information tools (decision II/3, annex).
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> The report is being submitted to the Working Group of the Parties for its consideration.

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* The present document was submitted late owing to scheduling constraints (the submission deadline was 18 December 2013, the day following the Task Force meeting).
[1] Available from http://www.unece.org/env/pp/mop4/mop4.doc.html

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Contents

Introduction

1.   The second meeting of the Task Force on Access to Information, established by decision IV/1 of 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) (see ECE/MP.PP/2011/2/Add.1),[2] was held in Geneva, Switzerland, on 16 and 17 December 2013.[3]

2.   The meeting was attended by experts designated by the Governments of Albania, Armenia, Austria, Azerbaijan, Belarus, France, Georgia, Greece, Kyrgyzstan, Malta, the Republic of Moldova, Romania, Serbia, the former Yugoslav Republic of Macedonia, Tajikistan and Ukraine. The European Commission was present on behalf of the European Union (EU). Representatives from the European Environmental Agency (EEA) and the European Investment Bank (EIB) were also present.

3.   Representatives of the United Nations Conference on Trade and Development (UNCTAD), the United Nations Environment Programme, the United Nations Division for Public Administration and Development Management (via audio link), the United Nations Initiative on Global Geospatial Information Management (via video link) and the Organization for Security and Co-operation in Europe (OSCE) also took part in the meeting. Staff from the United Nations Economic Commission for Europe (ECE) representing the secretariats of the Protocol on Water and Health to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention), the Joint Task Force on Environmental Indicators, the Working Group on Environmental Monitoring and Assessment and Housing and Land Management Unit were present at the meeting.

4.   A representative of the Regional Environmental Centre for Central and Eastern Europe (REC) also attended the meeting.

5.   The following non-governmental organizations (NGOs), many of which coordinated their input within the framework of the European ECO Forum, were represented at the meeting: Ecohome (Belarus); European Environmental Bureau (Belgium), on behalf of the European ECO Forum; Justice and Environment; Independent Ecological Expertise (Kyrgyzstan); Volgograd Ecopress Information Centre (Russian Federation); Zoï Environment Network (Switzerland), and Green Dossier (Ukraine).

6.   Also present at the meeting were representatives of the Aarhus Centres in Armenia and Kazakhstan, a number of organizations representing academia, the private sector, legislators and others.

I.   Opening of the meeting and adoption of the agenda

7.   The Task Force Chair, Ms. Valentina Tapis (Republic of Moldova), opened the meeting.

8.   The Task Force adopted its agenda for the meeting as set out in document AC/TF.AI-2/Inf.1/Rev.1.

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[2]   Available from http://www.unece.org/env/pp/mop4/mop4.doc.html
[3]   Documents for the Task Force meeting, the list of participants, statements and presentations are available online from http://www.unece.org/env/pp/aarhus/tfai2.html

II. Public access to environmental information in the specific sectors: sharing good practices, identifying gaps and overcoming challenges

9.   The Chair recalled the mandate of the Task Force as set out in decision IV/1, and proposed to discuss public access to environmental information in specific sectors, such as land management and spatial planning, agriculture and water supply and wastewater management.

A.   Land management and spatial planning

10.   Participants shared good practices, identified gaps in and addressed challenges regarding public access to environmental information in the area of land use and spatial planning.

11.   The representative of Armenia stressed the importance of public access to information at an early stage of decision-making on environmental matters covered by articles 6 and 7 of the Convention. That should be done before prior approval of land allocation, land auctioning and adoption of or changes to spatial plans, land-use schemes or land zoning in the adequate, timely and effective manner. It was also important to balance public and State interests with individual property interests in spatial planning.

12.   The representative of the European Commission informed participants about implementation of Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE). The Directive provided a framework for a data spatial infrastructure based on principles such as one-time data collection and data interoperability. The infrastructure included an institutional framework, technical standards, fundamental data sets and data services. Thirty-four data themes, including soil, land use, environmental monitoring facilities, natural risk zones, habitats and biotopes, were covered by INSPIRE, although the quality of information and missing information were not addressed there. Sharing of data sets by member States might be accompanied by requirements under national law conditioning their use. The extent of sharing might be limited when it would compromise the course of justice, public security, national defence or international relations. Public access to spatial data sets and services might also be limited on wider grounds in line with Directive 2003/4/EC on public access to environmental information. INSPIRE had demonstrated its usefulness in a wide range of activities, such as environmental and health impact assessments, disaster and risk management, spatial planning, water management and transport. The progress in its implementation was monitored through special reports, public consultations and an electronic forum.[4]

13.   The participants were also informed by a representative of the ECE Housing and Land Management Unit about the Strategy for Sustainable Housing and Land Management in the ECE region for the period 2014–2020 (see ECE/HBP/173) adopted by the ECE Committee on Housing and Land Management (ministerial meeting) in October 2013.[5] Its several objectives related to access to information and public participation could be implemented building on the experience of the Aarhus Convention. The Task Force was encouraged to cooperate with the relevant delegates of the ECE Committee on Housing and

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[4]   For more information, see http://inspire.ec.europa.eu/
[5]   Available from http://www.unece.org/index.php?id=32586

Land Management at the national level to facilitate access to information and public participation in spatial planning and land management.

14. A representative of Justice and Environment, a network of European public interest environmental lawyers, presented the findings of a comparative study[6] carried out in six EU member States. The study showed that either the range of participants or various elements of participation in spatial planning procedures were limited in the countries examined. In particular, in some cases the public was only able to access the relevant information too late, or could not access sufficient background information, or had too short a time to provide their comments, or else guarantees for taking the public's comments into consideration in the decision-making were totally missing. Access to information at all stages of the complex multi-level procedure of spatial planning and then of decision-making on specific activities should be straightforward and needed further improvement.

15. A representative of the NGO Independent Ecological Expertise shared practical experience regarding public access to environmental information in the area of natural resource management and spatial resource planning in Kyrgyzstan. A lack of communication with the local population and proper public access to information were an important cause of unfounded rumours and social-environmental conflicts. The lack of an effective environmental monitoring system, the fragmentary and non-systematic nature of available information and limited access to maps remained a challenge to effective decision-making. At the same time, the representative of Kyrgyzstan highlighted the country's efforts to enhance public access to national reports on the state of the environment and the texts of legislation and other legal information relating to the environment.

