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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

Sixteenth meeting
Geneva, 19–21 June 2013
Item 3 (a) of the provisional agenda
Substantive issues: access to information

Report of the Task Force on Access to Information on its first meeting

Contents

Introduction

1. The first meeting of the Task Force on Access to Information, established by 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) at its fourth session (decision IV/1),[1] was held in Geneva on 7 and 8 February 2013.[2]

2. The meeting was attended by experts designated by the Governments of Albania, Armenia, Austria, Belarus, Croatia, Georgia, Greece, Ireland, Kyrgyzstan, the Republic of Moldova, Slovakia, Spain, Turkey, the United Kingdom of Great Britain and Northern Ireland and Uzbekistan. The European Commission was present on behalf of the European Union (EU). A representative from the European Environmental Agency (EEA) was also present.

3. The following United Nations system bodies were represented: the United Nations Environment Programme (UNEP); the joint secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention), the Rotterdam Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rotterdam Convention) and the Stockholm Convention on Persistent Organic Pollutants (Stockholm Convention); the Intergovernmental Panel on Climate Change (IPCC); the World Health Organization (WHO) (via video link); and the United Nations Development Programme (UNDP) Belarus. The Organization for Economic Cooperation and Development (OECD) and Scientific-Information Centre of the Interstate Coordination Water Commission of Central Asia also attended the meeting.

4. Representatives of the Regional Environmental Centre for Central and Eastern Europe (REC) and the Regional Environmental Centre for the Republic of Moldova 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; CientEarth (Belgium); Women in Europe for a Common Future (WECF) (France); Hellenic Society for the Protection of the Environment and Cultural Heritage (Greece); "Greenwomen" Analytical Environmental Agency (Kazakhstan); Independent Ecological Expertise (Kyrgyzstan); GRID Arendal (Norway); "Eco-Tiras" International Environmental Association of River Keepers (Republic of Moldova); Volgograd Ecopress Information Centre (Russian Federation); Earthjustice (Switzerland); and Zoï Environment Network (Switzerland).

6. Also present at the meeting were representatives of the Aarhus Centres in Georgia and Belarus, academic institutions in Armenia, Finland and Switzerland and a number of organizations representing the private sector, such as the European Chemical Industry Council and others.

[1] See ECE/MP.PP/2011/2/Add.1 available from http://www.unece.org/env/pp/mop4/mop4.doc.html

[2] Documents for the meeting, the list of participants, statements and presentations are available online from http://www.unece.org/index.php?id=31447.

I. Opening of the meeting and adoption of the agenda

7. The Task Force Chair, Ms. Valentina Tapis (Republic of Moldova), opened the meeting and set out the following objectives for it: (a) to consider progress in implementing the first pillar of the Convention (access to justice) and define possible priorities for future work in that area; (b) to share good practices in the effective use of electronic information tools and the Aarhus Clearinghouse, and in the implementation of the recommendations in decision II/3 of the Meeting of the Parties on electronic information tools and the clearinghouse mechanism; (c) to identify capacity-building needs and streamline capacity-building initiatives with respect to public access to environmental information; (d) to discuss possible synergies with activities in other forums; and (e) to examine how to ensure public access to environmental information on products.

8. The Task Force adopted its agenda as set out in document AC/TF.AI/Inf.1.

II. Public access to environmental information: key messages from the region

9. The Chair recalled the mandate of the Task Force as set out in decision IV/1 of the Meeting of the Parties and proposed several issues to be given particular priority in the future work by the Task Force, as set out in the Chair's discussion paper on possible priorities for the work on public access to environmental information (AC/TF.AI/Inf.3). She also underlined that the framework for advancing implementation of the first pillar of the Convention was defined by objectives I.7 and III.2 of the Strategic Plan 2009–2014 (ECE/MP.PP/2008/2/Add.16),[3] the Convention's Work Programme for 2012–2014 (see ECE/MP.PP/2011/2/Add.1)[4] and the Recommendations on the More Effective Use of Electronic Information Tools to Provide Public Access to Environmental Information (ECE/MP.PP/2005/2/Add.4, annex) adopted through decision II/3 of the Meeting of the Parties.[5]

10. A representative of the European Environmental Bureau (Belgium), speaking on behalf of the European ECO Forum, described the perspective of NGOs on the situation in the region with regard to the implementation of the first pillar of the Convention. First, there was a need for a clear understanding of the definition of "environmental information" and exemptions from access to it as set out in the Convention. Among the major concerns of NGOs working in the region were the costs for obtaining environmental information; the quality of the information received; access to land use and forestry data; obtaining the texts of draft international agreements; and the confidentiality of primary statistical data. The substantive issues to be given particular priorities in the future work by the Task Force as proposed by the Chair were exemplified by the practical situations in various countries.

11. A representative of Yerevan State University (Armenia) pointed out that the basic legal framework providing the right of access to environmental information and regulating the relevant procedure was in place in all reporting Parties; however, several findings of the Convention's Compliance Committee were relevant to the work of the Task Force. There were also a number of challenges in this area, including with regard to the delegation of some functions related to the maintenance and distribution of environmental information to private entities, the clarity of requests for environmental information, access to financing

[3] Available from http://www.unece.org/env/pp/mop3/mop3.doc.html
[4] Available from http://www.unece.org/env/pp/mop4/mop4.doc.html
[5] Available from http://www.unece.org/env/pp/mop2/mop2.doc.html

agreements containing environmental information, access to raw data and possible criteria for balancing the public interest and legitimate private interests in decisions on the disclosure of environmental information.

