Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters
Task Force on Access to Information
First meeting
Geneva, 7 and 8 February 2013
Item 2 of the provisional agenda
Public access to environmental information: possible priorities for the work

Statement by the United Kingdom
Discussion paper

The UK has made progress on a number of the possible priorities for the Task Force. Transparency is a key part of the UK Government's efficiency and reform agenda, which recognises that putting public data in people's hands can help them have more of a say in the reform of public services and encourage greater public participation in decision-making http://www.cabinetoffice.gov.uk/transparency In order to drive forward this agenda the Cabinet Office has appointed Sir Tim Berners-Lee, inventor of the World Wide Web, as one of the members of the Public Sector Transparency Board.

We have the following comments on the issues mentioned in meeting paper AC/TF.AI/Inf.3:

As agreed at Riga, we have made progress on implementing objectives I.7, III.2 and III.3 of the Strategic Plan.

2(a) Objective I.7
"Public authorities at all levels and in all relevant sectors of government have well-established information policies and mechanisms, under which environmental information of high quality is routinely provided and proactively disseminated to the public in a user-friendly manner, making full use of electronic tools where available."

The UK's Environmental Information Regulations 2004 (EIRs), which implement both the Aarhus Convention and Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information in England, Wales and Northern Ireland, require all bodies meeting the definition of a public authority in the EIRs to actively disseminate environmental information by electronic means which are easily accessible. Bodies which are also public authorities under the UK's Freedom of Information Act 2000 are required to use the model publication scheme provided by the Information Commissioner's Office (ICO), which regulates information access rights in the UK (excluding Scotland). Separate but similar Regulations apply to Scottish public authorities. Both the Department for Environment, Food and Rural Affairs (Defra) and the ICO publish guidance on proactive dissemination of environmental information

(http://archive.defra.gov.uk/corporate/policy/opengov/eir/pdf/article7report.pdf
and
http://www.ico.gov.uk/for_organisations/environmental_information/guide/publication_scheme.aspx)

As an example of a user-friendly portal, a signposting service called "My Environment" was launched in December 2012 with the aim of helping people to find and make sense of existing sources of information about the natural environment in England:
http://www.naturalengland.org.uk/advice/myenvironment/default.aspx. Putting all the information people need in one place will make it easier to explore, understand, enjoy, and protect the natural environment. The service is delivered by Natural England, working in partnership with the Environment Agency. Initially information will be available through web pages, and subsequently it will be offered through other channels such as smart phones.

2(b) *From objective III.2*
"The range of environmental information that is made available to the public is gradually widened, inter alia, by developing and implementing mechanisms enabling more informed consumer choices as regards products, thereby contributing to more sustainable patterns of production and consumption."

The Defra website (http://www.defra.gov.uk/environment/economy/products-consumers/) makes information about sustainable products freely available. This covers
- *Sustainable product policy* This section provides links to information about the range of national, EU and international policies on product sustainability. These include mandatory requirements on energy related products, product roadmapping to improve product sustainability through voluntary action, and requirements for sustainable product procurement by the public sector.
- *Green claims and labels* This section has Defra's Green Claims Guidance setting out how businesses can make good environmental claims about their products and so help consumers make informed choices. It also has information about different environmental product labelling schemes including a "Shoppers Guide to Green Labels".
- *Influencing behaviours* This section provides links to our broad evidence base of research on understanding how to encourage sustainable behaviours, and identifying the barriers and motivations to action.

There are links to useful product information available on a range of other websites including:
- Market Transformation Programme information on EU requirements for energy related products
- Energy Savings Trust information on voluntary energy efficiency measures
- Consumer Focus information on consumer attitudes to green products
- European Commission information on EU product policies; and

- Product policy enforcement bodies including the National Measurement Office and Advertising Standards Authority.

Consumers often use brand as a proxy for product quality. Rather than comparing individual products, they may have a general view of the environmental credentials of a particular brand or company. In addition to product-focussed information, there is a range of organisation focussed information on the Defra and WRAP websites including:
- tips for businesses on how to improve resource efficiency,
- information on the benefits of environmental management systems and
- guidance to businesses on corporate reporting of environmental impacts including supply chain impacts.

