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MEETING OF THE PARTIES TO THE
CONVENTION ON ACCESS TO INFORMATION,
PUBLIC PARTICIPATION IN DECISION-MAKING AND
ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS

Working Group on Pollutant Release and Transfer Registers

Fifth meeting
Geneva, 22–24 October 2007

**REPORT OF THE WORKING GROUP ON POLLUTANT RELEASE AND TRANSFER
REGISTERS ON ITS FIFTH MEETING**

INTRODUCTION

1. The fifth meeting of the Working Group on Pollutant Release and Transfer Registers (PRTRs) was held from 22 to 24 October 2007 in Geneva.
2. The meeting was attended by delegations from the Governments of Armenia, Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Kyrgyzstan, Latvia, Moldova, the Netherlands, Norway, Portugal, the Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, The former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, and Uzbekistan. The European Community was represented by the Commission of the European Communities (European Commission).
3. Representatives of the United Nations Environment Programme (UNEP), the United Nations Institute for Training and Research (UNITAR), the Organisation for Economic Co-operation and Development (OECD) and the Regional Environmental Center for Central and Eastern Europe (REC) attended the meeting.

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4. The following non-governmental organizations (NGOs) were represented: Global Legislators' Organization for a Balanced Environment (GLOBE) Europe and, within the framework of the European ECO-Forum, the Czech Coalition of Consumer Activities, "Greenwomen" Public Association (Kazakhstan), IC Volgograd-Ecopress (Ukraine) and Resource and Analysis Centre "Society and Environment" (Ukraine).

I. ADOPTION OF THE AGENDA

5. The agenda for the meeting (ECE/MP.PP/AC.1/2007/3) was adopted.

II. ELECTION OF OFFICERS

6. Mr. Robert Boyce (United Kingdom) was elected as co-Vice Chair of the Working Group, to serve alongside Ms. Nino Tkilava (Georgia), who had sent regrets for her unavoidable absence.

III. RELEVANT DEVELOPMENTS AND ACTIVITIES SINCE THE FOURTH MEETING OF THE WORKING GROUP

7. The secretariat informed the Working Group of the status of ratification of the Protocol on PRTRs. Since the fourth meeting, three further instruments of ratification had been deposited: by Estonia, Germany and Switzerland. These brought the total number of ratifications to five, four of which by Member States and therefore counting towards the 16 required to bring about the entry into force of the instrument.

8. The Chair invited delegations to report on relevant developments and activities since the fourth meeting. Switzerland reported on a PRTR side-event held at the Sixth Ministerial Conference "Environment for Europe" (Belgrade, 10–12 October 2007), which Switzerland had sponsored and chaired. The side-event had been organized by the secretariat and had seen a fruitful discussion between some leading experts in the field. The Chair and the secretariat thanked Switzerland for its support of the event.

9. UNITAR informed the meeting that it was working with 33 countries funded through the Strategic Approach to International Chemicals Management (SAICM) Quick Start Programme, including several countries in the Eastern Europe, Caucasus and Central Asia (EECCA) region, which were conducting national pilot projects and self-assessments as a contribution to priority-setting. One priority action for the SAICM pilots could be PRTR development. UNITAR had organized a workshop in March 2007 in Armenia on awareness-raising regarding PRTR in the context of the Stockholm POPs¹ Convention. National experts were preparing to design key features of the national register.

¹ Persistent organic pollutants.

10. Denmark reported on behalf of the Nordic PRTR Group that they were currently working on a project with the Stockholm Convention focused on reporting on PCBs² and HCB³. The project was expected to be finalized before the end of the year. Furthermore, the Nordic Council had decided to finance a project on releases of chemicals through products, which would start in the next year.