16. The following issues were highlighted during the discussion:

(a) More public discussions and other forms of public participation were needed in spatial planning procedures as covered by article 7 of the Convention. The procedure should be simple and accessible to the public and should not have merely a formal character. Access to documents relevant to spatial planning, especially at the provincial and local levels, and the information flow should be straightforward;

(b) Access to information at all stages of the complex decision-making procedure was crucially important, as it could ensure better public input and facilitate further decision-making on specific activities;

(c) Maps containing environmental information should be publicly accessible;

(d) The public should have access to geo-visualized information, including on seismic and other environmental risks as well as radioactive pollution;

(e) Quality, comparability and timeliness of environmental information should be monitored and further improved through clear procedures.

B. Agriculture

17. Participants shared good practices, identified gaps in and addressed challenges in public access to environmental information in the agricultural sector.

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[6] Available from
http://www.justiceandenvironment.org/_files/file/2013/Land%20use%20planning%20and%20access.pdf

18.   The representative of France informed the meeting about a project to introduce eco-labelling for agricultural products and provide sufficient product information to enable consumers to make informed environmental choices in accordance with article 5, paragraph 8, of the Convention. The project comprised five components: (a) a legal framework: (b) a multi-stakeholder platform developing a methodological approach; (c) establishment of a database and research programme; (d) a pilot implementation launched in 2011 involving about 170 businesses; and (e) outreach at the European and international levels. The repository of all labelled products[7] contained a publicly accessible database based on the life cycle of the product,[8] its carbon footprint — estimated using a multi-criteria approach — and similar indicators for the same product family. The outcomes of the project had been reported nationwide in November 2013.[9] In 2014, the European Commission had launched a similar second pilot phase of product environmental footprinting for feed, food, drink and related products to develop specific Product Environmental Footprint Category Rules (PEFCRs).[10]

19.   A representative of Green Dossier spoke on access to information on organic agriculture and the transparency of agricultural information in Ukraine. The public was increasingly demanding information about land-use plans in general and their surrounding habitats, the possible impact of planned specific activities on the environment and health and the quality of agricultural products used. However, not all of that information was available as required by the Convention. The information was mainly distributed through specialized websites and traditional information and communication channels. Journalists also played a significant role in informing the public. Tools such as labelling and certification, social networks, fairs and exhibitions were also in use. Nevertheless, NGOs and international technical assistance projects continued to be the main distributors of such information. The public authorities were encouraged to undertake more coherent policymaking in the agricultural sector, to fully implement the related awareness-raising plans and to provide proper information access to the local population.

20.   The representative of the UK Pesticides Campaign drew attention to the crucial importance of access to information on the use of pesticides for those living near sprayed fields. Such residents were subject to high pesticide exposure over the long term and comprised a vulnerable group needing specific consideration when assessing the acute and chronic health effects of pesticides. Article 67 of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market[11] and articles 4 and 5 (in particular, article 5, paragraph 1 (c)), of the Convention, gave residents the legal right to full and direct access to all relevant and necessary information about crop-spraying in their locality, including prior notification before any spraying. Most importantly, the use of pesticides had to be prohibited in the locality of homes, schools and playgrounds. The Task Force was called on to continue considering the issue and to develop practical solutions to address it.

21.   Some participants expressed the view that the progress in the implementation of the Convention's Protocol on Pollutant Release and Transfer Registers (Protocol on PRTRs) might help to advance access to information in the agricultural sector and the use of plant-protection products.

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[7]   See http://affichage-environnemental.afnor.org/

[8]   More information is available from http://www.ademe.fr/agribalyse

[9]   See http://www.developpement-durable.gouv.fr/Bilan-au-Parlement-de-l.html

[10]   More information is available from
http://ec.europa.eu/environment/eussd/smgp/product_footprint.htm

[11]   Available from http://eur-
lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32009R1107:EN:NOT

22.   It was stressed that sufficient product information should be made available to the public in a manner that involved clear products names, labelling and language that should not mislead consumers.

23.   Access to environmental information in the agricultural sector, including with regard to genetically modified organisms, had become increasingly important to further development of the international market for organic agricultural products.

C.   Water supply and wastewater treatment

24.   Participants shared good practices, identified gaps in and addressed challenges to public access to environmental information in the water supply and wastewater sector.

25.   The representative of Albania reported an increasing interest of the public in access to information and participating in developing strategies, policies, plans and legislation, including in the water sector. The New National Strategy for Water Supply and Sewage for 2011–2017 served as an example of a strategy developed with a wide public information and participation campaign. Another example of public engagement creating an incentive to improve the water services was a report on citizens' perceptions of the quality of water supply and sewerage services. That report had proven to be a useful tool for a multi-stakeholder dialogue on water issues, increasing consumer protection and monitoring customers' perception. The report's preparation had been based on a citizen's report-card approach that helped gather the feedback from the stakeholders. Most of the water supply and sewerage utilities also used websites to communicate information on tariffs, relevant legislation and other information. Decision-making procedures on building wastewater treatment plants provided for access to information and public participation at an early stage of project proposals, as well as later in the context of the environmental impact assessment (EIA).

26.   Armenia said that the public was also granted access to the draft strategies, programmes, river basins plans and standards in the water management sector, as well as permitting documents on the particular use of the water resources. Information about water pollution could be collected by the relevant public authorities from polluters and witnesses of such situations. The public also had access to the relevant cadastre information and maps. The hydrometeorological and health authorities were recognized as important providers of environmental information in that sector.

27.   Representatives of the Global Legislators Organisation Europe (GLOBE Europe) and the ECE secretariat highlighted the relevance of the Protocol on Water and Health to the Water Convention for the discussion. According to the Protocol, public authorities were required to make available to the public (a) information on the establishment of targets and the development of water management plans; (b) information on the establishment, improvement and maintenance of surveillance and early warning systems; and (c) information on surveillance and early-warning systems. In the event of an imminent threat to public health from water-related disease, Parties were also required to disseminate to the members of the public who might be affected all information that was held by a public authority and that could help the public to prevent and mitigate such a threat.

28.   The ECE secretariat reported that the analysis of national summary reports submitted to the Meeting of the Parties to the Protocol in 2013 showed that, despite some progress over the past three years in public access to information about target setting and reporting under the Protocol, those areas remained a challenge. In particular, information on water-related disease outbreaks to be communicated to the public was often missing. Waterborne outbreaks were reported only in a few countries. No information was provided for other exposure routes such as recreational or irrigation waters.

