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**ECONOMIC COMMISSION FOR EUROPE
COMMITTEE ON ENVIRONMENTAL POLICY**

Meeting of the Signatories to the
Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters

Working Group on Pollutant Release and Transfer Registers

REPORT ON THE FIFTH MEETING

1. The fifth meeting of the Working Group on Pollutant Release and Transfer Registers took place in Geneva from 24 to 28 June 2002.
2. The meeting was attended by delegations from the Governments of Albania, Armenia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Finland, France, Georgia, Germany, Hungary, Italy, Netherlands, Norway, Poland, Republic of Moldova, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom, United States of America, Uzbekistan and Yugoslavia.
3. The Commission of the European Communities was represented. The Organisation for Economic Co-operation and Development (OECD) was also represented.
4. Delegations from the following regional and non-governmental organizations attended the meeting: Eco-Accord; the European Chemical Industry Council (CEFIC); European ECO Forum; Friends of the Earth, Denmark; Global Legislators Organization for a Balanced Environment (GLOBE) Europe; and the Regional Environmental Center for Central and Eastern Europe (REC).
5. The Chairperson of the Working Group, Mr. Karel Blaha (Czech Republic), welcomed the participants and opened the meeting.

I. ADOPTION OF THE AGENDA

6. The provisional agenda as set out in document CEP/WG.5/AC.2/2002/5 was adopted.

II. THE 'VIRTUAL CLASSROOM'

7. On 26 June, a small group consisting of representatives of the Czech Republic, Germany, the Netherlands, the United Kingdom, the United Nations Institute for Training and Research (UNITAR), OECD, REC, Eco-Accord, European ECO Forum and Friends of the Earth Denmark attended the meeting on the 'virtual classroom'. Since the fourth meeting of the Working Group, a pilot version of the 'virtual classroom' had been developed. The small group discussed this pilot version as well as the development of a vision document and the definition of short-term actions. The outcome of the discussion, which is included in annex I to this document, was presented to the Working Group for discussion.

8. The Working Group raised the question of ownership of the virtual classroom, in particular the involvement of the Inter-Organization Programme for the Sound Management of Chemicals (IOMC), and considered that the issue could be on the agenda of the IOMC Coordination Meeting on PRTRs scheduled for November 2002. Second, the issue of translation was considered to be important and it was agreed that it should be on the agenda of the virtual classroom. The Working Group welcomed the initiative of the virtual classroom, in particular the short-term actions. At its sixth meeting, further progress as well as the results of the short-term actions would be reported.

III. PREPARATION OF A DRAFT PROTOCOL

9. The secretariat informed the Meeting of a discussion which had taken place at the third meeting of the Working Group preparing for the first meeting of the Parties concerning the preparation of a draft decision on pollutant release and transfer registers. Lack of consensus at that meeting over the issue of whether the draft decision should specify that the protocol would be open to non-ECE States and non-Parties to the Convention had led to the setting-up of an open-ended, ad hoc expert group to analyse the legal, administrative, institutional, practical and financial implications of the protocol being open in this way, and to suggest feasible solutions (CEP/WG.5/2002/2, para. 40). Mr. Maas Goote (Netherlands), who had been asked to chair the ad hoc expert group, informed the Working Group that the expert group would meet on the margins of the meeting and was expecting to meet again on the margins of the third meeting of the Working Group preparing for the first meeting of the Parties (Pula, Croatia, 8-10 July 2002), with a view to reporting to that Working Group on its findings. The Chairperson concluded that the outcome of that process need not affect the work of the Working Group on PRTR, which would continue to be governed by the mandate given to it by the Committee on Environmental Policy.

10. The Chairperson informed the Meeting of the Intergovernmental Forum on Chemical Safety (IFCS) regional meeting held in Budapest on 22-23 May 2002, where he had presented a brief overview of the progress achieved by the Working Group. As the topic of PRTRs had been one of the high priorities on the IFCS agenda, the regional meeting had appreciated the development of the protocol.

11. REC informed the Meeting that the protocol preparations had been discussed at national multi-stakeholder consensus-building workshops in Central and Eastern Europe and at a recent subregional workshop on PRTRs involving representatives of governments and NGOs from 15 Central and East European countries, as well as some Western countries, the European Commission and UNECE (Szentendre, Hungary, 13 to 14 June 2002). The conclusions of the workshop were made available to the Working Group.

12. The delegation of Norway informed the Meeting about a recent meeting of the OECD Task Force on Release Estimation Techniques at which various relevant projects, including one on the establishment of a PRTR resource centre and another on an initiative to promote the worldwide sharing of PRTR information, had been discussed (Oslo, 19 to 20 June 2002).

13. The delegation of the United States informed the Meeting that it would be participating in the meeting in an expert, observer capacity, its main interests being to promote compatibility between the new protocol and the United States Toxic Release Inventory system and to cooperate on the issue with other ECE member States.

14. The delegation of Spain circulated three papers on behalf of the European Community and its member States, one of a general nature and two of a more technical nature addressing the question of thresholds and the classification of activities respectively.

15. The Working Group then resumed its task of preparing the draft protocol. It was agreed that the overall structure of the protocol set out in document CEP/WG.5/AC.2/2002/7 was a good basis for further developing a draft text. It was further agreed to start by discussing the content of the annexes, then to discuss document CEP/WG.5/AC.2/2002/3 and, finally, time permitting, to turn to document CEP/WG.5/AC.2/2002/7.

16. The Working Group discussed each of the aforementioned parts of the text, making amendments as necessary and designating areas where agreement remained to be reached through the use of square bracket. The outcome of the discussions is reflected in the revised draft text of the protocol contained in document CEP/WG.5/AC.2/2002/10. It was agreed that that text should serve as the framework for further discussions in the Working Group. The main points made during the discussion are referred to in the following paragraphs.

