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ECONOMIC COMMISSION FOR EUROPE

MEETING OF THE PARTIES TO THE
CONVENTION ON ACCESS TO INFORMATION,
PUBLIC PARTICIPATION IN DECISION-MAKING AND
ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS

Working Group of the Parties

Seventh meeting
Geneva, 2–4 May 2007
Item 7 of the provisional agenda
Electronic information tools and the clearing-house mechanism

**REPORT OF THE FIFTH MEETING OF THE TASK FORCE
ON ELECTRONIC INFORMATION TOOLS***

Addendum

**SUMMARY REPORT ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
OF THE MEETING OF THE PARTIES ON ELECTRONIC INFORMATION TOOLS
(DECISION II/3)**

Prepared by the secretariat in consultation with the Bureau¹

* This document was submitted on the above date to allow consultations with experts attending the UNECE Workshop on Capacity-Building for the Aarhus Clearinghouse Mechanism and Electronic Information Tools held on 8–9 March 2007 in Szentendre, Hungary.

¹ This document has been prepared pursuant to the request of the Task Force (ECE/MP.PP/WG.1/2007/L.3, para. 23).

1. At its fifth meeting (23–24 November 2007), the Task Force on Electronic Information Tools requested the secretariat to prepare a summary report on the status of implementation of the recommendations on the more effective use of electronic information tools to provide public access to environmental information, annexed to decision II/3 on electronic information tools and the clearing-house mechanism (ECE/MP.PP/2005/2/Add.4). The report was to be based on the responses received to the questionnaire that had been circulated in English to the national focal points and members of the Task Force on 27 October 2006 (ECE/MP.PP/WG.1/2007/L.3/Add.1).
2. The present report, prepared at the request of the Task Force, is intended to inform the Parties of the needs, challenges and solutions in the areas of e-information, e-participation and e-access to justice and to provide a baseline from which to measure future progress. It covers, in most cases, national-level practices and resources. The information provided by the national focal points should not be interpreted as a statement on all activity carried out by the respective member States.
3. The Task Force had set 20 December 2006 as the deadline for responses to the questionnaire. However, some Parties later indicated that more time would be needed to complete their responses; the summary therefore includes a number of responses that were submitted late. A draft of the summary report was circulated to the members of the Task Force and participants in the Workshop on Capacity-Building for the Aarhus Clearinghouse Mechanism and Electronic Information Tools (8–9 March 2007, Szentendre, Hungary) for comment before being finalized by the secretariat.
4. As of 31 January 2007, the secretariat had received 24 responses: 19 from member States, one from the European Commission on behalf of the European Community and four from NGOs. Of the 20 responses received from Parties, eight were from the subregion of Eastern Europe, Caucasus and Central Asia (EECCA) and 12 from the European Union (EU). An additional three responses to questions 18–24 (dealing with national nodes of the clearing-house mechanism) were received from three Governments (2 EU, 1 EECCA) by 28 February 2007.²
5. The Task Force had also discussed at its fifth meeting the status of the preliminary responses received from NGOs and had agreed that, although the information submitted by NGOs could provide additional perspective on national implementation of decision II/3, the summary report should focus on the official responses by member States. It was further agreed that the NGO responses would be posted on the Convention's website along with the official ones. NGOs were encouraged to share their responses with their respective national focal points, and Governments were encouraged to take these responses into account.
6. The Task Force proposed that the questionnaire be distributed annually to the national focal points to assess progress in implementation of the recommendations annexed to decision II/3. To encourage participation in the assessment, it discussed whether the questionnaire should

² Since Bulgaria and Romania joined the EU on 1 January 2007, their responses are counted among those of the EU Member States. One of the NGO responses was from Eastern Europe, Caucasus and Central Asia and three were from EU Member States, including the then-EU accession states Bulgaria and Romania.

in future be distributed in Russian as well as in English. It was decided that the questionnaire should be submitted to the Working Group of the Parties at its seventh meeting as an addendum to the report of the meeting of the Task Force. The Working Group may wish to consider how and whether the questionnaire and its responses could contribute to the preparation of national implementation reports in the areas covered by the survey, and whether for this purpose it would be useful to periodically circulate updated versions of the questionnaire in the three official languages.