11. The REC reported on a training workshop held from 15 to 17 October 2007 in Szentendre, Hungary, within the EU⁴-funded project "Environmental Compliance and Enforcement Network for Accession" on developing and operating European Pollutant Emission Register/European PRTR systems. The workshop aimed to build capacities of public authorities from nine South-East European (SEE) countries and Kosovo (Serbia) with responsibilities for the implementation and setting-up of national PRTRs. A second training workshop was planned to be held at the beginning of 2008 on more specific technical issues. The Chair, who had participated in the workshop, stated that he had found it very useful and said that it had served as an example of successful subregional capacity-building.

12. Sweden informed the meeting that it had undertaken to improve its PRTR website in preparation for the first reporting under the European PRTR Directive in 2009.

IV. NATIONAL PREPARATIONS FOR RATIFICATION AND IMPLEMENTATION OF THE PROTOCOL

13. The Chair invited delegations to report on relevant activities in preparation for implementation of the Protocol and on their expectations regarding the likely date by which they would ratify it. Several delegations reported on the preparation of domestic legislation to implement the Protocol. Seven delegations announced their Governments' intentions to ratify the instrument by the end of 2007 or early 2008 (Denmark, Latvia, the Netherlands, Norway, Slovakia, Slovenia and Sweden). Two others indicated that they expected to ratify during the first half of 2008 (Finland and Portugal), and a further six delegations announced that their Governments expected to ratify some time during 2008 (Belgium, the Czech Republic, Hungary, Italy, Kyrgyzstan and Tajikistan). Several other delegations indicated that they expected to initiate ratification processes in 2008 or had undertaken activities to prepare for implementation of the Protocol, but could give no specific dates on when this might be completed.

² Polychlorinated biphenyls.

³ Hexachlorobenzene.

⁴ European Union.

V. PREPARATIONS FOR ENTRY INTO FORCE OF THE PROTOCOL AND THE FIRST SESSION OF ITS MEETING OF THE PARTIES

A. Scheduling and content of the first session of the Meeting of the Parties

14. The Chair concluded on the basis of the information provided with respect to ratification plans that it was very unlikely that there would be a sufficient number of ratifications in time for the first ordinary session of the Meeting of the Parties to the Protocol to be held back-to-back with the third ordinary session of the Meeting of the Parties to the Convention. He asked the delegations to consider whether to postpone the meeting for one year, to allow sufficient time for the requisite number of ratifications to be accumulated.

15. Several delegations expressed the view that, should the first session of the Meeting of the Parties be postponed, this should not deter member States from continuing their efforts to speedily ratify the instrument. The Chair proposed that there should be a high-level segment or special session at the third meeting of the Parties to the Convention to raise awareness of the Protocol.

16. The Working Group on PRTRs agreed that while it was important not to lose momentum in the ratification process, it would be necessary to postpone the first session of the Meeting of the Parties to the Protocol to the first half of 2009. The Working Group agreed to relay this view to the Working Group of the Parties for consideration at its eighth meeting (31 October–2 November 2007). The Working Group further agreed to give a mandate to its Bureau to discuss with the Bureau of the Working Group of the Parties and the host Government for the third meeting of the Parties to the Convention the possibility of organizing a special session during the high-level segment of that meeting and of adopting a statement at the special session. The statement could recognize the importance of the Protocol and urge those who had not ratified by that time to do so expeditiously. It was agreed that the Bureau of the Working Group of the Parties should prepare a first draft of such a statement that would be circulated by the secretariat by e-mail in early November 2007 for comment by members of the Working Group on PRTRs within a two-week period. The draft could then be forwarded as an official document for discussion within the Working Group of the Parties at its ninth meeting (13–15 February 2008).

17. The Chair invited delegations to consider who would host the first session of the Meeting of the Parties to the Protocol and whether it should include a ministerial segment.