29.   The representative of GLOBE Europe flagged the establishment of the Clearinghouse dedicated to the Protocol on Water and Health in the Republic of Moldova and the approval of four additional targets related to the publication of data and information. The public interest should play a leading role for a final decision on public access to information. The public was generally interested in information on water supply services quality, including water quality, draft and adopted plans, programmes, strategies and projects, the quality of bottled drinking water, sanitation and hygiene. The quality of water in springs and wells also remained important, especially for the rural population. While some information could be provided by water supply companies through their websites and upon request, the information flow between operators and public authorities as well as inter-agency cooperation to facilitate data creation, its adequate flow, management and public access should be further improved.

D.   Conclusions

30.   With regard to public access to environmental information in the specific sectors considered, the Task Force:

(a)   Took note of the experiences, including existing challenges, shared by Albania, Armenia, France, the EU, Kyrgyzstan, the Republic of Moldova and Ukraine in providing public access to environmental information in the area of land management and spatial planning, agriculture and water supply and wastewater treatment;

(b)   Encouraged Parties, Signatories and other interested States to stimulate authorities responsible for land administration, spatial planning, agriculture, water management and health issues to provide wider access to environmental information, in particular to the priority types of information (as provided for in decision II/3), which should be made available online;

(c)   Noted that the following issues would need further consideration by the Task Force: timely and full access to information related to complex decision-making procedures such as spatial planning, product-related environmental information, information on pesticides used in crop spraying and on other issues relevant to the agricultural sector, information on water supply and wastewater discharge at the provincial and local level, in particular in rural areas and statistical information related to environmental matters;

(d)   Highlighted the need for providing a timely and adequate response to the requests by the public on access to environmental information.

III. The current use of electronic information tools in the Convention's implementation: taking stock of experiences

31.   Participants were invited to discuss the effective use of electronic information tools with a view to sharing good practices in the implementation of the recommendations contained in decision II/3, linking the dissemination of environmental information, e-government and open government data initiatives and establishing a meta-register of environmental information.

32.   The Task Force took note of the preliminary summary report on the results of the survey on the implementation of the recommendations of the Meeting of the Parties on electronic information tools (decision II/3, annex) (AC/TF.AI-2/Inf.2) and its accompanying document (AC/TF.AI-2/Inf.2/Add.1) and agreed to provide comments on the report by 17 January 2014 (see annex for revised summary report).

33. A representative of EEA reported on progress in the development of the shared environmental information system (SEIS) and regular environment assessment since the seventh "Environment for Europe" Ministerial Conference (Astana, 21–23 September 2011). SEIS, through its content, infrastructure and cooperation, as well as principles, provided wide opportunities to advance the quality analyses and assessment on environmental and sustainable development matters and to increase public accessibility of environmental information through the Internet. That had been noticeable in some countries during the preparation of their reports on the state of the environment on the basis of core indicators and data flows, or in the implementation of policy, legal and network initiatives and SEIS-related projects as well as within global and regional processes. Nevertheless, progress in SEIS implementation remained uneven and information remained patchy. Actions should be taken to establish joint responsibility to monitor overall progress in SEIS and regular reporting to provide for the division of the responsibilities and ownership across the reporting chain (i.e., while preparing the reports on the state of the environment). A SEIS Cookbook and checklist aimed at advancing that process[12].

34. The ECE secretariat provided information on the work undertaken under the ECE Monitoring and Assessment Programme within the framework of the Joint Task Force on Environmental Indicators and the Working Group on Environmental Monitoring and Assessment. The work had been done in the context of SEIS, and focused on supporting the production and sharing of environmental indicators, enhancing capacities for the preparation of indicator-based reports on the state of the environment and the preparation of other environment assessments and supporting the use of modern technologies for environmental information presentation. Some progress had been achieved in countries of South-Eastern and Eastern Europe, the Caucasus and Central Asia in producing indicators adopted by the Joint Task Force and making them publicly available online. Priority areas for increasing the accessibility of environmental information could include the production and sharing of data (indicators) in common formats, improvements in the descriptive part of the reports on the state of the environment and increasing the visibility of the reports on ministerial websites.

35. A representative of Austria pointed out the importance of public access to environmental information in an electronic form (e-Environment) and the possible benefits of synergies with the implementation of INSPIRE, the EU Copernicus programme, SEIS and Open Government Data as an integral part of the National e-Government Strategy (Platform Digital Austria). The Austrian Coordination Centre for Environmental Information played a key role in facilitating proper information exchange and implementation in that area. A national Open Government Data portal[13] had been launched in 2012, providing access to open data and open documents. That portal would also serve as a central environmental information portal (one-stop-shop), comprising data and information from all administrative levels.

36. Representatives of Serbia reported on the development of the national Ecoregister,[14] a meta-register of environmental information set up with the support from OSCE. The project was being implemented with the active engagement of environmental NGOs through questionnaires and consultations. Ecoregister comprised environmental information and data collected and maintained by responsible public authorities at the national and local levels on the state of all segments of the environment. Information on access to justice and court decisions would be also included. For the information that was not available online, Ecoregister provided information about the institutions responsible for publishing it and

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12 Available from http://enpi-seis.ew.eea.europa.eu/seis-infrastructure/seis-cookbook
13 Available from http://www.data.gv.at/
14 Available from www.ekoregistar.sepa.gov.rs

how to access them. Ecoregister had become fully operational in December 2012, with entries for over 700 institutions and more than 4,000 documents. Its next update would focus on introducing a new system for automatic data updating.

37.   Following the discussion, the Task Force:

    (a)   Requested the secretariat in consultation with the Chair of the Task Force to prepare a template to share good practices in using mobile applications, e-participation tools and other technical developments as an instrument for putting into practice the Convention's provisions, including through public-private partnerships;

    (b)   Recognized the benefits of implementation of SEIS, "e-government" strategies and open government data initiatives for advancing the implementation of the first pillar of the Convention and its other provisions;

    (c)   Welcomed the cooperation with the ECE Working Group on Environmental Monitoring and Assessment through exchange of information on relevant matters and requested the secretariat to explore further opportunities for collaboration in the future.

IV.   The Aarhus Clearinghouse for Environmental Democracy: the role of national nodes

38.   The Chair recalled that the recommendations on electronic information tools adopted through decision II/3 called on Parties, Signatories and other interested States to maintain a national website with information related to the nationwide implementation of the Convention, to serve as the national node of the Convention's clearinghouse mechanism and designate contact points responsible for collecting, managing and updating the information contained in the national node.

39.   Following the outcomes of the first meeting of the Task Force, the ECE secretariat in consultation with the Chair, had updated the draft Guidance for National Nodes of the Clearinghouse (AC/TF.AI-2/Inf.3).