I. TABULATION AND SUMMARY OF THE RESPONSES

7. Table 1 on page 4 shows the frequency of member State responses by subregion (EECCA and EU) to questions 1–3. Each of these questions addressed the availability through the Internet of a specific type of environmental information, 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.

8. Table 2 on page 5 shows the frequency of member State responses by subregion to questions 4 (a)–(c), which addressed the proportion of members of the public enjoying electronic access and the location of such access. Seven out of eight EECCA member States reported that 39% or fewer of the members of the public in their countries had electronic access in their place of residence. Overall, access in places of work was more common than access in residences in both subregions.

9. Figure 1 on page 5 shows where access to specified types of environmental information through the Internet is legally required in the EU and EECCA subregions.

10. Table 3 and figure 2 on page 6 show the frequency of member State responses by subregion to question 5, which addressed whether the scope of electronically accessible environmental information had increased, declined or remained the same since 2005. The scope of environmental information was reported to have generally or partly increased in all 18 member States that responded to the question.

11. The most common form of Internet access for the majority of users reported by seven out of eight EECCA member States is dial-up (telephony). In the EU, 10 member States reported broadband as the most common form.

12. To gauge the level of actual use of electronically accessed environmental information, member States reported tracking traffic statistics on official environmental websites as the most commonly employed method. In particular, the number of visitors and the quantity of downloaded information were mentioned. The second most commonly reported method was online satisfaction surveys. One Government reported that an extensive household survey involving a written questionnaire had been used to canvass 1,114 people. Two Governments reported that user information was not monitored or was currently unavailable.

Table 1: Access to specified types of environmental information through the Internet

Title and question no.	Generally available			Partly available			Not available			Legally required			Plans for improvement		
	EECCA	EU	Total	EECCA	EU	Total	EECCA	EU	Total	EECCA	EU	Total	EECCA	EU	Total
State of the environment reports 1 (a) i, iii and iv	6	12	18	1	0	1	1	0	1	5	11	16	2	1	3
Legislation, regulations, rules 1 (b) i, iii and iv	7	12	19	1	0	1	0	0	0	6	11	17	1	0	1
Policies, plans and programmes 1 (c) i, iii and iv	5	12	19	3	0	3	0	0	0	7	9	16	0	3	3
Environmental impact assessments (EIA) and strategic environmental assessments (SEA) 1 (d) i, iii and iv	2	3	5	4	9	13	1	0	1	6	8	14	2	4	6
Location of EIA and SEA documentation 1 (e) i and ii	2	6	8	3	6	9	2	0	2	-	-	-	-	-	-
Pollutant release and transfer register data 1 (f) i, iii and iv	1	4	5	2	5	7	5	2	7	2	11	13	3	4	7
Mechanisms related to access to justice 1 (g) i, iii and iv	3	8	11	3	2	5	1	1	2	4	7	11	1	2	3
Applications for licences or permits 2 (a) i, iii and iv	3	2	5	1	5	6	4	4	8	4	3	7	2	7	9
Draft licences or permits 2 (b) i, iii and iv	2	0	2	2	3	5	4	7	11	3	3	6	2	5	7
Final licences or permits 2 (c) i, iii and iv	0	3	3	2	6	8	4	2	6	2	6	8	3	7	10
Comments of third parties 2 (d) i, iii and iv	0	1	1	1	3	4	5	6	13	2	1	3	1	3	4
Documentation forming an integral part of any licensing or permitting 2 (e) i, iii and iv	2	6	8	3	3	6	1	2	3	4	8	12	2	4	6
Environmental monitoring data 3 (a) i, iii and iv	2	5	7	3	6	9	1	1	2	4	7	11	0	5	5
Product information 3 (b) i, iii and iv	0	2	2	3	9	12	4	1	5	4	3	7	2	5	7
Environmental management 3 (c) i, iii and iv	3	5	8	1	7	8	2	0	2	2	2	4	2	4	6
Metadata on data collection 3 (d) i, iii and iv	2	3	5	2	6	8	4	2	6	2	4	6	1	4	5
Catalogues of data sources 3 (e) i, iii and iv	2	4	6	3	4	7	1	2	3	3	5	8	1	5	6