12. The Task Force took note of the presentations by the Chair, representatives of the European Environmental Bureau and the European ECO-Forum and Yerevan State University and a written statement by the United Kingdom.

13. Participants recognized the progress that has been made in the region and supported the proposal by the Chair for issues to be addressed in the future work. A representative of Spain called on the Task Force to find ways and tools to help improve access to environmental information in areas such as agriculture (especially fishing), water management, the nuclear sector, land use and spatial planning in rural and urban areas. The delegation of Armenia highlighted the importance of further developing registers, catalogues and other tools facilitating access to meta-information. A representative of Belarus reported that, in accordance with the recently adopted law on commercial secrets, information on the state of the environment should not be considered as confidential.

14. Several NGOs expressed concerns about the same price being charged for recently collected and historically accumulated hydro-meteorological information. Also, the issue of access to maps that were created with the support of international technical assistance projects was raised. That could be addressed by including a clause regulating public access to the maps in the relevant project documents.

15. The participants also considered paragraph 5 of the Chair's discussion paper on possible priorities for the Task Force's work, and agreed that the following issues, which were supported by the vast majority of participants, should be given particular priority in the future work of the Task Force:

(a) The scope of environmental information and public access to environment-related information held by public authorities other than those responsible for environmental protection;

(b) Provision of sufficient environmental information with regard to products;

(c) Access to raw data and primary statistical data related to environmental information;

(d) Improving dissemination of priority categories of information in accordance with decision II/3.

16. The following issues, which were supported by many participants, were also deemed as priorities for future work:

(a) Access to environmental information in relation to copyright protection (Aarhus Convention, article 4, para. 4 (e));

(b) Protection of legitimate economic interests and commercial and industrial information related to the environment through laws on confidentiality and protection of the public interest served by disclosure of such information (ibid., para. 4 (d)).

17. The Task Force requested the Chair to prepare a note on possible future directions for the work in the area on access to information on the basis of the document AC/TF.AI/Inf.3 and the agreed outcomes.

III. Effective use of electronic information tools: addressing challenges and sharing good practices

18. A discussion on the effective use of electronic information tools aimed at sharing good practices in establishing and developing national nodes, public registers and information centres and at monitoring the implementation of the recommendations contained in decision II/3. Presentations were made on the Aarhus Clearinghouse mechanism for environmental democracy[6], the establishment of national nodes and the effective use of other electronic information tools. The Chair highlighted that further work in the area would be based on the results achieved under the auspices of the previous Task Force on Electronic Information Tools, in particular the draft Guidance for National Nodes of the Clearinghouse Mechanism (ECE/MP.PP/WG.1/2006/5/Add.1),[7] the questionnaire to assess implementation of the recommendations of the Meeting of the Parties on Electronic Information Tools (ECE/MP.PP/WG.1/2007/L.3/Add.1)[8] and the summary of responses received in 2007 (ECE/MP.PP/WG.1/2007/L.3/Add.2).[9]

19. The secretariat provided information on the status of the Aarhus Clearinghouse and recent developments. The Aarhus Clearinghouse provided a good platform for sharing news, information and analytical and training material in English or national languages and raising awareness about recent activities related to the implementation of the Convention, thus allowing for better synergies, avoiding duplication of work and keeping abreast of the latest developments in the area. There was, however, a need to strengthen the links between the Aarhus Clearinghouse and national nodes (websites). New developments included the database of case-law related to the Convention and the possibility to subscribe to Rich Site Summary feeds. Among challenges and concerns were the low level of new resources or news added to the Aarhus Clearinghouse by Parties and stakeholders. In that regard, it was proposed to focus on the upgrade of the Aarhus Clearinghouse, building capacities of national nodes and further developing their framework.

20. A representative of the Aarhus Centre Georgia shared the Centre's experience in developing a national node (website) to facilitate access to environmental information. The website served as a source for diverse environmental information, including various databases with environmental information, analytical reports and strategic documents, information related to environmental impact permits and guidance material. The information providers were not only environmental authorities but also sectoral ministries, parliament, other public authorities and the private sector. In developing a successful national website, the importance of key aspects such as user-friendliness of the website, building multi-stakeholder cooperation, availability and timely access to environmental information, as well as promoting and raising awareness about the national nodes, was also underlined.

21. A member of the Division of Environmental Law and Conventions of UNEP provided insights into the Multilateral Environmental Agreements (MEAs) Information and Knowledge Management (IKM) Initiative and the development of the United Nations Information Portal on Multilateral Environmental Agreements (InforMEA).[10] There were plans for the further development of the InforMEA portal, establishing MEA e-learning facilities and a thesaurus on environmental law, as well as reports and national plans

[6] See http://aarhusclearinghouse.unece.org/

[7] Available from http://www.unece.org/index.php?id=24472

[8] Available from http://www.unece.org/index.php?id=24470

[9] Ibid.