Annex on activities

17. Launching the discussion on the possible content of an annex on activities, the Chairperson drew attention to the list of activities contained in annex V to document CEP/WG.5/AC.2/2001/7 prepared by the secretariat and the conclusions of the technical group with respect to that document which were reflected in annex I to document CEP/WG.5/AC.2/2001/5, asking whether the technical group's grouping into three levels of priority was shared by the Working Group.

18. Most delegations stated their preference for having only one mandatory list of activities in the protocol.

19. Most delegations indicated that they were in favour of all activities listed in category I in part II of annex I to document CEP/WG.5/AC.2/2001/5, as well as those listed in paragraph 10 (e) to (h) of annex V to document CEP/WG.5/AC.2/2001/7, being on a mandatory list. Some delegations preferred the mandatory list to be limited to those activities, some were open to the inclusion of some category II items and a few wished to see category III items also included.

20. A contact group was established to prepare draft text for an annex on activities, based on the discussions in the plenary. The contact group prepared a draft text and presented it to the Working Group, with the following covering remarks:

(a) All activities listed in annex V to document CEP/WG.5/AC.2/2001/7 and not listed in the contact group's proposal (all designated as category 3 by the Technical Group) would be candidates for step 2 (whatever form that would take). The same would apply to bracketed activities in the contact group's proposed list should they be removed from annex I to the draft protocol by the Working Group;

(b) The annex as drafted by the contact group has embedded within it some capacity thresholds. There are other approaches to excluding reporting by small facilities, e.g. providing an employee-number threshold, combined with a substance-use threshold. If the protocol was to allow for this approach to be used as an alternative to the capacity threshold approach then (i) substantive provisions would need to be rewritten and (ii) the annex would be rewritten as a matrix which shows activity, capacity threshold and employee threshold. Such a matrix has been developed by the United States delegation and it also shows corresponding economic activity codes. This matrix will be provided to the Working Group to demonstrate how it would be structured.

21. The contact group's draft text is included as annex II to this report. It was agreed that this should be used as the basis for further work. There was discussion about the need in future drafts to accommodate different methods of classifying the industrial activities in national systems.

Annex on pollutants

22. Most delegations were in favour of including on a mandatory basis at least the non-pesticide pollutants in category I in part I of annex I to document CEP/WG.5/AC.2/2001/5 in the protocol. Some were in favour of including pesticides, several also wanted carcinogens covered, and a smaller number wished to see pollutants from categories II and III included.

23. The contact group preparing the draft text for an annex on activities was also requested to prepare draft text for an annex on pollutants, again based on the discussions in the plenary. The contact group prepared a text as requested and presented it to the Working Group. It was agreed to annex the text to the report and use it as the basis for further work (see annex III). It was noted that in the contact group there had been unanimous agreement on the inclusion of 24 pollutants out of the original list of 131 in annex III to document CEP/WG.5/AC.2/2001/7, and that further work should be done to expand the list of agreed pollutants.

24. The delegation of Norway presented a table demonstrating how the obligation to report on pollutants could be phased in (see annex IV). This was considered to be an elegant way of presenting a deferred or delayed obligation to report on certain pollutants, if such were needed. However, most delegations expressed a preference for having a single mandatory list of pollutants and were not in favour of the protocol providing for a second step of this kind. On the other hand, it was noted by the Chairperson that the interest or otherwise in such a second step might ultimately depend on whether delegations were satisfied with the list of pollutants included in the first step.

Annex on criteria for selection of pollutants

25. It was broadly agreed that there was no need for an annex setting out criteria for the selection of pollutants to be included in a PRTR and the reference to such an annex was consequently deleted. Such criteria might be relevant in two contexts, namely addition of pollutants to the list annexed to the protocol by the Meeting of the Parties and addition of pollutants by Parties to their own national lists, and in both of these cases, if there were considered to be a need to set out such criteria, it could be addressed directly in the relevant operative part of the protocol (e.g. the article on the Meeting of the Parties or that on the amendment procedure for the annexes) or through a separate guidance document. Some delegations considered that setting out such criteria in one or other form could be useful to give some predictability as to what sort of substances might be added to the lists in future.

Annex on reporting format

26. It was agreed that it was not necessary to have an annex to the protocol setting out a reporting format. However, it was recognized that it might be useful, particularly for countries in the early stages of developing PRTRs, to develop guidance on the issue. The 'virtual classroom' could be used as a forum to develop such guidance.

Annex on water, energy and resource use

27. Most delegations were opposed to the inclusion in the protocol of reporting requirements with respect to water, energy and resource use and therefore were opposed to having an annex on the topic. However, some delegations were in favour of including such requirements and a corresponding annex, citing the reference to water, energy and resource use in article 5, paragraph 9, of the Convention. The issue remained unresolved. However, it was pointed out that to develop such an annex might not be feasible within the short time frame available, even if there was agreement to do so.

Annex on diffuse sources

28. It was noted that the need or otherwise to include an annex on diffuse sources was linked to whether the operative provisions would require reporting on diffuse sources. If so, the proposed table from the delegation of Norway, included in annex IV, might be a way to address the issue.

Objective (document CEP/WG.5/AC.2/2002/3, art. 1)

29. Some delegations considered that the reference to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being simply repeated the corresponding provision in the Convention and was therefore redundant. Others considered that the fact that the protocol might be open to non-Parties could mean that such a reference would add value. Several of those delegations opposed to including the reference in article 1 were in favour of its inclusion in the preamble.

Definitions (document CEP/WG.5/AC.2/2002/3, art. 2)

30. There was no support for option 1 of paragraph 3. Regarding option 2, it was noted that the terms 'environmental information' and 'public concerned' did not occur frequently enough in the draft text to justify having a definition. It might be useful to have a definition of 'the public', so it was agreed to keep the text of the definition used in the Convention in the text, in square brackets, as the basis for further discussion. It was agreed to give further consideration to whether a definition of 'public authority' was needed, having regard to the actual contexts in which the term was used and the text was therefore retained in square brackets.