40.   It was noted that, according to the results of the survey on the implementation of the recommendations on electronic information tools, only 39 per cent of respondents reported that their country had established an Aarhus Clearinghouse national node and only 27 per cent (mainly in the countries of Eastern Europe, the Caucasus and Central Asia) reported they had a designated Aarhus Clearinghouse National Node Administrator.

41.   The ECE secretariat said that the Aarhus Clearinghouse collected about 6,600 views annually, which correlated to posting news and resources. The secretariat regularly posted news and resources, connected them to social media, used new communication tools and provided maintenance for the Aarhus Clearinghouse. The Parties, Signatories, other interested States and stakeholders were encouraged to further populate that platform and use rich site summary (RSS) feeds to receive regular updates.

42.   The Task Force:

    (a)   Stressed the important role of national nodes in the development and further population of the Aarhus Clearinghouse;

    (b)   Recognized the need to further upgrade the Aarhus Clearinghouse mechanism to align it with recent technological developments, and called upon interested countries and organizations to support that initiative;

    (c)   Called on Parties, Signatories and other interested States to continue developing a national website with information related to the nationwide implementation of the Convention, which would serve as the national node of the Aarhus Clearinghouse;

(d)   Took note of the revised Guidance for National Nodes of the Aarhus Clearinghouse;

(e)   Invited Parties, Signatories, other interested States and stakeholders to provide their comments to the secretariat by 10 March 2014 on the revised Guidance for National Nodes of the Aarhus Clearinghouse.

V.   Activities under other international forums dealing with access to environmental information

43.   In a discussion on activities undertaken by other international forums, participants shared information about recent activities of other international forums regarding access to environmental information and explored opportunities for building synergies.

44.   The representative of UNCTAD highlighted the work of the United Nations Commission on Science and Technology for Development as well as the UNCTAD thematic studies series dedicated to geospatial science and technologies. At its fifteenth session (Geneva, 21–25 May 2012), the Commission had considered open access, virtual science libraries, geospatial analysis and other complementary information and communication technologies to address development issues, with particular attention to education as its priority theme.[15] It had been noted that the application of web-based mapping services, other geospatial information systems (GIS) and technologies had resulted in direct and indirect societal benefits in various areas (disaster, health, energy, climate, water, weather, ecosystems, agriculture and biodiversity). This also could address challenges in urban development, land administration and disaster management. Better utilization of such technologies in the countries required a multi-level approach, including global and national level strategies, infrastructure and data, participatory GIS and crowd-sourcing, costs involved and capacity-building. Building partnerships with the private sector and the public could contribute to that process. Those issues had also been addressed by Economic and Social Council resolution 2012/6.[16]

45.   The representative of the United Nations Initiative on Global Geospatial Information Management said that geospatial information played a critical role in policy formulation and in integrating data across various sectors, including environment and sustainable development. Countries were encouraged to adopt and implement geospatial information standards, to manage and share information and to advance cooperation on technical issues, both at the national and international levels. In some countries, the Government's role was shifting from being a primary supplier of authoritative geospatial data to a coordinating and regulatory role, and a facilitator of partnerships among the producers and consumers of geospatial information. The Committee of Experts on Global Geospatial Information Management focused on proposing actions to guide the development of principles, policies, methods and mechanisms for standardization, interoperability and the sharing of geospatial data, and to help countries develop the full potential of geospatial information and the underlying technology and make it accessible to and effectively used by a broad range of users.

46.   With regard to confidentiality issues, the speaker observed that while geospatial data was increasingly used, confidentiality breaches could potentially happen when statistical information was integrated with geospatial information. The results of a survey carried out

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[15]   See also the report of the fifteenth session of the Commission (E/CN.16/2012/3), available from http://unctad.org/en/pages/MeetingDetails.aspx?meetingid=47

[16]   See E/RES/2012/6, available from http://www.un.org/ga/search/view_doc.asp?symbol=E/RES/2012/6

by the Committee of Experts had indicated that policy and legal issues could pose a challenge to Governments in their efforts to collect, use and distribute geospatial information, including issues related to data licensing, sharing, pricing, privacy, quality, liability, authority, security and open data. The challenges could become even greater as Governments, the private sector, universities, NGOs and citizens became increasingly involved as both producers and consumers of geospatial information. Governments should develop a legal and regulatory framework to address the data protection and privacy risks while not making it unnecessarily difficult to collect, use or transfer geospatial information. Such a framework should balance the benefits with the risks associated with improper collection, use or sharing of geospatial information.

47.   The representative of the United Nations Division for Public Administration and Development Management presented a diagnostics and analytical tool, Measuring and Evaluating e-Participation (METEP), to measure and evaluate e-participation. E-participation was considered as the process of engaging the public through information and communication tools in policy and decision-making. The process could be split in three stages such as e-information, e-consultation and e-decision-making. Different tools, including e-campaigning, e-petitioning, community building or collaborative e-environments, e-consultation, online deliberation, information provision online, e-polling and e-voting could put e-participation into practice. METEP aimed at analysing e-participation policy domains, its types of actions (stages) and technologies used for public engagement. That analysis would be based on a questionnaire containing factual and experience-based assessments. METEP would help Governments identify and eliminate barriers for participatory policymaking, create and exploit effective public engagement e-tools and develop capacities for evaluating e-participation progress.

48.   The representative of EIB provided information on the Bank's transparency policy based on the requirements of the Convention. EIB had established a public register containing environmental, social and other documents. EIAs of the individual projects would be retrospectively included in that register. The transparency policy, which would be revised in 2014, was based on the presumption of disclosure. Information was disclosed unless it was covered by the exceptions of access to such information. EIB remained committed to work with other stakeholders in that regard.

49   The Task Force:

        (a)   Took note of the information provided by the representatives of EIB, UNCTAD, the United Nations Division for Public Administration and Development Management and the United Nations Initiative on Global Spatial Information Management;

        (b)   Stressed the need for continuing cooperation between national focal points for different forums dealing with access to environmental information, with the effective engagement of NGOs, Aarhus Centres and other stakeholders.

VI.   Building capacities in providing access to environmental information: identifying needs and looking for synergies

50.   Participants discussed building capacities in providing access to environmental information and exchanged information on capacity-building initiatives related to public access to environmental information at the regional, subregional and national levels.

51.   The representative of the Armenian Aarhus Centre presented the experience of the Armenian Centres in raising public awareness and building capacity regarding public access to environmental information through work with local communities, NGOs and mass media. Public access to environmental information at a very early stage in decision-

making could help avoid conflicts and unrest. There was an increasing interest among the public and local communities in obtaining access to information on current and future mining projects and other specific activities, as well as expert assessments on soil and water contamination, seismic and landslide risks. However, in some cases access to that information remained a challenge. Aarhus Centres used different tools to provide information and raise awareness, including reports, booklets, publications and multimedia means, expert conclusions, press releases and press conferences.