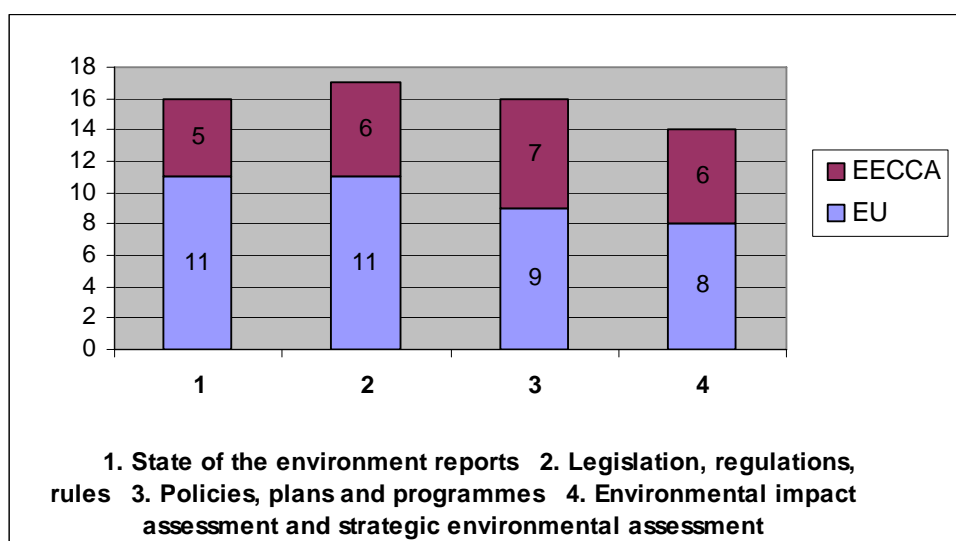
13. When asked to identify the main users of environmental information in the country from a table listing the categories Government, Academia/Schools, General Public, NGOs and Private Sector, the majority of respondents indicated that all categories of users were main users. Mass media, international organizations and members of parliament were mentioned among other main users.

14. One Government conducted a research study with the members of the parliament's Environment Committee and the Committee for the Future using environmental indicators. The study was carried out in two parts. First the indicators were presented to a chosen parliamentary committee; later all members of parliament who were present, a member of the European Parliament and the minister for the environment were also interviewed. The results of these and other studies reportedly helped the Government to develop its environmental administration's website and to prioritize its work.

Table 2: Frequency of member State responses by subregion to question 4: proportion of members of the public with electronic access

	More than 80%			60-79%			40-59%			20-39%			Less than 20%		
	EECCA	EU	Total	EECCA	EU	Total	EECCA	EU	Total	EECCA	EU	Total	EECCA	EU	Total
In place of residence	0	1	1	1	0	1	0	5	5	4	2	6	3	1	4
In place of work	1	4	5	1	2	3	2	2	4	4	2	6	0	1	1
In publicly accessible facility (Internet cafe, public library, kiosk, etc.)	0	6	6	3	0	3	0	0	0	2	1	3	3	2	5

Figure 1: Legally required access to specified types of environmental information

