

Draft decision on access to information for comments by Parties and stakeholders - v. 8 October 2013

Deadline for comments - 10 November 2013

## Draft decision on access to information

Prepared by the Bureau

Preliminary EU+MS comments.

EU+MS reserve their right to elaborate further their position on this document in due course

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### Summary

The present document sets out a draft decision on access to information. The document was prepared on the basis of decision IV/1 on the same subject matter, adopted by the Meeting of the Parties at its fourth session and the outcome of the work undertaken by the Task Force on Access to Information in the current intersession period. The document takes into consideration the note by the Chair of the Task Force on Access to Information submitted to the sixteenth meeting of the Working Group of the Parties (Geneva, 19-21 June 2013) and also addresses comments by delegations made at the meeting<sup>1</sup>. The Working Group requested the Bureau to prepare a draft decision on promoting effective access to justice for consideration, revision and approval and subsequent submission to the Meeting of the Parties for consideration at its fourth session (June/July 2014). The draft decision will be circulated to Parties and stakeholders for comments prior to its finalisation for the seventeenth meeting of the Working Group.

#### *The Meeting of the Parties,*

*Recalling* the provisions of articles 4 and 5 of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters,

*Further recalling* its decisions I/6, II/3 and III/2 on electronic information tools and the clearinghouse mechanism and decision IV/1 on access to information, as well the relevant objectives I.1, I.10, II.4, II.6, III.1, III.2 and III.3 of the Strategic Plan 2015–2020 as adopted through decision V/... and the relevant sections of the Work Programme 2015-2017 as adopted through decision V/...,

*Recognizing* the need to further the implementation of the first pillar of the Convention (articles 4 and 5) so as to provide effective public access to environmental information and actively disseminate it to the public, including through electronic information tools,

*Underlining* the importance of the Aarhus Clearinghouse for Environmental Democracy as an effective global mechanism to share knowledge and practices related to principle 10 of the Rio Declaration on Environment and Development,

**Comment [r1]:** It is more coherent to refer to the whole Strategic Plan 2015-2020 without specifying on individual objectives. Otherwise some of the references are not sufficiently clear, e.g. why a quotation of II.6 in this regard?

<sup>1</sup> Comments are available from <http://www.unece.org/env/pp/aarhus/wgp16.html>

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*Having reviewed the reports of the Task Force on Access to Information (symbols..)*

1. *Notes with appreciation* the work undertaken by the Task Force on Access to Information and *expresses* its gratitude to the Republic of Moldova for its leadership of the Task Force;
2. *Welcomes* initiatives by Parties, Signatories and other stakeholders to improve public accessibility of environmental information, including through electronic information tools and e-government<sup>2</sup> and open government data<sup>3</sup> initiatives, which promote effective implementation of articles 4 and 5 of the Convention;
3. *Invites* Parties, Signatories and other stakeholders in a position to do so to continue strengthening implementation of the information pillar of the Convention at the national level and to make funds available for this purpose as far as possible;
4. *Calls on* Parties, Signatories, organisations and other stakeholders to continue contributing resources to the Aarhus Clearinghouse and on-line databases and *welcomes* the further development of the Aarhus Clearinghouse and other electronic tools under the Convention;
5. *Also calls on* Parties, Signatories, organisations and other stakeholders to further application of the recommendations in decision II/3 to promote the wider use of electronic information tools as an effective instrument for putting into practice the Convention's provisions, including through public-private partnerships<sup>4</sup>, and to contribute to the Aarhus Clearinghouse and on-line databases;
6. *Stresses* the important role of Aarhus centres, public libraries and other information sites in facilitating public access to environmental information;
7. *Decides* to extend in time the mandate of the Task Force on Access to Information, under the authority of the Working Group to the Convention, to carry out work in cooperation with other international forums and taking into consideration the relevant activities being undertaken by Parties, Signatories, and other stakeholders;
8. *Welcomes* the offer of [the Republic of Moldova] to [continue to] lead the Task Force on Access to Information.
9. *Requests* the Task Force on Access to Information, subject to the availability of resources:

**Comment [r2]:** Copy of the same text in Decision IV/1, p. 5

**Comment [r3]:** The draft decision mentions the need to allocate funds/resources at three places (Paras. 3, 4,10). It would comply with the intention of the decision to bring up the subject only once.

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<sup>2</sup> E-government initiatives encompass activities of the public authorities to deploy information and communication technologies for improving knowledge and information in the service of the public.

<sup>3</sup> Open Government Data initiatives encompass activities to make information or data produced or commissioned by Governments available for everyone to access, reuse, and redistribute without any restrictions.

<sup>4</sup> Public-private partnership is a scheme that involves cooperation between public and private sector aiming at financing, designing, implementing and operating public sector infrastructure and services supporting the implementation of the Convention.

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(a) To promote the exchange of information, experiences, challenges and good practices concerning public access to environmental information with regard to the following issues, including:

(i) Scope of environmental information, provision of environmental information from different public authorities, associated costs, and the quality and comparability of the environmental information;

(ii) Application of the restrictions on access to environmental information in accordance with the Convention's provisions;

(b) Continue monitoring and supporting the implementation of the recommendations in decision II/3 and the development of the Shared Environmental Information System across the region as well as to promote approaches to and standards for active dissemination of environmental information;

(c) Identify capacity-building needs and priorities with respect to public access to environmental information, ~~taking into account issues identified through the reporting and compliance mechanisms;~~

(d) Continue monitoring technical developments, and, where appropriate, contribute to other initiatives relevant to access to environmental information;

(e) Continue contributing to further development of the Aarhus Clearinghouse for Environmental Democracy and PRTR.net;

10. *Invites* Parties, Signatories, other interested States, and international and other organizations to participate in the Convention's activities on access to information and to allocate the resources for this matter as far as possible;

11. *Entrusts* the secretariat, subject to the availability of resources, to participate in and implement, as appropriate, capacity-building activities, including workshops and trainings; to contribute to relevant initiatives under other forums; and to promote electronic information tools in the region and beyond through the maintenance and further development of the Aarhus clearinghouse, media tools and online databases (e.g., for jurisprudence, national implementation reports and case studies on public participation at the national level and in international forums).

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**Comment [r4]:** It is not clear how this spill-over of the compliance mechanism into priority-shaping for the work of the Task Force is to take place.