

## **Electronic access to environmental information – an important fundament for e-democracy and environmental protection**

### **E-Environment as one of the fundaments of E-Democracy**

E-Democracy strives to simplify processes between public institutions, the legislative, citizen and companies regarding information, communication and transactions in many sectors with electronic information and communication tools. It simplifies bureaucracy, makes decision and law implementation more transparent and supports public participation in many ways.

One of these sectors is the environment, for which already International Conventions and European Directives exist that guarantee citizen a standardised access to environmental information and to participate in decision making via electronic tools.

### **E-Environment supports protection of the environment**

The fundamental idea that the access to environmental information leads to an improvement of the state of the environment is based on the following considerations:

1. An effective legal protection for citizen requires that decision relevant information is available for them. Access to environmental information provides each individual with the possibility to control the compliance with environmental law and to point out deficits in the implementation. Hence, the right to access environmental information leads to a decentralized and effective control of governmental activities by the public. (Control effect)
2. The right to access the data increases transparency and allows a better public participation in governmental decisions. Therefore, access to environmental information is an important step to participation and democratisation of the environmental legislation. (Participation effect)
3. Knowledge regarding the state of the environment is not limited to public authorities, hence this leads to an increased public acceptance of measures for the protection of the environment. This leads to a better awareness of environmental issues in the general public. (Education effect, awareness effect).
4. The general right of publication of environmental information should discourage potential polluters of the environment, because this bears the risk of publication of their activities. (Prevention effect)
5. The International Conventions and European Directives dealing with access to environmental and spatial information provide EU-wide comparable principles regarding the access to environmental information. This facilitates transnational activities to protect the environment from pollution and prevents competitive distortion. (Standardization effect)

(see also Büchele / Enöckl)

## **The Aarhus Convention as the basis for European and national legislation**

On international level it is the UNECE Convention on Access to Information, Public Participation in Decision making and Access to Justice in Environmental Matters (Aarhus Convention) that builds the basis for European and national implementation of specific regulations. On 25 June 1998 the European Community signed the Aarhus Convention, hence a number of Directives had to be established to implement this Convention.

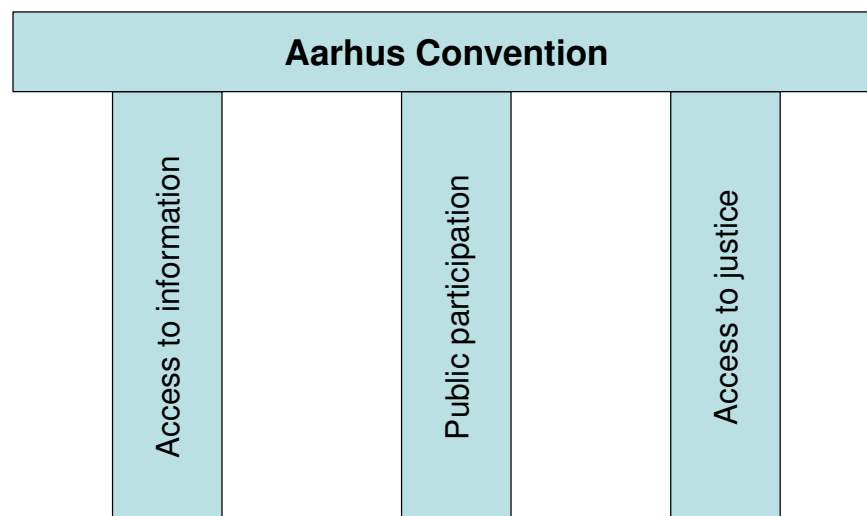
The Aarhus Convention is a new kind of environmental agreement. It links environmental rights and human rights. It focuses on interactions between the public and public authorities in a democratic context and it is forging a new process for public participation in the negotiation and implementation of international agreements.

The subject of the Aarhus Convention goes to the heart of the relationship between people and governments. The Convention is not only an environmental agreement, it is also a Convention about government accountability, transparency and responsiveness.