52.   The representative of the Information and Analysis Center in Kazakhstan (National Aarhus Centre) presented the activities of the Aarhus Centres in the country. The main undertaking included the work on the proposed changes to the Environmental Code and other legislative acts. For that purpose, a working group comprising representatives of the competent public authorities, NGOs, Aarhus Centres and independent experts had been established. The proposed changes would provide a more detailed framework for public access to information and impose clear responsibilities on public authorities and the National Aarhus Centre in implementing the first pillar of the Convention.

53.   Following the discussion, the Task Force:

        (a)   Took note of the capacity-building needs and initiatives that had taken place at the regional, subregional and national levels, as presented by the representative of the Armenian Aarhus Centre and other delegations;

        (b)   Encouraged Parties and organizations to share the training material and the outcomes of the capacity-building projects on their websites and through the Aarhus Clearinghouse to allow for their wider use.

VII.   Future work on access to information

54.   The Chair presented the draft decision on access to information (ECE/MP.PP/WG.1/2014/L.3). The draft decision had been prepared by the Bureau with the assistance of the secretariat, and circulated to Parties and stakeholders for comments by 10 November 2013. The Bureau had finalized the draft decision, taking into account the comments received, to be presented to the Working Group of the Parties at its seventeenth meeting.

55.   Following the discussion, the Task Force took note of the draft decision on access to information.

VII.   Approval of conclusions and closing of the meeting

56.   The Task Force revised and agreed the key outcomes of the meeting (AC/TF.AI-2/Inf.4) and requested the secretariat, in consultation with the Chair, to finalize the report and to incorporate the agreed outcomes. The Chair thanked the speakers, the participants, the secretariat and the interpreters, and closed the meeting.

Annex

Summary report on the results of the survey on the implementation of the recommendations on electronic information tools

1.   The present summary report on the implementation of the recommendations of the Meeting of the Parties on electronic information tools (recommendations) and its accompanying document (AC/TF.AI-2/Inf.2/Add.1)[a] were prepared under the auspices of the Task Force on access to information at its first and second meetings (Geneva, 7–8 February and 16–17 December 2013, respectively).

2.   The questionnaire to assess the implementation of the recommendations (ECE/MP.PP/WG.1/2007/L.3/Add.1) was revised by the secretariat in consultation with the Chair of the Task Force and circulated to the national focal points on 1 October 2013 with a submission deadline of 1 November 2013.

3.   The following Parties responded to the questionnaire: Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Croatia, European Commission on behalf of the EU, Georgia, Greece, Kazakhstan, Kyrgyzstan, Norway, Portugal, Romania, Republic of Moldova, Serbia, Slovakia, Spain, Tajikistan, the former Yugoslav Republic of Macedonia and Ukraine. Of the 23 responses received, 9 were from the Eastern Europe, the Caucasus and Central Asia subregion, 3 were from the South-Eastern European (SEE) subregion and 1 response was from Norway and 10 were from the EU, including one from the European Commission on behalf of the EU, for the EU and Norway subregion.

4.   The secretariat also received responses from the Flanders Region of Belgium as well as from the NGOs "Terra-1530" (Republic of Moldova) and International Centre for Environmental Research (Georgia). While the reports provided additional perspectives on national implementation of decision II/3, the summary report focuses on the official national responses by the Parties.

5.   The 2007 summary report on the implementation of the recommendations of the Meeting of the Parties on electronic information tools (ECE/MP.PP/WG.1/2007/L.3/Add.2) (summary report 2007) was also considered for the interpretation of the survey results. However, it should be taken into account that the respondents to the survey in 2007 were different from the respondents to the current survey.

I.   Access to information and communication technologies

6.   Background information on access to information and communication technologies (ICTs) in this chapter is based on the statistics collected by the International Telecommunication Union,[b] which is the United Nations specialized agency for ICTs and the official source for global ICTs statistics.

7.   The percentage of households that have Internet at home as well as the percentage of individuals who used computers and mobile phones varies between the Parties to the Convention across all three subregions (i.e., from 93 per cent of households with Internet access in Norway to about 50 per cent in Romania, Bulgaria, Kazakhstan and Belarus and

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[a]   Available from http://www.unece.org/env/pp/aarhus/wgp17.ht m   l
[b]   Data available from http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx

20 per cent in Ukraine, the Republic of Moldova and Armenia) (see graph 1.1 of the accompanying document).

8.   Notwithstanding subregional differences, the data clearly indicates an increasing share of individuals having access to Internet in all three subregions over the past 12 years (see graph 1.2 of the accompanying document). The share of fixed (wired) broadband subscriptions across the Parties has also increased (graph 1.3 of the accompanying document). In many countries, the share of men using the Internet slightly exceeds the share of women doing so (graph 1.4 of the accompanying document).

9.   Regarding mobile phone penetration, the data indicates an increasing share of individuals having mobile-cellular subscriptions across the Parties to the Convention over the past 12 years. The percentage of individuals using mobile phones is quite high and amounts to 75 per cent and higher (see graphs 1.1 and 1.5 of the accompanying document).

10.   It becomes apparent that the share of people using mobile phones exceeds the share of Internet users. This can be taken into account when deciding on the best ways to disseminate certain types of environmental information.

II.   Availability of priority categories of environmental information through the Internet

11.   Table 2.1 of the accompanying document shows the information per subregion regarding the availability of specific types of environmental information through the Internet. It also shows whether such information was legally required to be available through the Internet and, if it was not generally available, whether plans to progressively improve access to the information were in place.

12.   Compared to the responses in table 1 of the 2007 summary report, there is slight progress in providing general or partial availability through the Internet of data such as:

        (a)   Reports on the state of the environment (article 5, para. 3 (a), of the Convention; para. 9 (c) (i) of the recommendations);

        (b)   Texts of legislation, regulations, rules and other legally binding instruments on or relating to the environment (article 5, para. 3 (b), of the Convention; para. 9 (c) (ii) of the recommendations);

        (c)   Texts of policies, plans and programmes on or relating to the environment, and environmental agreements (article 5, para. 3 (c), of the Convention; para. 9 (c) (iii) of the recommendations);

        (d)   Data on environmentally significant releases and transfers of pollutants, within the scope of the Protocol on Pollutant Release and Transfer Registers (article 5, paras. 3 (d) and 9, of the Convention; para. 9 (c) (v) of the recommendations);

        (e)   Environmental monitoring data held by or on behalf of public authorities (article 5, para. 9, of the Convention; para. 9 (d) (i) of the recommendations);

        (f)   Product information that enables consumers to make informed environmental choices (article 5, para. 8, of the Convention; paragraph 9 (d) (ii) of the recommendations);

        (g)   Good practice information and guidelines on better environmental management (article 5, para. 6, of the Convention; paragraph 9 (d) (iii) of the recommendations);

(h)   Appropriate metadata or background information to make the methods, processes and standards of data collection transparent to future data users (article 5, para. 2, of the Convention; para. 9 (d) (iv) of the recommendations);

(i)   Meta-information 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 (article 5, para. 2, of the Convention; paragraph 9 (d) (v) of the recommendations).