31. When addressing the definition of 'facility', it was agreed to delete the reference to 'industrial, agricultural and other complex' and to 'establishment', as these qualifying words were considered by some delegations not to add any further legal certainty. It was agreed to keep the reference to owner or operator, with some delegations being of the opinion that to do otherwise might allow a cluster of activities having the same owner but different operators to slip below the relevant reporting thresholds. There was no agreement on the reference to the annex on activities in the definition and this was therefore left in square brackets.

32. Several issues remained unresolved following a discussion of the definition of 'pollutant' in paragraph 6. These included whether pollutants should be restricted to 'chemicals' or whether the broader term 'substances' should be used; whether the substance or chemical should be 'hazardous' or should have the potential to be 'harmful' to the environment or human health; whether the harm or hazard should be linked to the introduction of the substance into the environment; and whether the definition should be limited to pollutants for which reporting would be required under the protocol.

33. There was a general discussion on the inappropriateness of referring to annexes in the definition and the problems it might entail if the protocol, including the annexes, were subsequently amended. It was also noted that if definitions relied on cross references to annexes, it might become impossible to refer to the possibility of adding new pollutants or activities to the annexes as, by definition, anything described as a pollutant or an activity would already be included in the annexes. It was agreed that, in general, references to annexes in the definitions should be avoided.

34. An attempt was made to combine the two options for a definition of 'release' set out in paragraph 7, the first providing a general description and the second using a 'listing' approach. Some delegations had reservations about attempting to specify a list of examples as such a list could never be complete. However, others argued that, provided it were made clear that the list was not meant to be exhaustive, it could provide additional clarity in that at least those items listed would be covered.

35. Regarding the definitions of 'off-site transfer' and 'on-site transfer' set out in paragraphs 8 and 9, the terms 'off-site' and 'on-site' were not considered to be self-evident, especially in translation, so the definition was modified to address this point. Most delegations considered that it was not necessary to specify in the definition the purpose for which an off-site transfer was made, with only one delegation wishing to retain the elaborated list (option 2). With on-site transfers, some delegations again considered it was not necessary to specify the purpose for which the transfer was made; however, several delegations felt the more elaborated list of possible purposes (option 2) might be needed in this context. As regards the question of what was being transferred, the only change made to either definition was the elimination of option 3 in the 'off-site transfer' definition. One delegation raised the question as to whether 'public waste-water treatment plants' would include situations where such facilities were outsourced or privatized. It was not considered necessary to have general definition of 'transfer'.

36. It was agreed to return to the wording in the proposed definitions of 'transfer through products' and 'diffuse sources' (para. 10 and 11) at a later stage, once it was clear that such definitions would be needed. The interpretation of the terms 'national' and 'nationwide' with respect to regional economic integration organizations (para. 12) was generally considered to be acceptable.

37. Regarding the proposed definition of 'waste' in paragraph 13, most delegations were in favour of the first option, derived from the Basel Convention. However, some delegations were not convinced of the need for a definition of 'waste', and expressed the concern that, if there were to be such a definition, the approach contained in the Basel Convention was not necessarily appropriate since it was mainly focused on disposal. It was therefore agreed that the second option should be kept in the text for the time being to allow further reflection.

General provisions (document CEP/WG.5/AC.2/2002/3, art. 3)

38. It was agreed to replace the text of paragraph 3 in article 3 of document CEP/WG.5/AC.2/2002/3 with the text contained in footnote 2 of document CEP/WG.5/AC.2/2002/7.

39. There was no agreement on the text on the precautionary approach or principle in paragraph 4. Some delegations wished to retain it in the article on general provisions. Some felt it would be more appropriate to refer to the precautionary principle in the preamble or in the article referring to the possibility for the Meeting of the Parties to amend the lists of activities or pollutants. Others did not see its relevance in the context of the protocol. It was agreed to leave the text unchanged in square brackets for the time being.

40. There was general agreement to delete paragraph 5 on the internalization of environmental costs, this being considered to be a matter for each Party to determine at national level.

Core elements (document CEP/WG.5/AC.2/2002/3, art. 4)

41. In the discussion on article 4, there was agreement to delete the square brackets in subparagraph (a). However, one delegation noted that this should not be taken to prejudice the outcome of the discussion on subparagraph (b) on diffuse sources. This was the only change made to article 4.

42. Most delegations were in favour of removing the square brackets around subparagraph (b) in that article, thereby making the accommodation of reporting on diffuse sources a core element of PRTRs. The term 'accommodate' was considered by some delegations to be rather vague and less clear than a term such as 'include', but its proponents stated that the term was used in order for it to be consistent with article 6, paragraph 1 (c), of document CEP/WG.5/AC.2/2002/7 and to cover the different aspects of that article.

43. No agreement could be reached on the question of pollutant-specific versus waste-specific reporting in subparagraph (c).

44. One delegation proposed to amend subparagraph (d) on multimedia reporting by inserting 'as a minimum' before 'distinguishing among releases to air, water and land'. However, there was no agreement on this proposal.

Design/structure (document CEP/WG.5/AC.2/2002/3, art. 5)

45. In paragraph 1, the Working Group agreed to include a reference to the geographical location of the facility, as this would facilitate the Geographical information system (GIS) potential of the register. It was also agreed to insert 'and/or owner' after 'operator' to allow the Parties to make their register searchable by either one or both in accordance with their national systems. There was no agreement with respect to 'company', so it was kept in the text in square brackets as well as 'or waste as appropriate'. The Working Group would have to come back to this last issue after deciding on what should be reported for transfers. With respect to the destination of the transfer, it was agreed to make a specific cross-reference to article 7, paragraph 5 (which later became article 7, paragraph 3, of document CEP/WG.5/AC.2/2002/10).

46. Following a suggestion made in the drafting group, it was agreed to include an explicit requirement in paragraph 2, in brackets for the time being, that data from previous reporting periods should be publicly accessible. However, some delegations considered that there should be a time-limit of ten years on the requirement, whereas others felt that there should be no such time limit. It was agreed to reflect both options in the text.

