

E-GOVERNMENT WORKING GROUP FOR ENVIRONMENTAL INFORMATION IN AUSTRIA

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Abstract

With the Environmental Information Amendment Act (UIG) 2004 (which entered into force on 14.02.2005), Austria transposed the European Directive 2003/4/EC, which ensued from the Aarhus Convention, at federal level, into national law. “Information providing bodies” of the federal government, as well as the provinces and municipalities, must comply with the new requirements especially within the scope of actively providing environmental information. As the INSPIRE Directive (Annexes I – III) shows, nearly every piece of environmental information has a geographical relevance, which must always be considered when designing environmental information systems according to the requirements of the Environmental Information Directive.

According to Art. 10 of the Environmental Information Amendment Act 2004, Umweltbundesamt manages a “Coordination Centre for environmental information“ (KUI). This Coordination Centre assists in the exchange of information between the information providing bodies and proposes suitable measures in order to facilitate access to environmental information for the applicants (i.e. those seeking such information) and henceforth secure the high quality of environmental information.

The most urgent function of the Coordination Centre for environmental information is thus the development of “recommendations for structuring available information in compliance with the Directive”. Such systemisation shall ensure that environmental information is progressively made available and disseminated to the public and that this information, according to modern standards and within the meaning of the Recitals and Article 7 of the Directive, shall be made available in particular by electronic information and communication technologies.

In order to promote the standardised systemisation of environmental information on Internet portals and to ensure a joint approach for implementing the requirements under the Environmental Information Act 2004, a process of cooperation between the federal government and the provinces (eGovernment process) was initiated within the framework of “platform digital Austria”.

1. Legal basis

At European level, legally binding provisions for public access to environmental information were already laid down in 1990 with Directive 90/313/EEC adopted by the Council of the European Communities on 7 June 1990.

In Austria, this Directive was transposed into national law by adopting the Environmental Information Act on 27 July 1993. By laying down an obligation for the public authorities and agencies to keep environmental information transparent, the Environmental Information Act 1993 gave individuals a new right of access to environmental information in the sense of democratic participation.

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The European Environmental Information Directive 2003/4/EC follows the Aarhus Convention, which was signed and ratified also by Austria, and grants all applicants the (now expanded) right of easy and widest possible access to environmental information held by or for public authorities.

The Directive stipulates that Member States are obliged to actively inform the public to the widest extent possible about the data held by information providing bodies. These obligations to provide information are to be complied with mainly by using electronic media. Thus the competent authorities and organisations of the federal government, the federal provinces and municipalities have to comply with stricter requirements relating to the verification and provision of environmental information and environmental data.

With the Environmental Information Amendment Act 2004 (Federal Legal Gazette I No. 6/2005), Austria transposed the Directive on 14 February 2005, at federal level, into national law. Pursuant to the ensuing requirements, the federal government and the federal provinces must position themselves in a new manner overall, with regard to access to and dissemination of environmental information, thereby providing an important contribution to greater transparency and bringing environmental administration closer to Austrian citizens.

Pursuant to Art. 10 (1) of the Environmental Information Amendment Act 2004, Umweltbundesamt shall set up and manage a Coordination Centre for environmental information (KUI). The function of this Coordination Centre (KUI) is to support the exchange of information between the information providing bodies and to propose suitable measures to facilitate access to, and ensure the high quality of, environmental information. One of the main functions of the Coordination Centre (KUI) is to develop recommendations for the structuring of information held by information providing bodies in compliance with the Directive.

The Coordination Centre (KUI) reports to the public on its activities on the Internet at <http://www.umweltbundesamt.at/koordinierungsstelle/>.