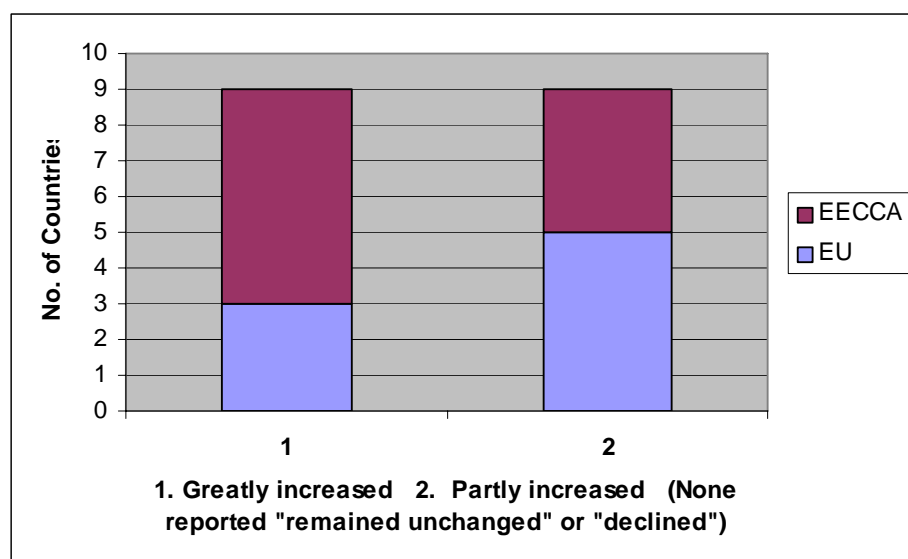


15. The majority of respondents were unable to describe how successful assessment of user needs for environmental information had been, in many instances because they had not yet undertaken such assessments. One Government reported that its ministry had kept official statistics on field requests for access to information since June 2003. The experience had shown that the more information is actively disseminated through the Internet and information centres, the fewer written applications for access to information are filed by the public. Some Governments were preparing surveys of government, NGOs and the private sector in order to gauge how successfully users needs were being met. The European Commission cited Eurobarometer 217 (“Attitudes of Europeans towards the environment”, 2004) and Environmental Issue Report 13 (“A new model of environmental communication for Europe from consumption to use of information”, 1999) as providing a useful baseline and approach for measuring success in EU countries.³

Table 3: Trends in electronic accessibility of environmental information by subregion

Generally increased			Partly increased			Remained unchanged			Declined		
EECCA	EU	Total	EECCA	EU	Total	EECCA	EU	Total	EECCA	EU	Total
3	6	9	5	4	9	0	0	0	0	0	0

Figure 2: Trends in the scope of electronically accessible environmental information



16. One EU Government reported that it had undertaken a major project to identify and develop “personas” to help guide the development of its Internet services. A persona is an archetypal customer who represents the needs of larger groups of customers. Based on in-depth

³ <http://reports.eea.europa.eu/92-9167-125-8/en>

customer research with 31 Internet customers, the project resulted in the development of five Internet personas: “Researcher”, “Regulated Business”, “Environmentally Conscious”, “At Risk” and “Recreation”. Over 50 agency staff had been involved in interpreting the data and deciding on the final personas. Table 4 presents summaries of the personas developed by the Environment Agency of England and Wales.

Table 4: Summary of personas using online environmental information in England and Wales

Who they are	What they say	What they want from the site
Researcher “Rebecca”	<i>“I need to get data and information to help us develop our policies and to keep abreast of local environmental issues.”</i>	<ul style="list-style-type: none"> • Environment Agency research and data • Environment Agency’s current policy and position • How to contact the Agency • Information on consultations • Licensing register • Latest Environment Agency issues • Contact information
Regulated Business “Brian”	<i>“I need to ensure my organization complies with the rules and regulations, and I need to know what to do and whom to contact in the event of an incident.”</i>	<ul style="list-style-type: none"> • Rules and regulations that affect his business • How to comply with the rules • To be able to submit required returns • Press information on prosecutions • Emergency contact information
Environmentally Conscious “Elaine”	<i>“I’ve heard about global warming and all these other environmental problems – I want to know what we can do about it at home with things like our rubbish, how much water and electricity we use, and how we use our cars.”</i>	<ul style="list-style-type: none"> • Information on environmental “hot topics” • Information on what action she can take
At Risk “Ajay”	<i>“I want to know if I’m at risk of flooding and what I can do about it, and also what the general quality of the local environment is like and how safe it is to live where I do.”</i>	<ul style="list-style-type: none"> • Local environment risks • Implications of this risk • Information on what action he can take
Recreation “Roy”	<i>“I want to make sure that I’ve got the right license and know where’s good to go.”</i>	<ul style="list-style-type: none"> • Licence information • Applying for a licence • Where to go • What facilities there are • What the current and forecast conditions are like

17. Progress in improving electronic access to environmental information was reportedly being communicated to the public through a wide variety of media, including the Internet, the

press and press conferences, specialized environmental magazines, CDs and other publications (e.g. a federal brochure that describes the procedure for the public to obtain environmental information according to the Aarhus Convention); meetings, symposia; and among institutions (e.g. libraries, information booths at environmental fairs, local committees for environmental conferences, public ecology centres, regional environmental centres and “Aarhus Centres”.