The Convention is founded on its 3 Pillars:

1. Access to information
2. Public participation in decision making
3. Access to justice

The Aarhus Convention grants the public rights and imposes on Parties and public authorities obligations regarding access to information and public participation and access to justice (the 3 pillars of the Directive, see also Figure 1).



**Figure 1: The Aarhus Convention and its 3 pillars**

The Convention entered into force on 30 October 2001. As of 18 September 2007, there were 41 Parties to the Convention, five Parties to the Protocol on PRTRs and four Parties to the amendment on public participation in GMO decision-making.

The Aarhus Convention has its roots in the 1972 Declaration of the United Nations on the Human Environment, stating in Principle 20 that the free flow of up-to-date scientific information and transfer of experience must be supported and assisted, to facilitate the solution of environmental problems; environmental technologies should thus be made

available to developing countries on terms which would encourage their wide dissemination without constituting an economic burden on the developing countries.

20 years later, Principle 10 of the 1992 Rio Declaration of the UN on Environment and Development laid out the foundation for the Aarhus Convention. In its key statement it says that environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

(See also Pick, 2007)

### **The 4 EU Directives implementing the 3 pillars of the Aarhus Convention**

On European level there are 4 Directives which implement the 3 pillars of the Aarhus Convention:

- Directive on **Public Access to Environmental Information** (2003/4/EC)
- Infrastructure for Spatial Information in the European Community (**INSPIRE**) Directive (2007/2/EC)
- **Public Participation Directive** (2003/35/EC)
- **Re-use of Public Sector Information** Directive (2003/98/EC)

### **Directive on Public Access to Environmental Information (2003/4/EC)**

The objectives of this Directive are defined in Article 1 as follows:

- a) to guarantee the right of access to environmental information held by or for public authorities and to set out the basic terms and conditions of, and practical arrangements for, its exercise; and*
- b) to ensure that, as a matter of course, environmental information is progressively made available and disseminated to the public in order to achieve the widest possible systematic availability and dissemination to the public of environmental information. To this end the use, in particular, of computer telecommunication and/or electronic technology, where available, shall be provided*

Thus, this Directive represents the implementation of the 2 pillars “Access to information” (Article 3 of the Directive) and “Access to Justice” (Article 6 of the Directive). The Directive 2003/4/EC may be conceived as the main step for transferring 1998s Aarhus Convention into European Community law. The Directive requires public authorities not only to make data available upon request (with one month if the volume and the complexity of the requested information is not too complex, see Article 3) but to disseminate environmental information actively and systematically (Article 7).

This requirement of active dissemination is currently being implemented on European Level with the SEIS-initiative (SEIS-Shared Environmental Information System – of which one of the already visible parts is WISE – Water Information System for Europe <http://water.europa.eu/>) and on regional, national and sub-national level with different national initiatives as for example:

- Regional level: e.g. NOKIS (Nord- und Ostsee-Küsteninformationssystem, engl. Information Infrastructure for the North and Baltic Sea <http://nokis.baw.de/>)
- Germany:
  - PortalU (national level) <http://www.portalu.de/>
  - Umweltportal Hessen (provincial level) <http://portal.umwelt.hessen.de>
  - Bavaria (provincial level): Umweltobjektkatalog <http://www.uok.bayern.de/>
  - and many others
- Czech Republic: Geoportals <http://geoportals.cenia.cz/mapmaker/cenia/portal/>
- Austria:
  - Koordinierungsstelle für Umweltinformation  
<http://www.umweltbundesamt.at/umweltinformation/koordinierungsstelle>
  - eGovernment Working Group “Environmental Information”  
[http://reference.e-government.gv.at/UW-UI\\_Umweltinformation.1024.0.html](http://reference.e-government.gv.at/UW-UI_Umweltinformation.1024.0.html)
  - HELP-Server  
<http://www.help.gv.at/Content.Node/166/Seite.1660000.html>
- Switzerland: Metainformationssystem Envirocat <http://www.envirocat.ch/>
- (to be extended)

Addressees of Directive 2003/4/EC are public authorities as data holders and the general public to which the right of data access is granted. The Directive grants a general right of access to information to any person, not limited to EU citizenship.