[10] See http://www.informea.org/treaties/aarhus/nfp

depositories. MEAs IKM had recently decided to upload decisions of the MEA governing bodies on compliance by individual Parties.

22. A representative of the joint secretariat of the Basel, Rotterdam and Stockholm Conventions described ways to build synergies between the information systems of the three conventions, in particular through the ongoing development of an integrated clearing-house mechanism serving each Convention.[11] The importance and advantages of making those systems compatible with the InforMEA platform were highlighted. Online social media such as Facebook and Twitter led to greater effectiveness of awareness-raising and outreach campaigns. Building linkages between social media, the joint clearing house and the Conventions' websites would also allow for better substantive content and communication, resulting in enhanced delivery of information to the public.

23. A representative of REC noted that the collection of 26 case studies indicating good practices in using electronic information tools for all three pillars of the Convention prepared by REC three to four years ago was outdated now. At the same time, there were some new trends that could be highlighted and taken into account in the future work in the area, such as:

(a) The increasing role of the members of the public in creating information. It was no longer the authorities that were the only source of environmental information; for example, online reporting by the public on illegal environmental activities through mobile devices had proven to be useful (e.g., some progress had been made by Slovakia);

(b) Greater visualization of environmental information for citizens and better orientation with regard to potential harm and pollution (e.g., some progress had been made by the Netherlands and the United Kingdom);

(c) Use of a combined approach to dissemination of environmental information, one which included not only traditional tools such as websites, but also social media tools;

(d) Establishing citizens' forums on specific issues (e.g., a platform for Natura 2000 in Denmark and an online exchange and discussion tool in Slovenia).

A collection of new studies might assist the Parties in dealing with new information technologies in their practice of disseminating environmental information. That could be further supported by developing a learning module. REC would be interested in being a partner in implementing those activities.

24. The representatives of UNDP Belarus and of Albania shared the experience of regional Aarhus Centres in developing and updating their websites. A delegate from Uzbekistan reported on the positive cooperation with UNDP in developing a national website that, inter alia, provided a platform for collecting comments on draft legislation. A delegate from the United Kingdom informed the Task Force about a newly developed, user-oriented specialized website aiming at bringing a wide range of sources of information about the natural environment together in one place.

25. Several participants highlighted the importance of access to raw environmental data from particular sources and cooperation with industry in that regard.

26. To assess progress by the Parties in providing access to environmental information through public telecommunications networks, it was proposed to develop a system of

[11] See http://synergies.pops.int/Home/tabid/813/mctl/ViewDetails/EventModID/9163/EventID/297/xmid/8753/language/en-GB/Default.aspx

scorecards to evaluate the progress achieved by Parties in that area for submission to the Task Force at its second meeting (Geneva, 16–17 December 2013).

27. Having discussed the above, the Task Force:

(a) Requested the secretariat in consultation with the Chair to update as necessary and circulate the questionnaire (ECE/MP.PP/WG.1/2007/L.3/Add.1) to collect updated information regarding the implementation of decision II/3, and to report the results of the survey to the Task Force at its second meeting;

(b) Agreed that Parties and Signatories should provide the secretariat with the contact details of persons responsible for posting resources and news on the Aarhus Clearinghouse in order to receive administrative access to the Aarhus Clearinghouse, and requested the secretariat to explore the possibility of linking national nodes to the Aarhus Clearinghouse;

(c) Encouraged NGOs and other stakeholders to contribute to populating the Aarhus Clearinghouse;

(d) Requested the secretariat in consultation with the Chair to update as necessary the draft Guidance for National Nodes of the Clearinghouse (ECE/MP.PP/WG.1/2006/5/Add.1) and to submit a revised version to the Task Force for consideration at its next meeting;

(e) Took note of the presentations by the secretariat, the Aarhus Centre Georgia, UNEP and the secretariat of the Basel, Rotterdam and Stockholm Conventions and the other initiatives reported by participants;

(f) Requested the secretariat to explore possible linkages between the Convention website and the Aarhus Clearinghouse and InforMEA.

IV. Building capacities in providing access to environmental information: regional, subregional and national activities and their coordination

28. In a discussion on building capacities in providing access to environmental information, participants exchanged information about capacity-building initiatives related to public access to environmental information at the regional, subregional and national levels.

29. The secretariat presented the key outcomes of the seventh Convention Capacity-Building Coordination meeting (Geneva, 15 June 2012). While the secretariat had organized capacity-building activities at the regional and subregional levels, capacity-building activities at the national and local levels had been supported by partner organizations. At the meeting, partner organizations had exchanged information on past and ongoing activities with regard to access to information. They had also discussed future plans in relation to strengthening national capacities to implement the Aarhus Convention. It had been agreed that capacity-building activities on access to information would focus on assistance to Parties in improving access to environment-related health information and establishing national nodes in accordance with decision II/3. To maximize the benefits from disseminating environmental information, it had been proposed that the Task Force on Access to Information would provide more specific guidance regarding the types of environmental information to be made available on Aarhus Centre websites and other information nodes.