The Coordination Centre (KUI) also provides information on the Environmental Information Amendment Act 2004 at HELP.gv.at: <http://www.help.gv.at/Content.Node/166/Seite.1660000.html>

2. Environmental information improves the environmental standard

The basic idea that access to environmental information improves the environmental standard is based on the following considerations (Röger, Rz 4 concerning Art. 1; van Schwanenflügel, DÖV 1993/2, 95):

- Effective legal protection of citizens requires that the information they need to make a decision is available to them. Access to environmental data gives an individual the possibility to check compliance with environmental law and identify any deficits in law enforcement. Thus, the law on environmental information leads to decentralised and effective supervision by the public of activities undertaken by the public authorities (supervisory/control effect).
- The right of access to relevant data increases transparency and enhances public participation in decisions taken by the public authorities. Access to environmental information is thus a step towards participation and democratisation of environmental law (participation effect).

- As the knowledge about the state of the environment is no longer confined to administrative authorities alone, the acceptance of measures to protect the environment will increase among the population. Thus access to environmental information helps to raise the public awareness of environmental issues (awareness-raising function).
- The general right of access to environmental information should act as a precautionary deterrent for potential polluters since they run the risk of their activities being disclosed (prevention effect).
- Directive 2003/4/EC provides for a right to information with equal basic principles Europe-wide. This facilitates transboundary environmental pollution control while, at the same time, preventing distortion of competition within the EU (harmonisation effect).

(Bücheler/Ennöckl, UIG Kommentar [Environmental Information Amendment Act commentary], n.w.v., Graz 2005)

The Aarhus Convention created the obligation of Member States to actively obtain information and to make this information available to the public. It stipulates the Parties' obligation to establish progressively a coherent, nationwide system of pollution inventories or registers on a structured, computerised and publicly accessible database.

3. Setting up an eGovernment working group for “Environmental Information” with representatives from the federal government and the provinces

The discussion of a joint procedure for implementing the requirements of the Environmental Information Amendment Act 2004 within the framework of a cooperation process between the federal government and the federal provinces (eGovernment process) was at the centre of bilateral talks with the regional government offices in the second half of 2006.

Results of the talks (summary):

- The initiative of the Coordination Centre for environmental information (KUI) is essentially approved.
- Initial bilateral discussions with all regional government offices are considered important.
- A working group with representatives from the federal government and the federal provinces shall be set up, or a working group with representatives from the federal provinces. This working group shall develop, on the basis of the results of the bilateral talks, the operational measures required in view of the upcoming common tasks, and ensure their concrete implementation. Furthermore it shall provide a platform for information exchange and meet as and when required. Planned group of participants: legally trained persons and persons who are in charge of environmental information coordination.
- For the purpose of the intentions of the eGovernment Act, it seems advisable that a standard procedure shall be aimed for with a view to implementing the Environmental Information Amendment Act, and that no distinction shall be made between the responsibilities of the

federal government and those of the provinces, since the applicant is, first and foremost, interested in the quick availability of results, irrespective of who is responsible.

- It is also considered advisable that the conference of environment ministers of the federal provinces (LURK) and/or the conference of the heads of offices of the provincial governments (LAD conference) should be concerned with this matter to ensure consent of the heads of administration and political back-up for the technical activities planned. The Coordination Centre for environmental information (KUI) suggests that the provinces take the initiative, but has also become active itself by acting as a link between the federal provinces.
- With regard to the working paper concerning the structuring of available information, prepared by the Coordination Centre for environmental information (KUI), it is pointed out that the proposition is appreciated essentially from a technical point of view. Apart from broadly covering environmentally relevant areas, a thematic structure such as this is very close to the thought patterns of citizens seeking information. By referring to these themes by concepts that are well and widely known to the population, an important contribution is made towards easy understanding and clarity even if the legal issues overlap occasionally.
- It is also pointed out that the proposition still contains ambiguities in some parts and should thus be further elaborated, on a joint basis.
- Some provinces refer to the federal provinces' joint approach to making environmental and spatial data accessible to the public on a portal. Via <http://www.geoland.at/> the Austrian federal provinces provide free access to important geographical data (e.g. transport, environment and nature, water, agriculture and forestry, spatial planning, emergency management, culture, health etc.). There is the possibility to access geographical data on all 9 federal provinces via a web browser (without plug-in) and to search for the names of places and coordinates as well as to enlarge and minimise illustrations and print maps.
- It is pointed out that keeping data on file as in the "GEOLAND" example is highly advocated. It is important to note that the implementation is not designed to create a separate representation of environmentally relevant data in a different meta-structure.
- Some provinces attach importance to the fact that important thematic areas of the EU Directive are already covered by the relevant portals of the federal provinces.
- The web sites of some of the federal provinces give also much room to the topic "eGovernment". The aim is to provide all important official channels online as well. This enables citizens to submit their applications electronically or to communicate with the federal province via e-mail. New information and communication technologies are promoted to optimise public authority services for citizens and business people. Online contact with the authority should be comfortable, easy, quick, safe and unbureaucratic.
- In the working group for cooperation between the federal government and the provinces, towns and cities and municipalities (BLSG) on 17.10.2006, it was decided to set up an ad-