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

19. One Government listed seven separate websites providing different types of environmental information, with an additional two environmental health-related sites providing further information to the public. The plethora of official environmental information sources available on the Internet makes it a challenge to direct users to relevant electronically available information.

20. Asked to include references to national Web portals or other sites of interest to ensure that information is available electronically, 17 out of 19 countries and the European Commission responded by providing electronic links (URLs) to such portals. The remaining four respondents provided at least one electronic link to relevant environmental information maintained by their country. The EU member States reported having on average three national portals (3.1 average); EECCA countries reported having nearly four such portals (3.7 average). The number of reported portals per country ranged from one to seven.

21. Several EU member States referred to EU Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information, which repealed Council Directive 90/313/EEC. While public access to environmental information is a legally enforceable right under the directive, and while the directive echoes the Convention’s requirement that environmental information be progressively made available electronically through public telecommunications networks, the directive is not specific with regard to providing a legal right of access through the Internet. Similarly, while Regulation 1367/2006 provides for the legally enforceable right to access environmental information in general held by EU institutions and obliges Community institutions and bodies to make environmental information “progressively available in electronic databases that are easily accessible to the public through public telecommunication networks”, it does not specifically provide a right to access information via the Internet. Some noted that although there is no legal obligation to provide information through the Internet, it is provided as a matter of practice and is technically feasible. Some Governments reported that rights to environmental information are provided under more general Freedom of Information or Openness of Government Activities acts.

22. The majority of EU member States reported that their Governments had formulated and implemented national “e-government” strategies for the use of electronic tools to facilitate administrative processes and services. The eEurope 2005 Action Plan launched at the Seville European Council in June 2002 provides a general framework. Only two of eight EECCA countries reported that their Governments had adopted e-government strategies.

23. Public participation in environmental decision-making processes (in the sense of articles 6, 7 and 8 of the Convention) is reported to take place electronically in 9 out of 11 EU member

States and is under preparation in two additional EU member States. Participation begins with the posting of drafts of plans, programmes and strategies on the ministry's or agency's website at the earliest possible stage. Some Governments also reported that public notice of the preparation of legislation, environmental permits and environmental impact assessments is provided on the Internet.

24. One EU member State's Government had decided to experiment with the use of new information and communication technologies in the procedure for public inquiries (*enquêtes publiques*). Publication on a website of the decision to open a public inquiry, and publication of the report at the conclusion of the procedure and of parts of the information submitted to the public, with an indication of where all the information can be found, were planned. In one member State, the relevant ministry uploads on its home page drafts of plans, programmes and legal rules, and stakeholders are invited to submit their opinions, reviews and recommendations on these proposals within one week to one month. The experts of the government division responsible for the preparation of the plans, legal rules and so on then summarize the public comments and respond with detailed arguments accepting or rejecting the received comments. Other Governments reported similar one-week to one-month time limits on public comment periods.

25. Another Government reported that it offers, through a national Web portal, information on decisions about specific activities (in the sense of article 6 of the Aarhus Convention) where an environmental impact assessment is required, and invites the public to comment anonymously. The site also offers the possibility to comment on plans and programmes in the sense of article 7 of the Convention. Work is ongoing to improve these electronic procedures.

26. It was further reported that at the regional level, provision for e-public participation in plans and programmes is ad hoc. In one country, the public is informed that statutory consultees are stipulated in the relevant legislation and may include one or more of 13 different categories of authorities (e.g. local, regional, national or sectoral authorities and specialized agencies).

27. Among EECCA countries, two of seven reported that electronic public participation in environmental decision-making process (in the sense of articles 6, 7 and 8 of the Convention), takes place electronically through e-mail. No specific procedures were cited for such participation, however.