There is detailed guidance on how to measure and report greenhouse gas emissions, and we are updating the guidance on how organisations can measure and report on their impact on wildlife and natural services such as clean air, clean water, food, timber, flood protection and welfare benefits. We are also introducing a new regulation which will require companies listed on the London Stock Exchange to report their levels of greenhouse gas emissions from April 2013.

2(c) Also from objective III.2:
"Through exchange of information and good practice, consideration is given on how to promote increasing accessibility of environmental information held by the private sector, taking into account relevant issues of confidentiality of commercial and industrial information and protection of intellectual property rights in line with the current approach under the Convention"

We are keen to encourage and enable businesses and others to share the data they hold about the environmental impacts of their products and services, and wherever possible to make this information freely available to all.

Credible, international standards provide one effective, collaborative mechanism through which businesses can gather and disseminate good practice on gathering and sharing environmental information. The British Standards Institution (BSI) is working with industry, government, NGOs, the EU and other international standards bodies (e.g. CEN and ISO) to develop and agree a range of standards for measuring, managing and communicating the environmental impacts of products and organisations. For example, ISO 14021 on environmental labels and declarations, ISO14067 on carbon footprinting of products, ISO14046 on water footprinting and ISO 14001 on environmental management.

We have set up the Product Sustainability Forum to encourage organisations to work collaboratively on product environmental information. The Forum is a collaboration of over 80 organisations including grocery and home improvement retailers and suppliers, academics, NGOs and UK Government representatives.

It provides a platform for the organisations to work together to measure, reduce and communicate the environmental performance of the grocery and home improvement products **(**http://www.wrap.org.uk/content/product-sustainability-forum). Through the forum organisations can pool their resources, accelerate progress, and develop an agreed evidence base to help prioritise their efforts.

The Product Sustainability Forum uses life-cycle thinking to underpin 'hotspot' analysis to identify product groups where the most impacts are found, and work out how the performance of products might be improved. The intention is that all of this data and information will be published and freely available on the internet. The web interface is being developed.

The Product Sustainability Forum is working alongside similar initiatives around the world, see 5b below.

We have the following comment on the status of implementation of articles 4 and 5 of the Convention and obstacles encountered, as identified in the background paper AC/TF.AI/Inf.2:

4 *Compliance and implementation, incuding capacity-building*

The UK reported no obstacles to implementation of articles 4 and 5 of the Convention during the 2008 and 2011 reporting cycles.

We have the following comments on the areas identified in the meeting paper as possible substantive issues for the Task Force to address under its current mandate and possibly in the next intersessional period:

5(a) *The scope of environmental information and public access to environment-related information available to public authorities other than responsible for environmental protection (e.g. land administration authorities)*

All bodies meeting the definition of a public authority in the EIRs are already required to provide access to environmental information, whether or not their chief responsibility is environmental protection in the strict sense. For example, bodies falling within scope of the EIRs include educational establishments, local authorities such as town councils, some museums, and Transport for London, which manages the transport services for which the Mayor of London has responsibility. The scope of the environmental information available to them will depend on their activities.

5(b) *Providing sufficient environmental information with regard to products*

There are many initiatives around the world which are working on gathering and sharing environmental product information. For example:
- UK Product Sustainability Forum
- PCF World Forum
- UNEP/SETAC Lifecycle Initiative

- Sustainability Consortium
- Consumer Goods Forum
- European Commission's Joint Research Council
- EU Food Sustainable Consumption and Production Roundtable
- Beverage Industry Environmental Roundtable
- French Government's Grenelle initiative
- Quebec product carbon footprint pilot
- Collaborating Centre on Sustainable Consumption at Wuppertal
- Carbon Disclosure Project

There was a meeting of representatives from many of these different initiatives in Berlin in September 2012. The meeting agreed that there would be significant benefits in future collaboration, in terms of sharing information, sharing workload, improving efficiency and avoiding duplication. Discussions about shared programme and project proposals are underway, and there are plans for a joint secretariat between UNEP and the UK Product Sustainability Forum. A second meeting is planned in June 2013.