### **INSPIRE Directive (2007/2/EC)**

The INSPIRE Directive is related to pillar 1 of the Aarhus Convention (Access to environmental information) and lays down general rules aiming at the establishment of an infrastructure for spatial information in the European Community. It is designed to assist policy-making in relation to policies and activities that may have a direct or indirect impact on the environment.

The INSPIRE Directive is addressed to public authorities and the general public as users of spatial environmental information.

In the context of this Directive ‘infrastructure for spatial information’ means metadata, spatial data sets and spatial data services, network services and technologies as well as agreements on sharing, access and use of data. It furthermore means coordination and monitoring mechanisms, processes and procedures, established, operated or made available in accordance with this Directive.

The Directive applies to spatial data held by or on behalf of public authorities and to the use of spatial data by public authorities in the performance of their public tasks.

It covers spatial data sets that fulfil the following conditions (see Article 4):

- a) *they relate to an area where a Member State has and/or exercises jurisdictional rights;*
- b) *they are in electronic format;*

- c) *they are held by or on behalf of any of the following:*
- i) *a public authority, having been produced or received by a public authority, or being managed or updated by that authority and falling within the scope of its public tasks;*
  - ii) *a third party to whom the network has been made available in accordance with Article 12*
- d) *they relate to one or more of the themes listed in Annex I, II or III*

The spatial data themes to which Annexes I, II and III refer to are the following:

<b>Annex I</b>	<b>Annex II</b>	<b>Annex III</b>
Coordinate reference systems	Elevation	Statistical units
Geographical grid systems	Land cover	Buildings
Geographical names	Orthoimagery	Soil
Administrative units	Geology	Land use
Addresses		Human health and safety
Cadastral parcels		Utility and governmental services
Transport networks		Environmental monitoring facilities
Hydrography		Production and industrial facilities
Protected sites		Agricultural and aquaculture facilities
		Population distribution – demography
		Area management / restriction / regulation zones and reporting units
		Natural risk zones
		Atmospheric conditions
		Meteorological geographical features
		Oceanographic geographical features
		Sea regions
		Bio-geographical regions
		Habitats and biotopes
		Species distribution
		Energy resources
		Mineral resources

With the exception of geo-basis data the thematic space of the INSPIRE Directive is a full subset of the Directive on Public Access to Environmental Information (2003/4/EC), but dealing in detail with georeferenced data and its metadata.

Implementing the INSPIRE Directive the EU Member States must ensure that appropriate structures and mechanisms are designated for coordination across the different levels of government. These structures must coordinate the contributions of, inter alia, users, producers, added-value service providers and coordinating bodies, concerning the identification of relevant data sets, user needs, the provision of information on existing

practices and the provision of feedback on the implementation of this Directive. It must be brought into force by the EU Member States by 15 May 2009.

### **Public Participation Directive (2003/35/EC)**

According to Article 1 the objective of this Directive is to contribute to the implementation of the obligations arising under the Aarhus Convention, in particular by:

- (a) *providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment;*
- (b) *improving the public participation and providing for provisions on access to justice within Council Directives 85/337/EEC and 96/61/EC.*

The Public Participation Directive is the legal implementation of the second and third pillars of the Aarhus Convention (public participation and access to justice), acknowledging that effective public participation in decision making enables the public to express, and the decision-maker to take account of opinions and concerns which may be relevant to those decisions, thereby increasing the accountability and transparency of the decision-making process and contributing to public awareness of environmental issues and support for the decisions taken.

EU Member States had to bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 25 June 2005 at the latest.

### **Re-use of Public Sector Information Directive (2003/98/EC)**

This Directive does not only deal with environmental information but with all information held by public authorities.