13.   The responses show the increasing availability of EIA documentation (articles 6 and 5, para. 3 (d), of the Convention; paragraph 9 (c) (iv) of the recommendations) and strategic environmental assessment (SEA) documentation (articles 7 and 5, para. 3, (d) of the Convention; para. 9 (c) (iv) of the recommendations), although the increase of the availability of SEA documentation as well as the availability of the references to where EIA and SEA documentation can be accessed are lower.

14.   Following articles 6 and 5, paragraph 3 (d), of the Convention, the accessibility of the conclusions of the state environmental expertiza[c] or at least the references to where this documentation can be accessed at the national, regional and local levels should also be ensured by the Parties that apply this instrument. Nevertheless, the responses and the website links provided by the Parties showed that the access to this documentation for projects covered by EIA and other projects requires further improvement to reach full availability.

15.   The availability of documentation forming an integral part of any licensing or permitting process (articles 6 and 5, para. 3 (d), of the Convention; para. 9 (c) (vi) of the recommendations) was also reported to fall short of the accessibility of EIA documentation. Many Parties in all three subregions reported on the accessibility through the Internet of the legislative framework of the licensing and permitting processes, as well as documentation required to be drawn up or submitted in the context of environmental decision-making processes described in article 6 (para. 9 (b) of the recommendations). Nevertheless, the responses and the website links provided by the Parties showed that the accessibility of applications for individual licences or permits, comments of third parties, draft and final individual licences and attached conditions still remained limited. Only a small number of Parties demonstrated the full availability of this documentation through the Internet. While in some Parties (e.g., Albania and Croatia) the information is made available by the national authorities only, in others (e.g., Romania and Norway) it is provided by the national and local authorities. The accessibility of the comments of third parties is lower in comparison (almost half of the respondents indicated that the comments are not available).

16.   Almost all respondents reported the use of public notices about all environmental decision-making procedures subject to article 6 through the Internet. These notices can be published on the websites of the national and local public authorities as well as those of developers. Public notice about SEA procedures through the Internet was reported by only half of the respondents. Such notices can be found on the websites of the national and local planning authorities.

17.   Information on mechanisms related to access to justice within the meaning of the Convention (article 9, para. 5, of the Convention; para. 9 (c) (vii) of the recommendations) was mostly reported as fully available through the Internet. At the same time, many Parties responded that decisions of courts, and whenever possible of other review bodies, held in

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[c] The environmental assessment systems in the former Soviet countries in Eastern Europe are largely based on the "State environmental review" or "ecological expertiza" mechanism formally established in the Soviet Union in the second half of the 1980s.

electronic form (article 9, para. 4, of the Convention; para. 9 (c) (vii) of the recommendations) were only partly available through the Internet.

18. The majority of respondents highlighted that (a) reports on the state of the environment, (b) texts of legislation, regulations, rules and other legally binding instruments on or relating to the environment, (c) texts of policies, plans and programmes on or relating to the environment, and environmental agreements, and (d) environmental monitoring data held by or on behalf of public authorities are legally required to be accessible through the Internet. About half of the respondents reported the same regarding (a) EIA and SEA documentation, (b) public notices about all environmental decision-making procedures subject to article 6 and SEA, (c) data on environmentally significant releases and transfers of pollutants, within the scope of the Protocol on PRTRs, (d) final licences and permits and their attached conditions, and (e) product information that enables consumers to make informed environmental choices.

19. A limited number of respondents indicated that data on environmentally significant releases and transfers of pollutants within the scope of the Protocol on PRTRs and environmental monitoring data held by or on behalf of public authorities were provided by fully or partially using geo-spatial technologies.

20. While on average about half of the respondents indicated plans for improvements for priority categories of information, less attention was given to the improvement of information on mechanisms related to access to justice and court decisions and applications for licences and permits, comments of third parties on draft permits and conditions, as well references to where documentation related to environmental decision-making subject to article 6 of the Convention could be accessed.

21. According to almost all respondents, registration or signing in to websites to get access to priority category information were not required.

22. No Parties impose charges for supplying the priority categories of information provided in the recommendations. Nevertheless, the charges for Internet access as such may constitute a barrier to access to information for vulnerable groups of society.

III. Types of electronic information tools used or planned to be used to provide access to environmental information and facilitate public participation in environmental decision-making

23. Websites of national environmental authorities and general governmental portals are mostly used for dissemination of environmental information in all Parties. Many Parties have established or plan to establish a specialized portal dedicated to access to environmental information. For example, in Spain both the website of the national environmental authority and websites of local entities contain extensive environmental information available electronically for free and with open access, except for some formalities for licences or permits that require the identification of the applicant and contain some safeguards for enforcing the Act for Protection of Personal Data. E-mail alerts are also often used to disseminate environmental information, and the websites of some public authorities allow subscriptions for e-mail alerts.

24. Websites of local authorities, planning authorities and developers in some countries were indicated as a source to provide documentation relevant to environmental decision-making procedures subject to article 6 of the Convention, as well as strategic decision-making relating to the environment.

25.   Use of social media tools was mostly reported by all EU member States and Norway, as well as by almost all countries of Eastern Europe, the Caucasus and Central Asia (see graph 3.1 of the accompanying document).

26.   Mobile applications are used to provide access to environmental information in seven EU countries and Norway, while five countries of Eastern Europe, the Caucasus and Central Asia and one country from the SEE region plan to develop such applications.

27.   Telephone hotlines and faxes are used in all countries of Eastern Europe, the Caucasus and Central Asia that responded and in six EU countries. Public electronic information kiosks were reported in ix EU member States, two countries of Eastern Europe, the Caucasus and Central Asia and one SEE country.

28.   Widgets, SMS services, electronic data accessible through bar-code scanning and electronic data accessible through touch-tone dialling are not widely used for dissemination of environmental information in all three subregions.

