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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**

**Twenty-fifth meeting**

Geneva, xxx 2021

Item xxx of the provisional agenda

**Access to information**

 Draft Decision VII/…[[1]](#footnote-2)
Promoting effective access to information

 Prepared by the Bureau

**EU + MS COMMENTS**

**(February 2021)**

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| *Summary* |
|  The present document sets out a draft decision on promoting effective access to information. The Working Group of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its twenty-fourth meeting (1-3 July 2020 and 29-30 October 2020) requested the Bureau to prepare a draft decision on access to information for the seventh session of the Meeting of the Parties (scheduled for October 2021). The present document was prepared by the Bureau on the basis of the relevant outcomes of the twenty-fourth meeting of the Working Group of the Parties; the Note by the Chair of the Task Force on Access to Information (AC/WGP-24/Inf.1); the outcomes of the thematic session held under the Working Group of the Parties, work undertaken by the Task Force on Access to Information in the current intersession period[[2]](#footnote-3); and decision VI/1 on the same subject matter, adopted by the Meeting of the Parties at its sixth session (Budva, Montenegro, 11–13 September 2017). There will be opportunities for open-ended consultations among national focal points and stakeholders on the present draft document after the twenty-fourth meeting of the Working Group. The Bureau is expected to revise the draft document thereafter in the light of the comments received and to submit it to the Working Group for consideration and approval at its twenty-fifth meeting, with a view to its subsequent submission to the Meeting of the Parties for consideration at its seventh session. |
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*The Meeting of the Parties*,

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

 *Further recalling* its decisions I/6, II/3 and III/2 on electronic information tools and the clearinghouse mechanism, decisions IV/1, V/1 and VI/1 on promoting effective access to information, VII/… on the strategic plan for 2025–2030 and VII/… on the work programme for 2022–2025,

 *Recognizing* that effective public access to environmental information is critical for ensuring transparency and efficiency of public authorities and judicial institutions and is therefore a key for the successful implementation of all provisions of the Convention and of a number of Sustainable Development Goals, in particular Sustainable Development Goal 16 (target 10),

 *Also recognizing* the need to ensure that modern information and communication electronic tools should be fully employed so as to safeguard effective implementation of the information pillar of the Convention and address challenges in monitoring and measuring Sustainable Development Goals,

 *Noting* the importance of transparency, of effective risk assessment in the event of any imminent threat to human health and the environment and of promoting knowledge of environmental and disaster risks,

*Also noting* that availability of spatial data and related state-of-the-art technologies are essential in monitoring and tackling climate change and other environment-related challenges;

 *Underlining* that effective publicly accessible nationwide digital environmental information systems are indispensable for implementing environment-related Sustainable Development Goals and targets, the Paris Agreement and other multilateral environmental agreements, the [Sendai Framework for Disaster Risk Reduction 2015–2030](https://www.unisdr.org/we/coordinate/sendai-framework), a number of Human Rights Council resolutions and relevant pledges under the framework of the World Meteorological Organization, the World Health Organization, the United Nations Environment Assembly of the United Nations Environment Programme, the “Environment for Europe” Ministerial Conference and the Group on Earth Observations,

  *Also recognising* that effective public access to environment-related product information through the use of digital technologies can support Parties in achieving a number of Sustainable Development Goals, in particular Goals 8, 11, 12 and 13, and in implementing effectively the initiatives related to the European Green Deal, transition towards green and circular economy, greening public procurement and implementing zero waste approaches,

  *Further recognising* that advances in digital technologies have transformed the possibilities for Parties to fulfil their obligation under article 5, paragraph 8, of the Convention to develop mechanisms with a view to ensuring that sufficient product information is made available to the public in a manner which enables consumers to make informed environmental choices;

*Mindful* that national implementation reports, the findings of the Compliance Committee, relevant case law of the Parties and the work carried out under the auspices of the Task Force on Access to Information to date have collectively shown that challenges remain with regard to the full implementation of the information pillar of the Convention, and also to making information fully publicly accessible in a transparent and effective way,

 *Having reviewed* the reports of the Task Force on Access to Information and the outcomes of the thematic session of the Working Group of the Parties in the period since the sixth session of the Meeting of the Parties,[[3]](#footnote-4)

 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. *Adopts* the updated Recommendations on the more effective use of electronic information tools (ECE/MP.PP/2021/…), and invites Parties, Signatories, other interested States and stakeholders to use them as a guidance to support the implementation of the Convention and other relevant international commitments;

 3. *Welcomes* initiatives by Parties, signatories, partner organizations and other stakeholders to widen and improve public accessibility of environmental information, including through electronic information tools and e-government,[[4]](#footnote-5) open government data,[[5]](#footnote-6) the Shared Environmental Information System in the pan-European region and other similar initiatives;

4. *Also welcomes* initiatives by Parties, signatories, partner organizations, and other stakeholders to share reliable environmental information, in particular by relying on citizen science initiatives*,* create single web access points, conceived to be user-friendly, that aggregate data and information resulting from different reliable sources, and to designate them as national nodes for the Aarhus Clearinghouse;

 5. *Encourages* Parties, signatories, partner organizations and other stakeholders to continue strengthening implementation of the information pillar of the Convention at the national level, in particular public access to information regarding the quality of the environment and emissions into the environment in accordance with the Convention, hazardous substances and wastes, environment-related product information and decision-making in environmental matters;