The overall goal of this Directive is to harmonize the different national regulations and processes for the re-use of documents of public sector bodies at a minimum level. Thus, it should allow more safety for the individual and equal conditions for everybody acting on the European Market. European information services should be simplified and the European Single Market should be strengthened.

The Directive establishes a minimum set of rules governing the re-use and the practical means of facilitating re-use of existing documents held by public sector bodies of the Member States. It shall ensure that these documents shall be re-usable for commercial or non-commercial purposes without competitive distortion.

### **Conclusion**

E-Environment is going to be one of the fundamentals of E-Democracy. Its basis is the Aarhus Convention, which is supported and implemented in the European Community by the four mentioned EU Directives. This provides a good opportunity for E-Environment to be an integral part of pan European E-Government services.

Next to legal implementation there are lots recent developments in technically implementing E-Environment and the 3 pillars of the Aarhus Convention. On European level it is the SEIS initiative and on regional, national and sub-national level the development of environmental portals that will provide the basis for any citizen to be informed about environmental matters and to use this information for active participation in decision making. Thus, E-Environment fully supports the principles of E-Democracy.

## References:

BÜCHELE, ENÖCKL: UIG, UMWELTINFORMATIONSGESETZ, NWV-VERLAG, WIEN - GRAZ 2005

EUROPEAN COMMUNITY: ARTICLE 174 AND ARTICLE 175 (1) OF THE TREATY (ESTABLISHING THE EUROPEAN COMMUNITY)

EUROPEAN COMMUNITY: DIRECTIVE 2003/98/EC OF THE EUROPEAN PARLIAMENT AND THE COUNCIL OF 17 NOVEMBER 2003 ON THE RE-USE OF PUBLIC SECTOR INFORMATION

EUROPEAN COMMUNITY: DIRECTIVE 2007/2/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 14 MARCH 2007 ESTABLISHING AN INFRASTRUCTURE FOR SPATIAL INFORMATION IN THE EUROPEAN COMMUNITY (INSPIRE)

EUROPEAN COMMUNITY: DIRECTIVE 2007/2/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 28 JANUARY 2003 ON PUBLIC ACCESS TO ENVIRONMENTAL INFORMATION AND REPEALING COUNCIL DIRECTIVE 90/313/EEC

EUROPEAN COMMUNITY: DIRECTIVE 2007/2/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 26 MAY 2003 PROVIDING FOR PUBLIC PARTICIPATION IN RESPECT OF THE DRAWING UP OF CERTAIN PLANS AND PROGRAMMES RELATING TO THE ENVIRONMENT AND AMENDING WITH REGARD TO PUBLIC PARTICIPATION AND ACCESS TO JUSTICE COUNCIL DIRECTIVES 85/337/EEC AND 96/61/EC

PICK, THOMAS: 18 SEPTEMBER 2007; FROM AARHUS TO INSPIRE: PUTTING ENVIRONMENTAL INFORMATION ON THE MAP

UNECE – UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE: 25 JUNE 1998, CONVENTION ON ACCESS TO INFORMATION, PUBLIC PARTICIPATION IN DECISION-MAKING AND ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS (AARHUS CONVENTION); [HTTP://WWW.UNECE.ORG/ENV/PP/WELCOME.HTML](http://www.unece.org/env/pp/welcome.html)

UNEP: RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT, JUNE 1992; [HTTP://WWW.UNEP.ORG/DOCUMENTS.MULTILINGUAL/DEFAULT.PRINT.ASP?DOCUMENTID=78&ARTICLEID=1163](http://www.unep.org/documents/multilingual/default.print.asp?documentid=78&articleid=1163)

UNITED NATIONS: STOCKHOLM DECLARATION: DECLARATION OF THE UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT, JUNE 1972; [HTTP://WWW.UNEP.ORG/LAW/PDF/STOCKHOLM\\_DECLARATION.PDF](http://www.unep.org/Law/PDF/Stockholm_Declaration.pdf)