30. The secretariat also informed the Task Force about the key outcomes of the seventh meeting of the International Pollutant Release and Transfer Registers Coordinating Group (Paris, 12 September 2012) of relevance to the Task Force's work. Of particular interest at that meeting had been the Unites States Environmental Protection Agency's report on its experience in releasing raw environmental data to the public — accompanied by a note explaining the status of the data — until the verified data could be released. On the one hand, that practice contributed to the improvement of data quality submitted by polluters and, on the other, it decreased the number of requests and complaints from the public. The Agency had also decided to prepare a public list of polluters that had improved their performance over the year and was pursuing a project on providing vulnerable communities with access to environmental information through mobile phones.

31. A representative of Zoï Environment Network said that the activities carried out by the organization aimed at building the capacity of governments and civil society in collecting and optimizing access to environmental information. The outcomes of individual projects included state-of-the-environment reports, a survey of selected environmental metadata and sectorial and thematic electronic publications, as well as various registers and pilot pollutant release and transfer registers (PRTRs). The Environmental Atlas of the Dniester Basin was an example of capacity-building activities that transferred know-how, built trust between stakeholders and supported decision-making processes. The results of the metadata survey indicated that there were no legal impediments to sharing selected environmental data sets. However, technological and institutional arrangements would need to be improved to make them easily available for various users online. The Shared Environmental Information System (SEIS) cookbook was mentioned as a good example of a tool that could help create a common understanding of the subject matter and share good practices. Such capacity-building projects and their outcomes, together with networking, cooperation with information distributors (e.g., mass media, libraries, schools, etc.) and trainings, made it possible to disseminate lessons learned and multiply the effects of particular capacity-building projects.

32. In terms of capacity development to implement the Aarhus Convention, a representative of GRID-Arendal noted that GRID-Arendal was supporting the Aarhus Clearinghouse and developing regional information networks. He also shared their experience in developing the Caspian information portal for the Framework Convention for the Protection of the Marine Environment of the Caspian Sea (Teheran Convention) and cooperation with the business sector in getting access to environmental information. Another ongoing project was dedicated to the development of local PRTRs in Pskov, Russian Federation, and its role in addressing local environmental concerns. He called for further dissemination of such local-level PRTRs.

33. The discussion also addressed challenges in developing local PRTRs and environmental information systems, the need to improve access to environmental information in rural areas and the support required by countries with economies in transition in reporting on implementation of MEAs.

34. 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 secretariat and Zoï Environment Network and other delegations;

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

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

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

36. A member of the Division of Early Warning and Assessment at UNEP briefed the Task Force about recent UNEP activities relevant to access to environmental information. UNEP was currently developing UNEP-Live,[12] a web-based platform to promote access and use of environmental information in cooperation with several member States, international organizations and major groups. Such a platform would contribute to implementing articles 4 and 5 of the Convention and the recommendations in *The Future We Want*, the outcome document of the United Nations Conference on Sustainable Development (Rio+20 Conference) endorsed by the United Nations General Assembly in September 2012 (A/RES/66/288, annex).[13] Some challenges, such as incomplete and fragmented data, absence of long-term trend data and expertise to analyse and interpret existing data and customizing products to environmental information had been encountered in that process. More than 800 UNEP and UNEP-supported assessments carried out between 1975 and 2011 would be easily accessible and reusable through the portal. In addition, it had been filled in with interactively enhanced maps as well as data and indicators. The portal would contain information on emerging issues, allowing for the identification of hotspots and global environmental alerts, and access to state-of-the-environment reports. In that connection, a pilot project was currently being carried out for a national State of the Environment Report online application (SOER-Live) that would complement UNEP-Live, and which would also have links with the InforMEA and Ecolex information portals. The Rio+20 outcome document had specifically pointed to the need for integrated social, economic and environmental data and information to support decision-making processes and for the free flow of information between governments and the public. Other recent developments following up on the Eye on Earth Summit (Abu Dhabi, 11–12 December 2011) included the Eye on Access to All initiative.

37. A representative of EEA provided an update on EEA activities with regard to developing SEIS and the functioning of the European Environment Information and Observation Network (Eionet)[14]. The work has been carried out in cooperation with 32 member States and 7 cooperating countries. At the Seventh "Environment for Europe" Ministerial Conference (Astana, 21–23 September 2011), ministers from throughout the United Nations Economic Commission for Europe (ECE) region had decided to establish a regular process of environmental assessment and to develop SEIS across the region.[15] Following the mandate given in the Astana Declaration, a draft outline on the establishment of a regular assessment and reporting process underpinned by the gradual development of SEIS had been prepared by EEA and discussed at the eighteenth session of the Committee on Environmental Policy (Geneva, 17–20 April 2012) and the thirteenth session of the Working Group on Environmental Monitoring and Assessment (Geneva, 1–2 November 2012). The process foresaw short-term activities for 2012-2013 as well as long-term activities for 2014–2020, supported by regular monitoring and assessment of the implementation process. In addition to a number of SEIS-related capacity-building

[12] See http://www.uneplive.org/uneplive/catalog/main/home.page

[13] The document is available from http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/66/288

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

[15] See Astana Declaration (ECE/ASTANA.CONF/2011/2/Add.1), para 14; available from http://www.unece.org/env/efe/astana/documents.html

activities to be implemented in cooperation with ECE and UNEP, other areas of cooperation could include joining networks and facilitating dialogues, sharing experience and joining capacity-building activities, connecting tools and use of EEA instruments and tools (e.g., E-PRTR[16], Reportnet[17], the GEneral Multilingual Environmental Thesaurus (GEMET)[18], Europe's Environment Assessment of Assessments and the State of the Environment Reporting Information System (SERIS)[19]). The preparation of the EEA State of Environment Report 2015 was launched and the process was based on the SOE on-line approach. A potential for synergies between the SOER on-line, the other SEIS components supported by EEA infrastructure and tools and the relevant components of UNEP-Live and SOE-Live was under consideration and several dialogues in this respect have already taken place. Also worth noting was the cooperation within the EEA Eye on Earth network, a global public information network for sharing geo-referenced information and interactive map-based visualizations.