29.   The following electronic information tools are reported to be commonly used in the event of any imminent threat to human health or the environment, whether caused by human activities or due to natural causes (article 5, para. 1 (c), of the Convention) (graph 3.2 of the accompanying document):

        (a)   Websites of national environmental authorities (all respondents);

        (b)   Specialized portals for environmental information (nine EU countries and Norway, eight countries of Eastern Europe, the Caucasus and Central Asia and three SEE countries);

        (c)   General governmental portal (five EU countries and Norway, seven countries of Eastern Europe, the Caucasus and Central Asia and two SEE countries; two countries of Eastern Europe, the Caucasus and Central Asia and one SEE country plan to use it in future);

        (d)   Social media (nine EU countries and Norway, eight countries of Eastern Europe, the Caucasus and Central Asia and three SEE countries);

        (e)   Telephone hotlines/faxes (five EU countries, eight countries of Eastern Europe, the Caucasus and Central Asia and one SEE country);

        (f)   Television teletext (three EU countries, five countries of Eastern Europe, the Caucasus and Central Asia and one SEE country);

        (g)   Mobile applications (five EU countries, one country of Eastern Europe, the Caucasus and Central Asia and 1 SEE country; four countries of Eastern Europe, the Caucasus and Central Asia plan to use mobile applications).

30.   Various measures are undertaken by the Parties to ensure the availability of environmental information electronically and the interoperability of different sets of information. For example, an environmental information system has been launched in the former Yugoslav Republic of Macedonia and one will be launched in Albania in January 2014. Another example is the establishment of specialized environmental portals, for instance, in Greece. In Spain, a national scheme of interoperability[d] was developed. An Open Government Data scheme was developed in Austria.[e] Improving the websites of national and local environmental authorities by introducing a similar structure was pursued

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[d] Available from
http://administracionelectronica.gob.es/pae_Home/pae_Estrategias/pae_Interoperabilidad_Inicio.html
[e] Available from http://www.ref.gv.at/Veroeffentlichte-Informationen.2774.0.html

by Bulgaria and Romania. For the EU, 10 environmental data centres had been established under the auspices of EEA, Eurostat and the European Commission Joint Research Centre.

31.   The importance of building environmental information systems in accordance with national legislation and the European *aquis* as well as national and international standards was highlighted. Some respondents from the EU and SEE subregions mentioned in particular EU Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information[f] and Regulation (EC) No. 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies,[g] as well as Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE).[h] Standards of Open Geospatial Consortium (OGC) were also mentioned to support interoperability of different data sets of environmental information.[i]

32.   More than half of the respondents from all subregions indicated that their Governments would formulate and implement national "e-government" strategies, mostly by 2015 and later, and/or Open Government Data initiatives, as well as a broader digital agenda to facilitate the use of information and communication technologies. This is expected to increase the use of electronic tools to facilitate administrative processes and services, including providing environmental information. In Slovakia, for example, a feasibility study for e-Government in the environmental sector was conducted. Norway participates in the Open Government Partnership that has led to the establishment of open electronic public records of documents in central Government agencies and entities. Any person may order copies of documents registered in the records free of charge without stating any grounds or his or her name. In Austria, an E-government Working Group on Environmental Information was set up in 2007 within the framework of "Platform Digital Austria" (National e-government Strategy)[j]. In 2012, Austria also launched a National Open Government Data Portal,[k] organized by "Cooperation OGD Austria", comprising environmental data as well.

33.   Many respondents from EU and SEE countries also mentioned some European forums and platforms working, inter alia, to promote the development and more effective use of electronic information tools, such as SEIS,[l] INSPIRE, the European Earth Observation Programme (Copernicus, previously known as Global Monitoring for Environment and Security)[m] and European Environment Information and Observation Network (Eionet).[n] GEO portal[o], and the information portals CARNet "Environment and

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[f]   Available from http://eur-
lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0004:EN:NOT

[g]   Available from http://eur-
lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006R1367:EN:NOT

[h]   Available from http://eur-
lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007L0002:EN:NOT

[i]   More information is available http://www.opengeospatial.org/standards

[j]   See http://www.ref.gv.at/Umweltinformation.1024.0.html

[k]   Available from http://data.gv.at/

[l]   See http://ec.europa.eu/environment/seis/

[m]   See http://www.copernicus.eu/

[n]   See http://www.eionet.europa.eu/

[o]   See http://www.geoportal.org/web/guest/geo_home

sustainable development in Central Asia and Russia"[p] and CAWaterinfo[q] were also mentioned.

34. Public participation in environmental decision-making processes (in the sense of articles 6, 7 and 8 of the Convention) is reported increasingly to take place electronically. Some electronic tools are used by the Parties to support these processes. For example, public e-consultation platforms were used by eight EU countries and Norway, five countries of Eastern Europe, the Caucasus and Central Asia and two SEE countries. Internet discussion forums are used in four EU countries and six countries of Eastern Europe, the Caucasus and Central Asia. Some other respondents indicated their plans to use these tools. E-campaigning tools are also used to a limited extent in all three subregions. Public e-committees, e-collaborative environment, e-interviews and e-meetings are less used, although there are plans to start using these tools as well.

35. Many respondents highlighted that electronic tools are mostly used for posting public notices about decision-making procedures and draft legal acts or strategies, plans, programmes and policies relating to the environment, as well as for collecting public comments on the posted drafts. To a lesser extent, these tools are used to facilitate public participation in EIA and other decision-making procedures on specific activities.

36. Internet inventories of administrative procedures in which the public can take part and the periodic certification of Government publication schemes were also cited.

IV. Identifying public needs and developing capacities to provide access to environmental information and facilitate public participation in environmental decision-making

37. When asked to identify the main users of environmental information in the country from a table listing the categories "Government", "Academia and Schools", the "General Public", "NGOs" and the "Private Sector", the majority of respondents indicated that all categories of users were main users.

38. Respondents indicated several methods to identify users' needs for each category of users mentioned above. Most common are identifying the subjects of information requests, the outcomes of meetings, seminars, website surveys, questionnaires and interviews, monitoring of social media posts and forums, expert opinions and cooperation with relevant public authorities and different public and expert networks.