47. It was also agreed to include a requirement, previously included in the article on access to information, that the register should be designed for maximum ease of public access so that information would be continuously and immediately available. The text was broadly supported in principle but some delegations felt that it was important that it should not be seen as a strict obligation to make the information continuously and immediately available. With this in mind, it was agreed to keep the text in square brackets for further reflection.

Scope of register (document CEP/WG.5/AC.2/2002/7, art. 6)

48. The Working Group briefly discussed the steps to be included in the draft protocol. There were two main options: deferred obligations, defined in the protocol, or a mandate for the Meeting of the Parties to decide on subsequent steps at a later stage. Some delegations suggested that such a mandate should be clearly spelled out in the text of the Protocol. Most delegations supported the latter option. Some delegations supported the former option and some found it difficult to discuss the issue before it was clearer what the first step would look like. It was decided to return to the issue after discussion of the annexes and the reporting requirements.

Reporting requirements (document CEP/WG.5/AC.2/2002/7, art. 7)

49. There was general agreement on paragraph 1 (a) and (b) except on the issue of on-site transfers, which the Working Group agreed to leave in square brackets and address at a later stage. Some delegations were not in favour of including a reference to a reporting threshold in the tail of paragraph 1. It was therefore agreed to put brackets around “with respect to those [“pollutants/wastes”] for which the thresholds were exceeded” for the time being.

50. Concerning paragraph 2, most delegations considered that the wording was not flexible enough for a subsequent step and were therefore in favour of deleting it. It was therefore agreed to delete the paragraph and deal with the stepwise approach in a more flexible manner.

51. With respect to paragraph 3 concerning water, energy and resource use, several delegations considered that these concepts should be retained in the protocol for a future step, e.g. in article 6. Some also considered that perhaps water and energy use would be more suitable for reporting than resource use, which would be more difficult to define. However, many delegations were in favour of deleting the paragraph because they were not in favour of defining the subsequent steps at this stage. As a reference to water, energy and resource use was already included in article 6, paragraph 2 (d) and paragraph 3 (e), it was decided to delete paragraph 3 of article 7.

52. Concerning paragraph 4 on the reporting requirement for diffuse sources, it was decided to align the text with article 6, paragraph 1 (c). It was furthermore agreed that the bodies required to report on diffuse sources would not necessarily have to be public bodies and the word “competent” was therefore inserted before bodies. A revised and agreed text of the paragraph is included in document CEP/WG.5/AC.2/2002/10 as article 7, paragraph 2.

53. In paragraph 5, the reference “Beginning with the first reporting year” was meant to provide clarity as some other requirements will come into effect only at a later stage (e.g. subpara. (g)). It was decided to keep the two alternatives on the coming into effect of the requirement for the time being and return to the issue after discussion of subparagraph (g).

54. It was decided to include a new subparagraph (a) requiring the provision of information on the identity of the facility, its location and activities and the name of the owner and/or operator, to be in line with article 5 on the design of the register.

55. The original subparagraph (a) was agreed without further discussion. The numerical identifier was understood to be the internationally used CAS number.

56. In the discussion of subparagraph (b), it was understood that the reporting should cover all releases from the facility to the environment and the reference to on-site could therefore be misleading. It was decided to replace “on-site” with “from the facility”. It was agreed that it would be enough to report on releases to air, water and land without further distinctions. It was also agreed to explicitly state that underground injection would be considered a release to land.

57. In the discussion of subparagraph (c) on transfers, the main issues for discussion were whether a distinction between on-site and off-site transfers should be required and the degree of detail with respect to the purpose of the transfer. There was no agreement in the Working Group with respect to the distinction between on-site and off-site transfers and both options were therefore kept in the text in brackets. With respect to the purpose of the transfer, most delegations favoured at least a distinction between disposal and recovery. However, a number of countries felt that further detail of the purpose of the transfer should be required. Most delegations were in favour of the inclusion of a specific reference to the destination of the transfer (name, address, etc.), but one delegation reserved its position on this issue for the time being on the grounds that such information could be considered as confidential.

58. With respect to subparagraph (d), most delegations were in favour of the deletion of this subparagraph because they did not find reporting on storage appropriate for the protocol. However, some delegations supported the inclusion of a requirement to report on storage of pollutants in the protocol and it was therefore retained in brackets.

59. Most delegations were in favour of deleting subparagraph (e) as a consequence of the deletion of paragraph 3. However, several delegations felt that the issue of a reporting requirement with respect to water, energy and resource use should be kept in mind. It was agreed to delete the subparagraph but that this policy option could be reflected in article 6.

60. With respect to subparagraph (f), it was pointed out that this text should be considered in conjunction with article 9, paragraph 2, which provides guidance to the reporting facilities with respect to the methodology for gathering the data. Two main options were identified: either to make a specific reference to article 9, paragraph 2, or to end the paragraph after the reference to the specific subparagraphs above.

61. As subparagraph (g) was considered to be closely linked with paragraph 8, dealing with the same issue, the Working Group agreed to come back to subparagraph (g) after discussion of paragraph 8.

IV. FUTURE PROCESS

62. The Working Group agreed to hold its sixth meeting on 16-17 September 2002 in Geneva, at which it would focus on the remaining provisions of article 7 and articles 8 to 10 of the consolidated text contained in document CEP/WG.5/AC.2/2002/7. The drafting group would meet immediately thereafter on 18-20 September 2002, also in Geneva, with the aim of producing a complete consolidated text in the three languages in advance of the seventh meeting of the Working Group. Further work on the annexes would be done within the framework of the virtual classroom (see paras. 7-8 above). The contact group addressing the content of the annexes would meet as necessary in parallel or on the margins of the Working Group's meeting on 16-17 September 2002 and would in any case hold a full-day meeting on 18 September 2002.

V. ADOPTION OF THE REPORT AND CLOSE OF MEETING

63. The Working Group adopted the draft report on the understanding that the Chairperson and the secretariat would be entrusted with the finalization of the report and that the French- and Russianspeaking delegations would reserve their positions until the report was available in French and Russian as well.