38. A representative of the WHO Regional Office for Europe's European Centre for Environment and Health addressed the issue of collecting environmental health data to monitor the European Environment and Health Process. The process was supported by the Environment and Health Information System (ENHIS)[20], which was populated by data from various sources, including international organizations and national sources, which had been set up to support the Parma Declaration of the fifth Ministerial Conference on Environment and Health (Parma, Italy, 10–12 March 2010). An example of that work was a new exposure assessment survey in schools designed to monitor the implementation of specific commitments to protect health in children through improving indoor air quality, sanitation and hygiene, and preventing smoking in children's facilities. Pilot surveys had also been conducted in Croatia and Albania, with further surveys planned in Lithuania, Latvia and Estonia. Further development of ENHIS would benefit from improved access to national data in order to characterize variability in environmental health conditions at the sub-national level, as well as access to the relevant raw data from international surveys in order to better characterize environmental health inequalities.

39. In her presentation, a representative of the IPCC secretariat described the procedures and principles governing IPCC work on preparing its Assessment Report, special reports and technical papers at the request of the IPCC member States, the United Nations Framework Convention on Climate Change, UNEP, and the World Meteorological Organization. In response to concerns raised with regard to the openness and transparency of the process of preparing the fourth Assessment Report, which had been aggravated by some mistakes found in it, consultations had been held with the Aarhus Convention secretariat and relevant decisions had been taken by IPCC at its thirty-third and thirty-fourth sessions to address the issue. Draft IPCC reports were considered as material in the course of completion and would be reviewed by scientific experts (in the first round) and Governments and experts (in the second round). The correspondence between the experts should be considered as personal data and files. She reiterated that IPCC considered its draft reports to be pre-decisional, provided in confidence to reviewers, and not aimed for public distribution, quotation or citation at that stage. Full accountability was ensured through the publication of the report and all review comments.

40. A representative of Earthjustice also highlighted the importance and relevance of the work carried out by the Human Rights Council and its special procedures with mandates

[16] See http://prtr.ec.europa.eu/

[17] See http://www.eionet.europa.eu/reportnet

[18] See http://www.eionet.europa.eu/gemet/about?langcode=en

[19] See http://www.eionet.europa.eu/seris

[20] See http://data.euro.who.int/eceh-enhis/Default2.aspx

relevant to the environment. Possible cooperation on the human right to access to information and the first pillar of the Convention could be further explored.

41. Following the discussion, the Task Force:

(a) Took note of the information provided by the representatives of UNEP, EEA, WHO, IPCC and Earthjustice;

(b) Agreed to consider what contribution, in relation to the access to environmental information, could be made through the work of the Task Force to the post-Rio+20 process and the process of developing new sustainable development goals;

(c) Encouraged the establishment of coordination mechanisms or the use of existing means in countries to strengthen coordination between national focal points for various forums dealing with access to environmental information, with effective involvement of NGOs, Aarhus Centres and other stakeholders.

VI. International workshop on "Environmental information on products: making public access work"

42. The Chair recalled that in accordance with objective III/2 of the Strategic Plan 2009–2014 the Parties had agreed to endeavour to gradually widen the range of environmental information that was made available to the public, inter alia, by developing and implementing mechanisms enabling more informed consumer choices with regard to products, thereby contributing to more sustainable pattern of production and consumption. Article 5, paragraphs 6 and 8, of the Convention created the necessary framework for Parties to take the required measures, but progress across the region had been mixed. To address that situation, an international workshop, "Environmental information on products: making public access work", was being held in the framework of the Task Force's first meeting to identify possible future areas of work that would assist countries to improve the public's access to environmental information on products, based on existing good practices and materials that could be prepared by the Task Force, subject to the availability of resources.

A. Setting the scene: benefits of, needs for and challenges in improving access to product information

43. Session 1 of the workshop aimed at setting the scene and presenting the perspectives of government, the public and the private sector on the benefits of, needs for and challenges faced in improving access to environmental information with regard to products.

44. A representative of Georgia observed that there was a national framework in place regarding product safety, risk assessment and product labelling aimed at preventing harm to human health and the environment. It was important to have the framework allowed the public to make informed choices and, for business, levelled the playing field in terms of market access and preventing unfair competition. Monitoring and enforcement were key to prevent products that posed risks to human health and the environment from coming on the market. Product monitoring by NGOs was complementary to the State control system, but not enough in themselves. She advocated for raising greater awareness among the general public of the potential risks, precautionary measures and consequences of product consumption, especially of low quality products, and the public's active participation in product monitoring. To facilitate that, special attention should be given to the content of the information to be provided and its language.

