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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

#### Seventh session

Geneva, 18–20 October 2021

Item 6 (a) of the provisional agenda

**Substantive issues: access to information, including  
electronic information tools**

### **Draft decision VII/1 on promoting effective access to information**

#### **Prepared by the Bureau**

#### *Summary*

The present document sets out a draft decision on promoting effective access to information prepared by the Bureau of 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).

The Working Group of the Parties to the Convention at its twenty-fourth meeting (Geneva, 1–3 July and 28–29 October 2020) requested the Bureau to prepare a draft decision on access to information for the seventh session of the Meeting of the Parties (ECE/MP.PP/WG.1/2020/2).

The Bureau prepared an initial draft 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; and decision VI/1 on promoting effective access to information (ECE/MP.PP/2017/2/Add.1), adopted by the Meeting of the Parties at its sixth session (Budva, Montenegro, 11–14 September 2017).

There were opportunities for open-ended consultations among national focal points and stakeholders on the draft document after the twenty-fourth meeting of the Working Group. The Bureau revised the draft document thereafter in the light of the comments received and submitted it to the Working Group for consideration and approval at its twenty-fifth meeting (Geneva, 3 May and 7 and 8 June 2021), with a view to its subsequent submission to the Meeting of the Parties for consideration at its seventh session.

At its twenty-fifth meeting the Working Group revised and approved, as amended at the meeting, the draft decision on promoting effective access to information (AC/WGP-25/CRP.3) and requested the secretariat to submit it to the Meeting of the Parties for consideration at its seventh session.

*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,<sup>1</sup> II/3<sup>2</sup> and III/2<sup>3</sup> on electronic information tools and the clearinghouse mechanism, decisions IV/1,<sup>4</sup> V/1<sup>5</sup> and VI/1<sup>6</sup> on promoting effective access to information, VII/11 on the strategic plan for 2022–2030<sup>7</sup> and VII/5 on the work programme for 2022–2025,<sup>8</sup>

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

*Also recognizing* the need to ensure that modern electronic information and communications 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 is 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, 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,

*Recognizing* 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,

*Also recognizing* that advances in digital technologies have transformed the possibilities for Parties to fulfil their obligation under article 5 (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

<sup>1</sup> See ECE/MP.PP/2/Add.7.

<sup>2</sup> See ECE/MP.PP/2005/2/Add.4.

<sup>3</sup> See ECE/MP.PP/2008/2/Add.4.

<sup>4</sup> See ECE/MP.PP/2011/2/Add.1.

<sup>5</sup> See ECE/MP.PP/2014/2/Add.1.

<sup>6</sup> See ECE/MP.PP/2017/2/Add.1.

<sup>7</sup> Forthcoming.

<sup>8</sup> Forthcoming.

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,<sup>9</sup>

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/2021/20), and invites Parties, signatories, other interested States and stakeholders to use them as 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,<sup>10</sup> open government data,<sup>11</sup> 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 for Environmental Democracy;

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: (a) to ensure that the scope of environmental information is interpreted broadly, in line with the requirements of the Convention: (i) when executive regulations and legislative and policy documents relating to access to environmental information are prepared, and (ii) in the process of taking decisions on the disclosure of such information; and (b) to engage the relevant environmental expertise for both (i) and (ii);

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 the restrictive application of these exceptions and the full disclosure of information on emissions in accordance with the Convention;

8. *Also 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. *Further 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, for instance, suppliers, producers, facility operators, retailers, consumers, and environmental non-

<sup>9</sup> ECE/MP.PP/WG.1/2018/2, ECE/MP.PP/WG.1/2020/3 and ECE/MP.PP/WG.1/2021/3.

<sup>10</sup> E-government initiatives encompass activities of public authorities to deploy information and communications technologies for improving knowledge and information in the service of the public.

<sup>11</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.

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;<sup>12</sup>

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 the Republic of Moldova 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, both routinely and in case of an imminent threat to human health or the environment;

(b) Public access to environmental information focusing on:

(i) The scope of environmental information in accordance with article 2 (3) of the Convention;

(ii) The transparency of public authorities on environmental matters and the 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, the preparation of analytical, guidance and training materials to support the work detailed in subparagraphs (a), (b), and (c) above;

(e) Further population of the Aarhus Clearinghouse;

<sup>12</sup> A public-private partnership is a scheme that involves cooperation between the public and private sectors, aiming at financing, designing, implementing and operating public sector infrastructure and services.

16. *Also 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 that enables consumers to make informed environmental choices, availing of the latest digital solutions such as “product passports”, and to prepare proposals for consideration first by the Working Group of the Parties and then by 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 training sessions; 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 those subject matters that deserve particular attention.

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