64. The Chairperson thanked the Vice-Chairperson for his work to further the concept of the 'virtual classroom', the delegates for their active and constructive participation in the meeting, the secretariat for its assistance and support and the interpreters, and closed the meeting.

Annex I

THE VIRTUAL CLASSROOM INITIATIVE OF THE AARHUS CONVENTION 26 June 2002

A. Presentation by Mr. Henk Scholten (Netherlands)

1. Mr. Scholten presented the “virtual classroom”. He emphasized that it was important that the objectives and the target groups should correspond. For the classroom to work, attention should be paid to technology and content on the one hand and to knowledge management and best practices on the other.
2. With respect to knowledge management, it was important to ensure easy access to shared documents and encourage discussion on certain topics. Links to relevant web sites should be provided. Due to time constraints, Mr. Scholten did not explain the other components of the classroom in any detail.
3. For the launching of the classroom, a vision document would be needed as well as short-term actions to be undertaken.

B. Presentation by Mr. Ondrej Velek (Czech Republic)

4. Mr. Velek presented the headings of a vision document for the virtual classroom, which would be: objectives, target group approach and organizational aspects.
5. On objectives, the following items were given:
 - Knowledge generation;
 - Capacity-building (best practices);
 - Facilitate the development of the protocol;
 - Implementation of the protocol.
6. On target groups, the following items were considered to be relevant:
 - Defining the target groups;
 - Content and target groups should correspond;
 - Facilitating implementation for newcomers;
 - Continuation of communication (also after Kiev).
7. On organizational aspects, the following aspects were mentioned:
 - Funding aspects;
 - Ownership – international organization;
 - Costs/benefits. The costs are estimated to be \$20,000 for hardware and software, to which should be added the moderator’s time and administrative support. The benefits are the operation of the classroom (see above).
8. The virtual classroom could also be of interest to a regional register.

C. Presentation of short-term actions by Mr. Pieter van der Most (Netherlands)

9. Mr. Van der Most proposed that five short-term actions should be undertaken before the next meeting of the Working Group. Through the proposed actions, it is envisaged that discussions between experts would take place and lively interaction between experts stimulated. The short-term actions would also provide useful experience on the classroom. The following short-term actions were proposed:

Short-term actions	Moderator
Examples of reporting format	Finland? + Olga Speranskaya
Benchmarking table	Ondrej Velek
List of substances (brackets discussion)	Pieter van der Most
GIS demonstration of the protocol	United Kingdom? (+United States? Canada?)
Pilot guide book chapter	Olga Speranskaya + Pieter van der Most

D. Name change

10. The virtual classroom was unhappy with its name and the members of the Working Group were therefore invited to come up with a better one.

Annex II

ACTIVITIES

1. Energy sector (cat. 1: a-d)¹

- (a) Mineral oil and gas refineries;
- (b) Installations for gasification and liquefaction;
- (c) Thermal power stations and other combustion installations with a heat input of 50 megawatts (MW) or more;
- (d) Coke ovens;
- [(e) Coal rolling mills and installations for the manufacture of coal products and solid smokeless fuel;]²
- [(f) Nuclear power stations and other nuclear reactors including the dismantling or decommissioning of such power stations or reactors (except research installations for the production and conversion of fissionable and fertile materials whose maximum power does not exceed 1 kW continuous thermal load);
- (g) Installations for the reprocessing of irradiated nuclear fuel;
- (h) Installations designed:
 - (i) For the production or enrichment of nuclear fuel;
 - (ii) For the processing of irradiated nuclear fuel or high-level radioactive waste;
 - (iii) For the final disposal of irradiated nuclear fuel;
 - (iv) Solely for the final disposal of radioactive waste;
 - (v) Solely for the storage (planned for more than 10 years) of irradiated nuclear fuels or radioactive waste on a different site than the production site].³

¹ References to categories in this annex are included for convenience and refer to the categories identified by the Technical Group at its first meeting, as reflected in the report of the second meeting of the Working Group (CEP/WG.5/AC.2/2001/5, annex I, part II). Such references would not be included in the draft protocol. For the time being, the numbering of paragraphs and subparagraphs has been kept the same as in document CEP/WG.5/AC.2/2001/7, annex V, for ease of comparison. The following subparagraphs of the earlier document have been deleted from or amended in the present text: 4 (g); 5 (a) and (b); 6 (a), (e) and (g); 8 (a)(iv); 10 (a) to (d) and (g) to (o); and paragraph 11.

² Originally cat. 2, proposed for inclusion by some delegations.

³ Originally cat. 3, proposed for inclusion by some delegations.

2. Production and processing of metals (cat. 1: a-f)

- (a) Metal ore (including sulphide ore) roasting or sintering installations;
- (b) Installations for the production of pig iron or steel (primary or secondary melting) including continuous casting, with a capacity exceeding 2.5 tons per hour;
- (c) Installations for the processing of ferrous metals:
 - (i) Hot-rolling mills with a capacity exceeding 20 tons of crude steel per hour;
 - (ii) Smitheries with hammers the energy of which exceeds 50 kilojoules per hammer, where the calorific power used exceeds 20 MW;
 - (iii) Application of protective fused metal coats with an input exceeding 2 tons of crude steel per hour;
- (d) Ferrous metal foundries with a production capacity exceeding 20 tons per day;
- (e) Installations:
 - (i) For the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes;
 - (ii) For the smelting, including the alloying, of non-ferrous metals, including recovered products (refining, foundry casting, etc.), with a melting capacity exceeding 4 tons per day for lead and cadmium or 20 tons per day for all other metals;
- (f) Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process where the volume of the treatment vats exceeds 30 m³.