45. A representative of ClientEarth raised concerns that, while exposure to chemicals played a key role in environmental degradation and disease, there was a lack of comprehensive information on chemicals in products at all stages of the life cycle and through the whole supply chain. He highlighted some related challenges such as: (a) difficulties in harmonizing information on the global market; (b) lack of harmonization and fragmentation of national regulatory systems for different types of products and chemicals; (c) the confidentiality of chemical compositions and formulas in order to protect economic interest and brand names; (d) tracking of complicated supply chains; (e) the costs of customer notification and communication systems; and (f) the need for proper enforcement to ensure information supplied on products was accurate and reliable. Among some possible solutions to these issues would be to develop a system to trace chemicals in products through the whole supply chain, publicly accessible databases on product information and user-friendly labels for products containing hazardous chemicals.

46. A representative of the European Chemical Industry Council provided the business perspective on access to product information in the light of the Convention's provisions. Although business supported effective transparency in environmental matters, legitimate private interests needed be taken into account. An increasing amount of information on products and substances was being provided by authorities of EU and its Member States and at the initiative of industry in various sectors (e.g., cosmetics, pesticides etc.). As a way to show business commitment to transparency, there had been a number of voluntary initiatives, such as the International Council of Chemical Associations Global Product Strategy Chemicals Portal[21] and the European Chlorinated Solvent Association online Product & Application Toolbox.[22] Further efforts should be focused on easing the accessibility and user-friendliness of information that had already been provided.

B. Sufficiency of environmental information on products: identifying and addressing information needs

47. Session 2 was aimed at sharing experience on how to address low public awareness and information gaps to promote informed environmental choices of consumers in various economic sectors.

48. A member of the Division of Technology, Industry and Economics of UNEP informed the Task Force about the relevant activities of the Chemicals in Products (CiP) project[23] under the Strategic Approach to International Chemicals Management (SAICM). He recalled the overall commitment taken at the World Summit on Sustainable Development (Johannesburg, 26 August – 4 September 2002) by 2020 to produce chemicals and use them in ways that minimize significant adverse impacts on the environment and human health.[24] SAICM contained a specific objective to ensure that information on chemicals throughout their life cycle, including, where appropriate, chemicals in products, was available, accessible, user friendly and appropriate to the needs of all stakeholders. He presented findings and outcomes of the CiP project specifically on investigating existing systems of CiP information exchange and on identifying stakeholder

[21] See http://www.icca-chem.org/en/Home/ICCA-initiatives/Global-product-strategy/

[22] See http://www.eurochlor.org/ecsa/toolbox/

[23] See http://www.unep.org/hazardoussubstances/UNEPsWork/ChemicalsinProductsproject/tabid/56141/Default.aspx

[24] See Plan of Implementation of the World Summit on sustainable Development (A/CONF.99/120), para. 23; available from http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N02/636/93/PDF/N0263693.pdf?OpenElement

needs for CiP information and gaps. The relevant legislation, concerns of consumers and NGOs, potential product liability and corporate policies were among the drivers present in all countries that facilitated chemical information exchange. The main challenges to effective information exchange were a complex product supply chain and a complex distribution of chemicals with many actors involved. While product manufacturers and brand owners felt the need to respond to consumer demand and regulatory drivers, mid-chain supply-chain actors often did not. To address those challenges, the SAICM governing body has mandated UNEP to develop a proposal for a voluntary CiP programme that would aim to identify the roles and suggest responsibilities of the major stakeholder groups throughout the product life cycle for CiP information exchange, develop guidance on what information could be transferred to different stakeholders and how that transfer could take place, taking into account confidential business information, and build on existing experiences and best practices. Piloting of the guidance in one or more product sectors is also called for. The proposed CiP programme was expected to be submitted to the International Conference on Chemicals Management in 2015.

49. Representatives of Independent Ecological Expertise (Kyrgyzstan) and "Greenwomen" Analytical Environmental Agency (Kazakhstan) presented the outcomes and findings of the campaign, "Heavy metals in children's products", launched by the International Persistent Organic Pollutants Elimination Network and Eco-Accord in 2008. The campaign had sought to assess whether existing information systems met the need to reduce the risk of exposure to chemicals, to identify the gaps between the existing and the required information and to find solutions to improve access to information. The campaign had been carried out in six countries of Eastern Europe, the Caucasus and Central Asia. The children's products selected for analysis contained heavy metals such as lead, arsenic and chromium, sometimes in high concentrations. Sufficient information had not been provided to the public, in particular concerning safety issues. The following product information was quite often missing: (a) the manufacturer's name and contact information; (b) a list of chemicals in products; (c) information on the safe use and storage of products; (d) measures to be taken in case of exposure to chemicals in the product by a person; and (e) measures to be taken for the safe disposal of the product. It was proposed that Governments should not support manufacturing of toys containing heavy metals and hazardous chemicals and should increase State control over the quality of children's toys. Sufficient information on products and product safety to consumers should be ensured. The speakers encouraged the Task Force to undertake efforts to address issues related to information on chemicals in products within the scope of the Convention.