 6. *Urges* Parties and signatories to ensure that the scope of environmental information is interpreted broadly in line with the requirements of the Convention when executive regulations, legislative and policy documents relating to access to environmental information are prepared, and in the process of taking decisions on the disclosure of such information, and to engage the relevant environmental expertise in these processes for this purpose;

 7. *Calls on* Parties and signatories to keep under continuous review the application of the exceptions in disclosure of environmental information and to take, as appropriate, necessary measures to establish a clear and predictable legal framework to ensure restrictive application of these exceptions and the full disclosure of information on emissions in accordance with the Convention;

8. *Calls on* Parties and signatories to continue developing and improving the frameworks to promote the application by operators whose activities have a significant impact on the environment of tools such as eco-labelling, energy-labelling, product passports, product declarations, warning labelling, and other tools to inform the consumers;

9. *Calls on* Parties and signatories to establish green public procurement mechanisms, to promote the use of pollutant release and transfer registers and to facilitate multi-stakeholder dialogues in the different economic sectors, bringing together suppliers, producers, retailers, consumers, environmental non-governmental organizations and other interested members of the public in order to promote full consumer product transparency, traceability, accountability and the interoperability of product information systems using best available state-of-the-art digital technologies and open data principles;

 10. *Calls* on Parties, signatories, international organizations, non-governmental organizations and other stakeholders to continue sharing good practices, case studies, project outcomes and other useful material through the Aarhus Clearinghouse and online databases, and to support the development of national nodes;

11. *Also calls* on Parties, signatories, partner organizations and other stakeholders to promote the wider use of modern electronic information tools as an effective instrument for putting into practice the Convention’s provisions, including through public-private partnerships;[[6]](#footnote-7)

 12. *Reiterates* the important role of Aarhus Centres, the media, public libraries and other information sites in facilitating public access to environmental information and calls on Parties, signatories, international organizations, non‑governmental organizations and other stakeholders to support their relevant activities;

 13. *Decides* to extend in time the mandate of the Task Force on Access to Information, under the authority of the Working Group of the Parties to the Convention;

 14. *Welcomes* the offer of [Party] to lead the Task Force on Access to Information;

 15. *Requests* the Task Force on Access to Information, subject to the availability of resources, to promote the exchange of information, case studies and good practices, and to discuss possible further developments in relation to strengthening public access to environmental information, with special attention to:

(a) Active dissemination of environmental information focusing on:

(i) The implementation of the updated recommendations referred to in paragraph 2 above;

(ii) The use of modern technologies by the public for assembling, exchanging and using environmental data and information;

(iii) The provision of information to the public authorities by third parties routinely and in case of an imminent threat to human health or the environment;

(b) Public access to environmental information focusing on:

1. Scope of environmental information in accordance with article 2 (3) of the Convention;

(ii) Transparency of public authorities on environmental matters and application of restrictions on access to environmental information in accordance with the Convention;

(iii) Access to environment-related product information;

(iv) Access to information on emissions into the environment;

(c) Protection of whistle-blowers and other persons exercising their rights in conformity with the provisions of the Convention against harassment and other forms of retaliation in cases relating to disclosure of environmental violations;

(d) As resources allow, to prepare analytical, guidance and training materials to support the work detailed in subparagraphs (a), (b), and (c) above;

(e) Further population of the Aarhus Clearinghouse for Environmental Democracy;

 16. Further requests the Task Force to explore good practices of and possible means to improve access to product information, including but not limited to the need for and form and content of an instrument aimed at ensuring that sufficient product information is made available to the public in a manner which enables consumers to make informed environmental choices, availing of the latest digital solutions such as ‘product passports’, and to prepare proposals for consideration by first the Working Group of the Parties and then the Meeting of the Parties, with a view to possible adoption by the Meeting of the Parties at its eighth session;

17. *Invites* Parties, signatories, other interested States and international and other organizations to participate in the Convention’s activities on access to information, support relevant capacity-building activities at all levels and allocate resources for this matter as far as possible;

 18. *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 and its online databases (e.g., the jurisprudence database, national implementation reports and the good practice database);

19. *Requests* the Working Group of the Parties to hold a thematic session on promoting effective public access to environmental information during one of its meetings in the coming intersessional period, with a view to providing opportunities for Parties, signatories and other stakeholders to exchange experiences in the subject matters that deserve particular attention.

1. This document was not formally edited. [↑](#footnote-ref-2)
2. The Chair’s Note and comments delivered at and after the meeting are available from: https://unece.org/environmental-policy/events/twenty-fourth-meeting-working-group-parties-aarhus-convention-site [↑](#footnote-ref-3)
3. ECE/MP.PP/WG.1/2018/2, ECE/MP.PP/WG.1/2020/3 and ECE/MP.PP/WG.1/2021/4. [↑](#footnote-ref-4)
4. 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. [↑](#footnote-ref-5)
5. 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. [↑](#footnote-ref-6)
6. A public-private partnership is a scheme that involves cooperation between the public and the private sector aiming at financing, designing, implementing and operating public sector infrastructure and services. [↑](#footnote-ref-7)