3. Mineral industry (cat. 1: b-f)

- [(a) Underground mining and related operations;]⁴
- (b) Installations for the production of cement clinker in rotary kilns with a production capacity exceeding 500 tons per day or lime in rotary kilns with a production capacity exceeding 50 tons per day or in other furnaces with a production capacity exceeding 50 tons per day;
- (c) Installations for the production of asbestos and the manufacture of asbestos-based products;

⁴ Originally cat. 2, proposed for inclusion by some delegations.

(d) Installations for the manufacture of glass including glass fibre with a melting capacity exceeding 20 tons per day;

(e) Installations for melting mineral substances including the production of mineral fibres with a melting capacity exceeding 20 tons per day;

(f) Installations for the manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 75 tons per day, and/or with a kiln capacity exceeding 4 m³ and with a setting density per kiln exceeding 300 kg/m³;

[(g) Quarries, gravel pits and opencast mining where the surface of the site exceeds 25 hectares, or peat extraction where the surface of the site exceeds 150 hectares.]⁵

4. Chemical industry (cat. 1: a-f)

(a) Chemical installations for the production of basic organic chemicals, such as:

- (i) Simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic);
- (ii) Oxygen-containing hydrocarbons such as alcohols, aldehydes, ketones, carboxylic acids, esters, acetates, ethers, peroxides, epoxy resins;
- (iii) Sulphurous hydrocarbons;
- (iv) Nitrogenous hydrocarbons such as amines, amides, nitrous compounds, nitro compounds or nitrate compounds, nitriles, cyanates, isocyanates;
- (iv) Phosphorus-containing hydrocarbons;
- (vi) Halogenic hydrocarbons;
- (vii) Organometallic compounds;
- (viii) Basic plastic materials (polymers, synthetic fibres and cellulose-based fibres);
- (ix) Synthetic rubbers;
- (x) Dyes and pigments;
- (xi) Surface-active agents and surfactants;

⁵ Originally cat. 2, proposed for inclusion by some delegations.

- (b) Chemical installations which produce basic inorganic chemicals, such as:
 - (i) Gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, sulphur dioxide, carbonyl chloride;
 - (ii) Acids, such as chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acids;
 - (iii) Bases, such as ammonium hydroxide, potassium hydroxide, sodium hydroxide;
 - (iv) Salts, such as ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate;
 - (v) Non-metals, metal oxides or other inorganic compounds such as calcium carbide, silicon, silicon carbide;
- (c) Chemical installations for the production of phosphorous-, nitrogen- or potassium-based fertilizers (simple or compound fertilizers);
- (d) Chemical installations for the production of basic plant health products and of biocides;
- (e) Installations using a chemical or biological process for the production of basic pharmaceutical products;
- (f) Installations for the production of explosives and pyrotechnic products.

5. [Extraction, transport and storage of petroleum, gas, oil and chemicals (cat. 1: None of this section)]

Installations for the storage of petroleum, petrochemical, or chemical products with a capacity of 200 000 tons or more.]⁶

6. Waste management (cat. 1: a-d, f, g)⁷

(a) Installations receiving hazardous waste for incineration, pyrolysis, recovery, chemical treatment or landfilling;

[(b) Installations for the incineration of municipal waste with a capacity exceeding 3 tons per hour;]

⁶ Originally cat. 3, proposed for inclusion by some delegations.

⁷ One delegation had problems with definitions of (b) – (d) and (g). There is also a United States “matrix” suggestion for resolving these problems.

[(c) Installations for the disposal of non-hazardous waste with a capacity exceeding 50 tons per day;]

[(d) Landfills receiving more than 10 tons per day or with a total capacity exceeding 25000 tons, excluding landfills of inert waste;]

(f) Installations for the disposal or recycling of animal carcasses and animal waste with a treatment capacity exceeding 10 tons per day;

[(g) Municipal waste-water treatment plants with a capacity exceeding 150 000 population equivalent.]⁸

7. Paper and wood production and processing (cat. 1: a, b)

Industrial plants for:

(a) The production of pulp from timber or similar fibrous materials;

(b) The production of paper and board with a production capacity exceeding 20 tons per day;

[(c) The manufacture, processing or treatment of wood and wood products (such as chipboard, fibreboard and plywood)]⁹.

8. [Agriculture and aquaculture (cat. 1: a)]¹⁰

[(a) Installations for the intensive rearing of poultry, pigs or cattle with more than:

(i) 40 000 places for poultry;

(ii) 2 000 places for production pigs (over 30 kg);

(iii) 750 places for sows;

[(b) Intensive aquaculture.]¹¹]

⁸ Definition required. Threshold might need to be reduced – 50,000 is a possibility.

⁹ Originally cat. 2, proposed for inclusion by a majority of delegations.

¹⁰ One delegation would have a problem with the whole of the agriculture section.

¹¹ Originally cat. 2, proposed for inclusion by some delegations. Definition, possible differentiation and threshold values required (possibility: 2000 tons of fish or shellfish product / year).

9. Animal and vegetable products from the food and beverage sector (cat. 1: a, c)

- (a) Slaughterhouses with a carcass production capacity greater than 50 tons per day;
- [(b) Treatment and processing intended for the production of food and beverage products from:
 - (i) Animal raw materials (other than milk) with a finished product production capacity greater than 75 tons per day;
 - (ii) Vegetable raw materials with a finished product production capacity greater than 300 tons per day (average value on a quarterly basis);]¹²
- (c) Treatment and processing of milk, the quantity of milk received being greater than 200 tons per day (average value on an annual basis).

10. Other activities (cat. 1: a-d)

- (a) Plants for the pretreatment (operations such as washing, bleaching, mercerization) or dyeing of fibres or textiles where the treatment capacity exceeds 10 tons per day;
- (b) Plants for the tanning of hides and skins where the treatment capacity exceeds 12 tons of finished products per day;
- (c) Installations for the surface treatment of substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, with a consumption capacity of more than 150 kg per hour or more than 200 tons per year;
- (d) Installations for the production of carbon (hard-burnt coal) or electrographite by means of incineration or graphitization;
- [(e) Installations for the building and repairing of ships.]¹³

¹² Originally cat. 2, the reason being that EPER did not include “beverage” in an otherwise identical category.