It is early days, but we suggest it could be useful for this activity to be linked into future activities of the product environmental information working group.

5(c) *Access to environmental information and copyright protection*

There is an exception available in the Aarhus Convention for information covered by intellectual property (IP) rights, which we understand to cover copyright. It applies where disclosure would produce an adverse effect beyond infringement of IP rights. This exception has been included in the EIRs, but it is acknowledged to be difficult to apply. The ICO produced new guidance on this exception in July 2012 - http://www.ico.gov.uk/for_organisations/guidance_index/~/media/documents/library/Environmental_info_reg/Detailed_specialist_guides/eir_intellectual_property_rights.ashx. Guidance on licences for the re-use of public sector information is provided by The National Archives (TNA) - http://www.nationalarchives.gov.uk/information-management/our-services/crown-copyright.htm , and responses to requesters from many public authorities include guidance on copyright, conditions for re-using the material and internet links pointing to TNA's website.

5(d) *Protection of a legitimate economic interest through protected-by-law confidentiality of commercial and industrial information related to the environment and the public interest served by disclosure of such information*

The EIRs include at regulation 12(5)(e) an exception for the protection of a legitimate economic interest where commercial or industrial information is protected by the law of confidentiality. This exception is subject to what is commonly referred to as the "emissions override", which means that information on emissions cannot be withheld for reasons of confidentiality. Guidance on applying this exception is produced by the Department for Environment, Food and Rural Affairs (Defra) and the ICO http://www.ico.gov.uk/for_organisations/guidance_index/~/media/documents/li

brary/Environmental_info_reg/Practical_application/eir_confidentiality_of_commercial_or_industrial_information.ashx . While the UK's Ministry of Justice (MoJ) publishes statistics http://www.justice.gov.uk/downloads/statistics/mojstats/foi-statistics/foi-stats-bulletin-q4-2011.pdf on usage of the equivalent exemptions under FOIA for the bodies that it monitors, no breakdown is published for exceptions under the EIRs. However, the statistics for the FOI exemption show that it is used relatively frequently to protect confidential commercial information. It is therefore likely that the environmental equivalent is also used fairly frequently.

5(e) *Access to raw data and primary statistical data related to environmental information*

Raw data can be requested under the EIRs, as the definition of environmental information in regulation 2 includes information in any form. Data on, for example, environmental monitoring is made available by the Environment Agency (EA). For example, the EA website points to public registers that include summary data - http://www.environment-agency.gov.uk/research/library/publicregisters/125602.aspx and provides data on waste management - http://www.environment-agency.gov.uk/research/library/data/34169.aspx . The UK has launched a website, http://data.gov.uk/, for releases of public sector data in open and standardised formats. This means people can use it easily and with minimal cost to review, examine and build on information about our country and communities. The Cabinet Office website invites members of the public to tell them which datasets they want released.

5(f) *Improving dissemination of priority categories of information in accordance with decision II/3 adopted by the Meeting of the Parties at its second session*

Where the priority categories of information identified in decision II/3 coincide with Article 7 of Directive 2003/4/EC (i.e. (i), (ii), (iii), (iv) and (vi)), regulation 4 of the EIRs requires public authorities to make this information available by electronic means which are easily accessible.

With regard to priority category (v), the http://www.prtr.net/en/links/ website provides links to UK Pollutant Release and Transfer Register (PRTR) information held by Defra, the EA, the Scottish Environment Protection Agency and the Northern Ireland Environment and Heritage Services.

With regard to priority category (vii), both the ICO and Defra have published guidance on access to justice, including how to make complaints about the handling of information requests. The Information Rights Tribunal publishes guidance on using its services on the Ministry of Justice website http://www.justice.gov.uk/tribunals/information-rights. Appeals to both the ICO and the Tribunals are free of charge.