hoc working group for environmental information which is especially concerned with Top 6: (L-V) “Standard presentation of environmental data on the Internet”.

- Any hopes for structural synchronisation of the Internet presence of the federal provinces are completely unrealistic. First and foremost a system must be found which enables citizens to find the information held by a public authority without making data duplication necessary. For this purpose, a modern IT solution which is based on existing structures (portal solution) and takes into account search items yet to be coordinated (meta-data), in accordance with the working paper submitted, must be found.

4. Current state

4.1. Conference of environment ministers from the federal provinces of 23 March 2007

On 23 March 2007 the conference of environment ministers from the federal provinces adopted the following resolution:

The conference of environment ministers from the federal provinces recognises the implementation of the provisions for environmental information as an important task which it assigns to a working group with representatives from the federal government and the federal provinces, which is yet to be established. The working group is furthermore requested to report on the result so that the governors of the federal provinces can be informed accordingly. The Minister of agriculture, forestry, environment and water management is requested to assist the federal provinces in their efforts.

4.2. First meeting of the eGovernment working group for environmental information with representatives from the federal government and the provinces

From 25 to 26 April 2007 the first meeting of the new working group (UW-UI) took place at the federal Ministry of agriculture, forestry, environment and water management, organised jointly by the Ministry and Umweltbundesamt.

The results have been published on the eGovernment Reference Server.

The internal and external communication of the UW-UI working group also takes place on http://reference.e-government.gv.at/UW-UI_Umweltinformation.1024.0.html

5. Shared Environmental Information System (SEIS)

The UW-UI working group sees itself as an essential element in the implementation of Directive 2003/4/EC, and as a nucleus as regards the development of the Shared Environmental Information System of the European Environment Agency EEA.

In partnership with the “Group of 4“ (Go4) - the EU Commission, EEA, Eurostat and JRC –the development of a Shared Environmental Information System in Europe will lead to improved data uses, with INSPIRE serving as core element.

The European Commission proposes to improve and streamline the European system for collecting, analysing and reporting environmental information:

Press release of the European Commission, Brussels, 05 February 2008:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/185&format=HTML&aged=0&language=DE&guiLanguage=de>

“Timely, reliable and relevant information on the state of environment is essential for sound policies. This includes information on how the climate is changing, whether European waters are improving and how nature is reacting to pollution and changing land use. Such information should be made available to all and be easily understood. To this end the Commission proposes to improve, modernise and streamline the present information systems by establishing a European Shared Environment Information System. The objective of this system is to tie better together all existing data gathering and information flows using modern tools such as the internet and satellite technology. The objective is also to move away from paper based reporting and reports to a system where data is made available to the users at source in an open and transparent way.”

“From vision to reality

A detailed implementation plan for SEIS will be presented some time in 2008. It will be built on efforts already being undertaken in Europe to create integrated information systems. These include the Water Information System for Europe (WISE) and the European environment information and observation network (EIONET), the 2007 INSPIRE Directive on access and interoperability of spatial data, and the Global Monitoring for Environment and Security (GMES) initiative on Earth monitoring data from satellites. However, there is no integrated platform to connect all these initiatives into a shared and common system. SEIS aims to fill in this gap.”

The UW-UI working group will include this issue in its working programme.

6. References

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