50. A representative of WECF pointed out that there was a low public awareness and low interest in exercising the right to access to product information. She also highlighted some obstacles in the Convention's implementation, such as existing data gaps through the complex supply chain, excessive recourse to the confidentiality of information, lack of information on chemicals in national languages, lack of clear and user-friendly presentation of existing data and the socio-economic costs involved by hazardous chemicals exposure. NGOs could and did play a positive role as an intermediary in the context of loss of confidence in public authorities regarding product safety. A "nesting" project[25] carried out by WECF served as an example of raising parents' awareness on information on chemicals in children products. Some recommendations to address the concerns raised included: (a) raising awareness of the general public; (b) providing user-friendly environmental information on products; (c) improving and harmonizing the labelling system of products; and (d) improving the monitoring of implementation of the relevant provisions of the Aarhus Convention.

[25] See http://www.wecf.eu/ and http://www.projetnesting.fr/

C. Smart means of informing the public

51. In session 3 of the workshop participants considered experiences in establishing eco-labelling frameworks and promoting other means of informing the public of the environmental impact of products.

52. A representative of the European Commission informed the Task Force about EU sustainable production and consumption policies. Influencing consumer behaviour and stimulating demand for better products could be one of the solutions to reduce the impact on the environment. The outcomes of a survey had showed that environmental performance had become the third most important product characteristic for consumers after price and quality, but the trust gap regarding product safety (especially from industry) was growing. There was a need for product information to be clear, comprehensive and reliable. Eco-labelling with ex ante and ex post control was a possible solution. An EU Ecolabel system existed for 25 categories of products and the EU energy label covered 10 categories. Further policy developments to be carried out in 2013–2016 in the area would be focused on developing the product environmental footprint methodology, based on a new life cycle assessment, and integrating that methodology in relevant policy instruments, including eco-labelling, by 2015. It would also include the development of a new product information scheme that would ensure consumer access to information on the life cycle environmental performance of products in a user-friendly manner.

53. A representative from the Ministry of Natural Resources and Environmental Protection of Belarus highlighted that the legislative framework for the eco-certification system for products had been established in Belarus and environmental criteria for four categories of products had been adopted. Further development of the system was being supported through a joint EU-UNDP project aimed at integrating EU procedures and practices regarding eco-certification of products into Belarusian legislation. As part of the project, a comparative analysis of both legislative frameworks was being undertaken. There were plans to develop standards establishing procedure of eco-certification and environmental criteria for new categories of products and services in 2013.

54. A representative of the Environment Institute of Finland presented elements of an integrated product policy in Finland, and the development of information, legal and economic instruments for producing ecologically more sustainable products and services. The examples were given on policies with regard to public and private consumption such as calculations of the carbon footprint and designing new eco-efficient office buildings. To raise public awareness, the relevant information was made available on-line and in various publications, as well as at consumer consultation campaigns and workshops. At the same time, there were challenges in developing eco-benchmarking tools with representative parameters and without double-counting overlapping issues.

55. Participants also highlighted the importance of developing possible incentives to change consumer behaviour and address the problem of unfair competition.

D. Accessibility of information on potential environmental risks posed by new products

56. The aim of session 4 was to identify possible needs and gaps in the accessibility of information on potential environmental risks posed by new products.

57. A representative of OECD presented relevant activities of the organization on exposure assessment and PRTRs, such as the preparation of emissions scenario documents, environmental risk assessment toolkits and PRTR release estimation techniques, including techniques regarding releases from products. He highlighted that the entire life cycle of a

product — and not only the phases of product development and waste management — should be taken into account for quantifying the emissions during an environmental impact assessment. That issue was particularly addressed in *Complementing Guideline for Writing Emission Scenario Documents: The Life-Cycle Step "service-life"*.[26] In addition, on-going project activities could result in the creation of a database, including an inventory, of available emission factors, and developing guidance on testing chemical releases.

58. A representative of the Environment Institute of Finland provided insights into the Nordic PRTR Group projects on releases to the environment from the use of products and articles that were not always included in PRTRs and other release inventories. Some challenges in the preparation of release inventories from the use of products and articles included the lack of information on chemicals, the splitting-up of the product life cycle to different parts of the world, a non-harmonized regulatory approach on products and articles and differing product use and release patterns around the world. Direct releases from the use of products could be considered as releases from non-point sources and were usually not captured by PRTRs. While new chemicals in products and articles that might impact the environment entered the market every year, information gaps existed in the description of the chemical content of products, real-world measurement of releases and statistical data on product groups. Understanding of direct chemical releases from the use of products and articles was currently limited to a few individual products and chemicals[27].

59. A representative of the Center for International Environmental Law described the situation regarding access to information on potential environmental risks in new products containing nanomaterials. There was inadequate information on the risks associated with nanomaterials. While some studies revealed a potential impact of certain nanomaterials on human health and the environment, many aspects of their toxicity and characteristics, as well as what products contained nanomaterials, remained unknown. The challenge was that consumers usually knew very little about the subject, and in that regard the implementation of article 5, paragraph 8, of the Convention needed to be improved. Recent initiatives of the EU aimed at increasing access to information about nanomaterials in products such as cosmetics (Regulation (EC) No. 1223/2009, article 19),[28] food products (Regulation (EU) No. 1169/2011, article 18),[29] and biocidal products (Directive 98/8/EC as amended).[30] In that context, the obligation of Parties to the Convention to possess and update environmental information and establish an adequate flow of information about proposed and existing activities that might significantly affect the environment, was highlighted.