¹³ Originally cat. 3, proposed for inclusion by some delegations. Threshold required.

Annex III
POLLUTANTS

No	Footnote or Y or N	Tech Grp Category	Relevant to air	Relevant to water	Relevant to land	CAS Numbers	Aarhus PRTR	EPER Air	EPER Water	Kyoto	Montreal	POP	Basel	Heavy Metal	Gothenburg	OSPAR	WFD	PIC	IARC Group 1	
1	1	I	X				[Methane (CH ₄)]	x		x										
2	1	I	X				[Carbon monoxide (CO)]	x												
3	1	I	X				[Carbon dioxide (CO ₂)]	x		x										
4	1	I	X				[Hydro-fluorocarbons (HFCs)]	x		x										
5	1	I	X				[Nitrous oxide (N ₂ O)]	x		x										
6	Y	I	X			7664-41-7	Ammonia (NH ₃)	x							x					
7	1	I	X				[Non-methane volatile organic compounds (NMVOC)]	x							x					
8	1	I	X				[Nitrogen oxides (NO _x /NO ₂)]	x							x					
9	1	I	X				[Perfluorocarbons (PFCs)]	x		x										
10	1	I	X				[Sulphur hexafluoride (SF ₆)]	x		x										
11	1	I	X				[Sulphur oxides (SO _x /SO ₂)]	x							x					
12	1	I		X			[Total nitrogen]		x											
13	1	I		X			[Total phosphorus]		x				x							
14	2	I	X				[Hydrofluorocarbons (HCFCs)]				x									
15	2	I	X				[Chlorofluorocarbons (CFCs)]				x									
16	2	I	X				[Halons]				x									
17	Y	I	X	X		7440-38-2	Arsenic and compounds (as As)	x	x				x	x						x
18	11	III				7440-41-7	Beryllium and compounds (as Be)						x							x
19	Y	I	X	X		7440-43-9	Cadmium and compounds (as Cd)	x	x				x	X		X	x			x
20	Y	I	X	X		7440-47-3	Chromium (excl. Cr VI) and compounds (as Cr)	x	x					X						
21	N	I					[Chromium VI and compounds]						x							x
22	Y	I	X	X		7440-50-8	Copper and compounds (as Cu)	x	x				x	X						

No	Footnote or Y or N	Tech Grp Category	Relevant to air	Relevant to water	Relevant to land	CAS Numbers	Aarhus PRTR	EPER Air	EPER Water	Kyoto	Montreal	POP	Basel	Heavy Metal	Gothenburg	OSPAR	WFD	PLC	IARC Group 1
23	Y	I	X	X		7439-97-6	Mercury and compounds (as Hg)	x	x				x	X		X	x		
24	Y	I	x	X		7440-02-0	Nickel and compounds (as Ni)	x	x					X			x		x
25	Y	I	x	X		7439-92-1	Lead and compounds (as Pb)	x	x				x	X		X	x		
26	Y	I	x	X		7440-66-6	Zinc and compounds (as Zn)	x	x				x	X					
27	3	II	x	X		7782-49-2	[Selenium and compounds (as Se)]						x	X					
28	11	III				34256-82-1	Acetochlor												
29	4	I		X		15972-60-8	[Alachlor]										x		
30	5	II		X		309-00-2	[Aldrin]					x						x	
31	4	I		X		1912-24-9	[Atrazine]										x		
32	11	III				542-88-1	Bis(chloromethyl)ether												x
33	N	III				2425-06-1	Captafol 2930-80-2											x	
34	5	II		X		57-74-9	[Chlordane]					x						x	
35	5	II		X		143-50-0	[Chlordecone]					x							
36	N	III		X		6164-98-3	[Chlordimeform]											x	
37	4	I		X		470-90-6	[Chlorfenvinphos]										x		
38	Y	I		X		855-358-48	Chloro-alkanes (C10-13)		x							X	x		
39	N	III				510-15-6	Chlorobenzilate											x	
40	4	I		X		2921-88-2	[Chlorpyrifos]										x		
41	5	II		X		50-29-3	[DDT]					x						x	
42	N	III				95-76-1	[3,4-Dichloro aniline 96-76-1]												
43	Y	I	x	X		107-06-2	1,2-dichloroethane (EDC)	x	x									x	
44	Y	I	x	X		75-09-2	Dichloromethane (DCM)	x	x									x	
45	N	III				115-32-2	Dicofol									X			
46	5	II		X		60-57-1	[Dieldrin]					x						x	
47	4	I		X		330-54-1	[Diuron]										x		
48	4	I		X		115-29-7	[Endosulphan]									X	x		
49	5	II		X		72-20-8	[Endrin]					x							
50	1	I		X			[Halogenated organic compounds (as AOX)]		x				x						
51	5	II		X		76-44-8	[Heptachlor]					x							
52	Y	I	x	X		118-74-1	Hexachlorobenzene (HCB)	x	x			x					x	x	
53	Y	I		X		87-68-3	Hexachlorobutadiene		x								x		