39. Some respondents indicated that no identification of user needs has been conducted.

40. Some respondents highlighted positive experiences in identifying user needs within specific projects aimed at improving particular electronic tools or wider dissemination of environmental information. For instance, Greece had conducted a successful assessment of user needs during the relevant software development projects. The same was done in Serbia during the development of the first national meta-register for environmental information. In 2007, on the twentieth anniversary of the first report on the state of the environment (SoER), the Portuguese Environmental Agency made an assessment, based on a questionnaire, about the use and effectiveness of this tool for collecting and dissemination of environmental information.[r]

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[p] See http://www.caresd.net
[q] See http://www.cawater-info.net
[r] Available from http://sniamb.apambiente.pt/docs/REA/REAOT_20anos.pdf

41.   The public's needs in access to environmental information were addressed by the European Commission through the communication, "Towards a Shared Environmental Information System (SEIS)" (COM(2008) 46 final),[s] staff working document "EU Shared Environmental Information System Implementation Outlook" (SWD (2013) 18 final)[t] and the communication, "Improving the delivery of benefits from EU environment measures: building confidence through better knowledge and responsiveness" (COM/2012/095 final).[u]

42.   Progress in improving electronic access to environmental information was reportedly being communicated to the public through a variety of media at the national and local level, including the Internet, electronic bulletins and newsletters, the press and press conferences, specialized environmental magazines, CD-ROMs and other publications, as well as through meetings and conferences.

43.   Thirteen of twenty-two Governments reported that comprehensive environment-related programmes, including specific training programmes linking the use of information technology applications to the promotion of good environmental governance, had been developed and implemented in their countries. The majority of such training efforts had been periodic and State-financed and had targeted the public sector.

44.   Only 39 per cent of respondents reported that their country had an Aarhus Clearinghouse national node web portal in operation in accordance with paragraph 19 of the recommendations. Only 27 per cent (mainly in the countries of Eastern Europe, the Caucasus and Central Asia) reported that they had designated an Aarhus Clearinghouse National Node Administrator responsible for collecting, managing and updating the information contained in the national node and providing the necessary information for the central node of the Convention's clearinghouse mechanism.

V.   Challenges and obstacles to the use of electronic information tools to provide access to environmental information and facilitate public participation in environmental decision-making

45.   Several institutional, economic and legal challenges and obstacles to the use of electronic tools to implement the recommendations were identified as important (see graphs 4.1–4.3 of the accompanying document). Among the institutional challenges mentioned were:

        (a)   Poor cooperation with other agencies collecting environmental data, especially in the countries of Eastern Europe, the Caucasus and Central Asia and SEE countries;

        (b)   The limited scope or extent of the environmental data collected;

        (c)   Limited standardization of data sets, especially in SEE countries.

46.   Access to the Internet itself was cited by some respondents from countries of Eastern Europe, the Caucasus and Central Asia as a barrier, including a lack of financial resources,

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[s]   Available from http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008DC0046:EN:NOT

[t]   Available from http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008DC0046:EN:NOT

[u]   Available from http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52012DC0095:EN:NOT

the high cost of online access and the cost and limited availability of equipment. Respondents from the EU and countries of Eastern Europe, the Caucasus and Central Asia also mentioned a lack of technical support and professional networks. No experience to involve public-private partnerships to address these challenges and obstacles was mentioned. In some cases the poor state of the national telecommunications infrastructure was mentioned.

47. The lack of clear legislation on public access to environmental information remains a challenge to various extents in all three subregions.

VI. Conclusions

48. The responses to the questionnaire demonstrate a broad level of activity at the national level to implement the recommendations contained in decision II/3. Trends in electronic accessibility of environmental information continue to be headed in a positive direction in all subregions. The legal framework to provide public access to environmental information through the Internet has been strengthened, but also needs further improvements. No costs and almost no registration or signing-in procedures for users were reported.

49. The implementation of the electronic access to information provisions of the Convention is improving, as reflected by, for example, the nearly universal practice of publishing state-of-the-environment reports online. Also, the increasing availability of a range of reference documents and data is a positive development. This includes texts of legislation, regulations, rules and other legally binding instruments on or relating to the environment; texts of policies, plans and programmes on or relating to the environment, and environmental agreements; data on environmentally significant releases and transfers of pollutants, within the scope of the Protocol on PRTRs; and environmental monitoring data held by or on behalf of public authorities. The increasing use of geo-spatial technologies when presenting environmental information might facilitate better decision-making in environmental matters and better satisfaction of users' needs.

50. The dissemination of environmental information through the websites of national environmental authorities, the increasing use of general governmental portals for this purpose and the establishment of national specialized web portals dedicated to environmental information remains a relatively strong area of national performance.

51. The status of implementation at the regional (State, provincial) and local levels is less clear, with some regions advancing ahead of national practice while others lag behind. Coordination of different levels of administration responsible for providing environmental information is sometimes cited as difficult, time consuming and costly. Nevertheless, assisting regional and local public authorities in better structuring their websites was reported by several respondents as a useful step to improve public access to environmental information at the regional and local levels.

52. Further improvement of environmental information is needed for access to documentation forming an integral part of the environmental decision-making procedure regarding specific activities, including EIA, state environmental expertiza, as applicable, licences and permits, as well as strategic decision-making, including SEA, as applicable.

53. By contrast, implementation of electronic public participation is still under development. Electronic tools are mostly used for posting public notices about decision-making procedures and draft legal and policy documents relating to the environment as well as for collecting public comments on the posted drafts. To a lesser extent, these tools are

used to facilitate public participation in EIA and other decision-making procedures on specific activities.

54. Specifying the procedures for electronic public participation in environmental decision-making processes (in the sense of articles 6, 7 and 8 of the Convention) would promote transparency and provide useful guidance both to members of the public wishing to use e-participation techniques and to government officers dealing with public consultation.

55. Continuous exchange of experiences regarding the use and development of social media, mobile applications and e-participation tools and platforms could be beneficial for the Parties that plan to use these tools and platforms in the future. It will also facilitate the use of new electronic information technologies in collecting and disseminating environmental information.

56. Electronic information on mechanisms related to access to justice was reported by most countries. The majority of EU member States and half of the respondents from countries of Eastern Europe, the Caucasus and Central Asia and SEE countries reported that such information was generally available. At the same time, many Parties responded that decisions of courts, and whenever possible of other review bodies, held in electronic form were only partly available through the Internet.

57. Resource constraints continue to hamper implementation across the region. Countries of Eastern Europe, the Caucasus and Central Asia cited resources as a challenge more frequently than did EU countries, but they were by no means alone in raising concerns about the cost of implementing electronic access. Some countries of Eastern Europe, the Caucasus and Central Asia also reported infrastructural constraints.

58. In many countries, the formulation and implementation of national e-government strategies and Open Government Data initiatives have facilitated the use of electronic tools for access to information, administrative processes and services, as well as the participation of the public in environmental decision-making.

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