[26] OECD series on Emission Scenario Documents, No. 19 (Paris, 2009). Available from http://search.oecd.org/officialdocuments/displaydocumentpdf/?cote=env/jm/mono%282008%2941/rev1&doclanguage=en

[27] See OECD Resource Compendium of PRTR Release Estimation Techniques, Part 4: Summary of Techniques for Releases from Products, Version 1.0. Available from: http://www.oecd.org/chemicalsafety/risk-management/publicationsintheseriesonpollutantreleaseandtransferregisters.htm ; additional product groups will be added in 2013.

[28] Regulation of the European Parliament and of the Council of 30 November 2009 on cosmetic products (recast); available from: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:342:0059:0209:EN:PDF

[29] Regulation of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers; available from: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:304:0018:0063:EN:PDF

[30] Directive of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market; available from: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1998L0008:20121217:EN:PDF

60. A representative of the European Environmental Bureau reiterated the concern of other speakers about the increasing quantity of new chemicals that were expected to be placed on the market with very little data on toxicity, exposure and potential high health and environmental costs. The results of the Eurobarometer 360 survey showed that most respondents had felt only moderately informed or not well informed about the risks associated with chemical products and that they had considered those products dangerous. Those concerns had been reinforced by cases where products had been recalled from the market due to their chemical content or incorrect labelling. It was also important to note that vulnerable populations were at risk of greater exposure to harmful products. To enable consumers to make informed environmental choices, product information provided to consumers should be comprehensive, clear, concise and up to date. In that connection, information platforms such as the Subsport[31] and CleanGredients[32] online databases provided verified information about environmental and human health attributes of listed ingredients.

E. The way forward: identification of priorities

61. In a final session, workshop participants split into three groups to discuss ways of improving accessibility to environmental information on products at the national level and possible priorities for the future work of the Task Force in that area.

62. Participants discussed whether there was a mechanism at the national level to assess the sufficiency of available environmental information on products and to identify information needs, and how such a mechanism would work. During the discussion it was underlined that there was no known formal mechanism, although there were some elements already in place to deal with the insufficiency of product information, such as advertising standards, minimum regulation, consumer behaviour, information requests and complaints. The practice varied from country to country. At the same time it was highlighted that such a mechanism should not be understood restrictively and prevent further openness and transparency. The sufficiency of the information provided could be linked to the issue of safety. There was a general need to clarify what was meant by "sufficient" product information to enable consumers to make informed environmental choices. A comparative analysis of the existing framework and practice on that issue might be useful. The potential of the PRTRs system to address that issue could be further explored.

63. The participants looked at the incentives that existed to encourage operators to inform the public regularly on the environmental impact of their products, and what means were used by the operators to provide that information. There were a number of incentives that had already been mentioned: formalized ones, such as regulatory frameworks and enforcement, eco-certification and eco-labelling and credit policies; as well as public ones, such as naming and shaming, rating of companies, brand power and risk of damage to the reputation, promotion by NGOs and awareness-raising activities. Promotion of self-monitoring, self-declaration and voluntary openness and transparency initiatives by companies were mentioned as possible tools for gathering and disseminating environmental information on products in order to obtain better market access. There were a number of green labels and voluntary certification schemes on the market, and it should be examined whether those labels adequately fulfilled an informative function or whether they merely served as advertising tools. There was a need to establish an inventory of green labels and review the reliability of environmental information on products certified by them.

[31] See http://www.subsport.eu/

[32] See http://www.cleangredients.org/

Additional reporting requirements for main operators and supporting green chemistry were also proposed.

64. Participants brainstormed on what the Task Force could do to improve public access to environmental information on products. They stressed the importance of a common definition of environmental information on products and criteria for its sufficiency following the objectives, principles and the spirit of the Convention. There was a need to identify tools for the Parties to the Convention to deal with that issue, as well as possible gaps and good practices, including awareness-raising initiatives for the public. It was proposed to streamline reporting by the Parties on the issue and to continue working on identifying emerging issues. In that regard, participants called for further cooperation with SAICM, UNEP and OECD and other international organizations working in the area.

65. The Task Force agreed that the following issues could be considered by the Task Force:

(a) The scope of the definition of environmental information on products and criteria for determining sufficiency of environmental information, as discussed by the workshop groups, to contribute to the understanding and implementation of article 5, paragraphs 6 and 8, of the Convention;

(b) Preparing an overview of the practice of the Parties, Signatories and other countries regarding environmental information on products, in order to identify gaps, best practices and the further work to be done.

66. The Task Force also encouraged the Parties to provide more detailed information on the implementation of article 5, paragraphs 6 and 8, of the Aarhus Convention through national implementation reports to be prepared for 2014.

VII. Adoption of conclusions and closing of the meeting

67. The Task Force revised and adopted the key outcomes of the meeting and requested the secretariat, in consultation with the Chair, to finalize the report and to incorporate the adopted outcomes. The Chair thanked the speakers, the participants, the secretariat and the interpreters, and closed the meeting.