28. Seven of 19 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 country. The majority of such training efforts had been periodic and state-financed and had targeted the public sector. One Government reported that its comprehensive training programme was ongoing and was financed through a mix of international and private (i.e. philanthropic, NGO, private-sector) financing.

29. Several institutional, economic and legal challenges and obstacles to the use of electronic tools to implement the recommendations contained in decision II/3 were identified as important. Among the institutional challenges mentioned were:

(a) Cooperation between government authorities (at national or federal level, regions, provinces and local communities) and cooperation between different government bodies within the regional authorities concerned with the environment;

(b) Finding sufficient time and resources to make information available in electronic form; developing a user-friendly model to provide data in easily understandable way; and the time-intensive nature of negotiation of semantic issues; and

(c) The limited scope or extent of environmental data collected, poor cooperation with other agencies collecting environmental data, limited standardization of data sets, and establishment of formal tools for data exchange.

30. Access to the Internet itself was cited by some EECCA Governments as a barrier, including the high cost of online access and the cost and limited availability of equipment. Respondents from this subregion also mentioned the poor state of national telecommunications infrastructure and lack of technical support and professional networks.

31. The lack of clear legislation on environment and informational responsibility and the need to simplify traditional procedures to make them compatible with the new technologies and to develop electronic versions of procedures were mentioned among the economic, technical and legal challenges facing Governments.

32. Eleven of 21 countries (52%) reported that their country had an Aarhus Clearinghouse national node Web portal in operation. Three countries stated that a national node was being prepared or had plans to launch an Aarhus Convention-related site in the near future.

33. A single country described seminars and workshops as measures undertaken to promote the involvement of different stakeholders representing both providers and users of information in the national node of its Clearinghouse. One Government mentioned plans to involve stakeholders through its national Aarhus Centre.

34. To ensure that information is available electronically and is easily accessible, EU member States are expected to adopt in early 2007 a directive creating INSPIRE – Infrastructure for Spatial Information in Europe. INSPIRE is expected to strengthen the knowledge base for EU environmental policy and make it more accessible to citizens, stakeholders and decision-makers. The directive will cover a very wide range of spatial data ranging from basic mapping information, such as geographical names and administrative units, to emissions, environmental quality and locations of protected sites. A portal will be developed to provide a single entry point for users to access the data. The EU member States would have two years to transpose the directive into national law.⁴

⁴ The European Parliament adopted the proposed directive at its third reading on 13 February 2007.

II. CONCLUSIONS

35. 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 are headed in a positive direction in all subregions. Implementation of the electronic “access to information” provisions of the Convention, as reflected by, for example, the nearly universal practice of publishing state-of-the-environment reports online and the widespread establishment of national Web portals dedicated to environmental information, remains a relatively strong area of national performance. Several countries reported plans to improve areas of weakness, such as the provision of information related to environmental impact assessment and strategic environmental assessment.
36. By contrast, implementation of electronic public participation is at best characterized as partial in EU member States and only weakly in evidence in EECCA countries. The picture 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 often cited as difficult, time-consuming and costly.
37. Electronic information on mechanisms related to access to justice were reported by most countries. The majority of EU member States reported that such information was generally available, while the majority of EECCA countries said it was only partially available.
38. Resource constraints continue to hamper implementation across the region. EECCA countries 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 EECCA and new EU countries also reported infrastructural constraints.
39. In EECCA countries, promoting the formulation and implementation of national “e-government” strategies for the use of electronic tools to facilitate administrative processes and services may be a useful step in increasing the accessibility of environmental information and the participation of the public in environmental decision-making.
40. 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.
41. Training in the use of electronic public access and participation tools was generally absent across the region. A clear demand for such training was not evident from the responses to the questionnaire. However, subsequently, the secretariat received a strong response to the invitation to the capacity-building workshop in Szentendre, Hungary, which targeted non-EECCA member States’ experts and civil society organizations in South-Eastern Europe.
42. Research into user interaction with electronic information tools, and in particular with national environmental information portals, is ongoing in several countries and may provide useful guidance in the future design and operation of such systems.