No	Footnote or Y or N	Tech Grp Category	Relevant to air	Relevant to water	Relevant to land	CAS Numbers	Aarhus PRTR	EPER Air	EPER Water	Kyoto	Montreal	POP	Basel	Heavy Metal	Gothenburg	OSPAR	WFD	PLC	IARC Group 1
82	11	III				80-05-7	[Bisphenol A]												
83	N	III					Polybrominated biphenyls (PBB)											x	
84	1	I		X			[Brominated diphenylethers (PBDE)]		x							X	x		
85	11	III				79-94-7	Tetrabrominatedbisphenol A (TBBPA)									X			
86	N	III				126-72-7	Tris(2,3-dibromopropyl) phosphate]									X			
87	N	III				88-85-7	Dinoseb and Dinoseb salts											x	
88	N	III				106-93-4	1,2-dibromoethane (EDB)											x	
89	N	III				732-26-3	Dodecylphenol									X			
90	7	I		X			[Nonylphenol ethoxylates (NP/NPEs) and related substances]									X	(X)		
91	7	I		X		140-66-9	[Octylphenol]									X	(X)		
92	1	I		X		100-41-4	[Ethyl benzene]		(x)										
93	11	III				75-21-8	Ethylene oxide												x
94	N	III				640-19-7	Fluoroacetamide											x	
95	9	II		X		36355-01-8	[Hexabromobiphenyl]					x							
96	N	III				107-46-0	Hexamethyl disiloxane (HMDS)									X			
97	4	I		X		34123-59-6	[Isoproturon]										X		
98	N	III				12427-38-2	Maneb												
99	N	III				137-42-8	Metam Natrium												
100	N	III				81-15-2	Musk xylene									X			
101	7	I		X		91-20-3	[Naphthalene]										X		
102	11	III				91-59-8	2-Naphthyl-amine												x
103	1	I		X			[Organotin compounds (as total Sn)]		x										
104	7	I		X		117-81-7	[Di-(2-ethyl hexyl)phthalate (DEHP)]									X	X		
105	11	III				85-68-7	Butyl benzyl phthalate (BBP)												
106	N	III				84-74-2	Di-n-butylphthalate (DBP)									X			
107	1	I		X		108-95-2	[Phenols (as total C)]		x				x						
108	10	I	x	X			[Polycyclic aromatic hydrocarbons (PAHs)]	x	x							X	X		
109	N	III				108-46-3	Resorcinol												

List of abbreviations:

CAS:	Chemical Abstract Services
EPER:	Commission Decision of 17 July 2000 on the implementation of a European pollutant emission register (EPER) (2000/479/EC)
Kyoto:	Kyoto Protocol to the United Nations Framework Convention on Climate Change
Montreal:	Montreal Protocol on Substances that Deplete the Ozone Layer
POP:	UN/ECE Protocol on Persistent Organic Pollutants (POPs). This also covers all the POPs included in the global Convention on POPs (with the addition of HCH, PCDD, PCDF and Chlordecone)
Basel:	Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, Annex I
HM:	The UN/ECE Protocol on Heavy Metals
Gothenburg:	The UN/ECE Protocol to Abate Acidification, Eutrophication and Ground-level Ozone
OSPAR:	Convention for the Protection of the Marine Environment of the North-East Atlantic, Action Plan 1998-2003, Update 2000, Annex 2: Chemicals for Priority Action
PIC:	Rotterdam Convention on the Prior Informed Consent Procedure for certain Hazardous Chemicals and Pesticides in International Trade
WFD:	List of priority substances in the field of water policy and list of high priority substances for further evaluation of their role in endocrine disruption
IARC Group 1:	International Agency for Research on Cancer of the World Health Organization (WHO)

Notes

1. These substances are a problem for one delegation since they are not currently reported in its system.
2. These substances are a problem for one delegation since they are reported in its system as single chemicals but not as a group, as proposed in this protocol.
3. This one substance (Se and compounds) poses problems for some delegations.
4. This is a group of pesticides, which appear on an EU priority substance listing but are unlikely to be released in significant quantities from point sources. They will become important in reporting on diffuse sources, but very few countries are in a position to start reporting these on the basis of a mandatory annex II list. Some delegations expressed this reservation.
5. This is a group of pesticides, which appear in the UNECE on Protocol POPs. The same problem arises as with the group above. In addition, many of these substances have been or soon will be phased out (both use and production) in many UNECE countries. Some delegations expressed this reservation.
6. This group is a problem for one delegation only because of the units chosen to express the release (TEQ is proposed here, whereas total mass is used in that country).
7. Some EU member States' delegations made reservations because the substances were not in EPER reporting.
8. All delegations agreed that this substance group must be in the annex, but one delegation pointed out that there was currently only a threshold for releases to water whereas the most significant releases were to air. An air threshold is required.
9. Nobody in the group was clear about whether hexabromobiphenyl was a pesticide and therefore to be treated as in note 5.
10. Clarification required as to which specific substances are to be included (whether the 'Borneff six' or a larger group).
11. These substances are category III according to the Technical Group but different delegations argued for retention due to their high carcinogenicity / environmental impact.
12. Substance from United Kingdom list, considerable releases reported. One delegation argues for retention.

Annex IV

<i>Pollutant</i>	Point sources as specified in annex [X]				Diffuse sources		Products	
	<i>Start of reporting multimedia (releases and transfer)</i>	<i>Reporting of pollutant in waste</i>	<i>Use thresholds (annual)</i>	<i>Release thresholds (annual loads)</i>	<i>Traffic</i>	<i>Railways</i>	<i>Paint</i>	<i>Textiles</i>
CO2	EIF + 1	NRO	NTS	10000 tons	EIF + 1	EIF + 6	NRO	NRO
SO2	EIF + 1	NRO	NTS	2000 tons	EIF + 1	EIF + 6	NRO	NRO
NOx	EIF + 1	NRO	NTS	2000 tons	EIF + 1	EIF + 6	NRO	NRO
Pb	EIF + 1	EIF + 1	1200 kg	120 kg	EIF + 1	NRO	EIF+6	EIF+6
Hg	EIF + 1	EIF + 1	160 kg	80 kg	NRO	NRO	EIF+1	EIF+6
PAH	EIF + 6	EIF + 1	NTS	1200 kg	NRO	NRO	NRO	NRO
PM 10	EIF + 1	NRO	NTS	3000 tons	EIF+1	EIF + 6	NRO	NRO
Cu	EIF + 1	EIF + 1	400 kg	380 kg	NRO	EIF + 6	EIF+6	EIF+6
Po	EIF + 11	NRO	NTS	NTS	NRO	NRO	NRO	NRO
Sc	EIF + 11	NRO	NTS	NTS	NRO	NRO	NRO	NRO

EIF Year of entry into force of the protocol.
 NRO No reporting obligation.
 NTS No thresholds specified.