

## Working Area 6: Information to the Public and Public participation

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### What does the Convention require? Article 9

- Each country shall ensure that adequate information is given to the public in areas that might be affected by an industrial accident
- This information shall contain basic facts according to the Convention's annex VIII, but each country may decide how the information shall be given
- Possibly exposed public shall be given the opportunity to express its views and to participate in decision making regarding preventive and preparedness measures. Relates to the public in the country where an industrial plant is located as well as public in another country that might be affected.
- Countries with hazardous activities where an industrial accident may cause transboundary effects shall provide the same judicial and administrative rights to subjects of an other country that are or may be adversely affected by such an accident, as they normally provide to their own subjects.

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### The Convention's requirements in short

- Give adequate information to the public
- Give the public opportunity to participate before taking decisions
- Provide equal legal rights for exposed subjects both in country of origin and affected countries

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Why are these requirements important?

- **Basically:** The public has a right to appropriate information so that they can be aware of hazards and risks and be able to act appropriately in case of accidents.
- **But additionally:** Creating and maintaining open and honest communication between authorities, industry and the public is essential to develop confidence in the public authorities, industry and the regulatory and control framework.
- **Public confidence** in safety efforts taken and awareness of prevailing hazards and risks is essential for the public's "acceptance" of risk and thereby for the quality of life in the vicinity of hazardous installations.
- Communication allows the public, the industry and public authorities to **learn** from each other.
- **Important:** Information to the public is a continuous process covering all phases of an industrial activity ("cradle to grave")

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The Aarhus convention supplements and strengthens these requirements

- Establishes that sustainable development can be achieved only through the involvement of all stakeholders
- Focuses on interactions between the public and public authorities in a democratic context.
- Grants the public rights of access to information, public participation and justice.

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Indicators and criteria – basic recap

- Indicators define the different mechanisms that must be in place in order to appropriately implement the convention (columns)
- The criteria define the level (progress stages) of formal and practical implementation of the mechanisms (indicators) (rows)
- Indicators and criteria shall be used as benchmarks for the self evaluation of progress achieved in the six working areas

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The overall goal for information and public participation

Each country shall have in place and fully implement a comprehensive system which ensures that the public

- receives adequate information
- can easily participate in the decision-making process on preventive and preparedness measures
- has access to equal administrative and judicial mechanisms related to such decisions either in their own country or in a neighbouring country

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Indicators for information and public participation

- Two basic indicators, see guidance document Annex 1, items 20 and 21 for comprehensive definition of indicator
- In short, - countries shall establish and maintain a mechanism
  - to inform the public
  - to ensure opportunities for public participation in relevant procedures whenever possible and appropriate (which covers both participation and access to administrative and judicial procedures)

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Criteria (progress stages) for information and public participation

- **Level 1:** Little awareness and without any systematic procedures
- **Level 2:** Awareness at expert level and initial discussions
- **Level 3:** Decision taken to introduce mechanisms and how to undertake the tasks
- **Level 4:** Intensive and detailed discussions on legislation and procedures needed
- **Level 5:** Mechanism adopted, but not yet operational
- **Level 6:** Mechanism adopted and fully operational

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**Minimum elements of the indicator "mechanism for information to the public"**

- See guidance document annex VII for details.
- The right of the public to be informed (without having to ask for it!) and the obligation to give such information must be clearly stated in legislation, and the division of responsibilities between public authorities and operators of hazardous installations must be defined.
- Mechanism must contain the necessary procedures and tools to define the public in areas that may be affected and which thereby needs to be informed
  - See annex V of the convention which lists a number of elements that must be considered for this purpose, e.g. substance properties and quantities, vulnerable populations, prevailing wind directions, use of dispersion models, scenarios etc.
- Mechanism must clearly specify the kind of information to be provided in accordance with annex VIII
  - The most essential is information about warning signals and appropriate behaviour in cases of accidents, but also other information may be important in the planning of preventive and preparedness measures

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**Scope and content of the information to be provided in accordance with annex VIII**

- Name, address of company, coordinates, name of responsible
- Simple explanation of activity and risks
- Chemicals, common or generic names, properties and classification
- Environmental Impact Assessment (EIA) findings, if relevant
- Nature of possible accidents with effects
- Warning mechanisms
- Actions to be taken by population upon an accident
- Information on preparedness and pre-defined arrangements with external emergency services
- Information on off-site emergency plans
- Special requirements and conditions relating to the installation
- Important elements identified during analysis and evaluation for different purposes (emergency planning, siting, prevention etc)

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**Further elements of the indicator "mechanism for information to the public"**

- Review and revision of public information
  - Information must be regularly updated in light of new developments, changes in installations, substances used, changes in neighbourhood etc.
- The dissemination channels must be defined
  - A number of different channels may be used, like newspaper advertisements, internet, information available at operators' or authorities' premises, pamphlets, public hearings etc. No clear boundaries here to the participation aspect!
- Possible exceptions from the right to information
  - The most usual exception relates to information which is considered confidential for security reasons or trade secrets, but this should not be unreasonably claimed as an excuse, cfr. the Aarhus convention!
- The need for training should be assessed, and a training programme should be designed, if necessary

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Minimum elements of the indicator "public participation"

- The right of the public to participate, and to be taken account of (!) in decision making must be clearly stated in legislation, and the authorities responsible for the follow up and accomplishment of this right must be defined
- The public must be informed about their rights
  - The public must have the necessary information to actively participate, so access to information and public participations are closely connected!
- Participation mechanisms must be adapted to each particular case and possible affected population or environment

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Minimum elements of the indicator "public participation" (2)

- Parameters for the definition of procedures relevant for public participation (when, where, by whom, conditions, exceptions etc)
  - Participation mechanisms must be in effect from an early stage, prior to siting decisions, licensing and development of community emergency plans
- Time frames for public participation
  - May be defined in legislation or by authorities' decision. Time frames must be realistic and give ample time for comments.
- Modalities of public participation
  - Convention does not give any indications on how to involve the public, so countries must find their own mechanisms. Examples: Directly in open hearings or indirectly, like written consultative procedures, or in local safety committees consisting of community, industry and public authorities
- Responsibility of authorities to inform the public about decisions taken, with relevant explanation
- The need for training should be assessed, and a training programme should be designed, if necessary

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