B. Draft decisions on rules of procedure and on a compliance mechanism

18. The Chair presented the report on the work of the Contact Group on a compliance mechanism and rules of procedure on behalf of the facilitator of that group, Mr. Jolyon Thomson (United Kingdom). Mr. Thomson had sent his apologies. The Contact Group had been established by the Working Group on PRTRs at its second meeting to develop draft decisions on rules of procedure and a compliance review mechanism under the Protocol. At its fourth meeting, held on 18 and 19 June 2007, the Contact Group had reached a consensual agreement on the outstanding issues, namely the nominations for membership of the Compliance

Committee, the public trigger in the compliance review mechanism and the question of observers' participation in the meetings of the Bureau of the Meeting of the Parties.

19. The compromise package produced by the Contact Group was presented in documents ECE/MP.PP/AC.1/2007/L.9 and ECE/MP.PP/AC.1/2007/L.10 and included an additional draft paragraph prepared for inclusion in the report of the first session of the Meeting of the Parties to the Protocol. The proposed paragraph addressed practical arrangements for Signatories and NGOs to make proposals for candidates to the Compliance Committee, and read as follows:

“Keeping in mind the importance of transparency and effective implementation of the nomination procedure set out in paragraph 4 of the annex to decision I/..., the Meeting invited Signatories and non-governmental organizations qualified or having an interest in the fields to which the Protocol relates to make their proposals for candidates available to the secretariat for publication on the Protocol's website and communication to the Parties. This would be inter alia to enable the Parties to take due account of any such proposals when making nominations. In making their proposals, those Signatories and non-governmental organizations are invited to have regard to the procedure and in particular the timeline for nominations by Parties set out in paragraph 5 of the annex to decision I/...”.

20. In presenting the report of the facilitator of the Contact Group, the Chair emphasized the fragility of the compromise reached within the Contact Group. He then opened the floor for comments on the two draft decisions and the proposed paragraph for the report of the first session of the Meeting of the Parties to the Protocol.

21. Portugal, speaking on behalf of the EU, and Norway welcomed the work of the Contact Group and indicated that they could accept the proposed draft decisions and paragraph for the report as a viable compromise solution.

22. European ECO-Forum expressed regret that the draft decision on compliance failed to strengthen certain important features of the mechanism, including those addressed in the letter from the Chair of the Compliance Committee (ECE/MP.PP/AC.1/2006/2, para.12). European ECO-Forum noted that both draft decisions fell short of the standards set by the corresponding decisions under the Convention, representing a departure from its principles, and were therefore in its view not in line with article 3, paragraph 7, of the Convention.

23. The Chair recalled that according to the terms of the draft decision on rules of procedure, the Bureau of the Meeting of the Parties to the Protocol would be asked to report to the third session of the Meeting on its experience with regard to the involvement of NGOs in its work.

24. The Working Group endorsed both draft decisions as set out in documents ECE/MP.PP/AC.1/2007/L.9 and ECE/MP.PP/AC.1/2007/L.10 and agreed to present them for adoption by the Meeting of the Parties at its first session. It also agreed to include the text contained in paragraph 19 above in the report of the first session of the Meeting of the Parties. Finally, it thanked Mr. Thomson for his facilitation of the Contact Group, which had resulted in the achievement of a consensus proposal.

C. Draft decision on financial arrangements

25. The Chair presented the new draft decision on financial arrangements that the Working Group had prepared at its fourth meeting (ECE/MP.PP/AC.1/2007/L.11). The Working Group gave a second reading to the draft decision and discussed the bracketed parts of the text.

26. Portugal, on behalf of the EU, proposed inserting a new paragraph after paragraph 2, together with a footnote, regarding contributions from the European Community. The representative of the European Community explained that a decision of the Meeting of the Parties containing a clear and precise requirement with respect to the financial contributions of the European Community was necessary to enable payment of Community contributions to the core budget, whereas payment of a voluntary share would be uncertain. The percentage contribution (2.5%) referred to in the new paragraph reflected what the Community had traditionally paid to the core budget of United Nations-sponsored multilateral environmental agreements (MEAs). Given the specificity of the European Community as a Party, introducing a special arrangement through the new paragraph would not affect the format or amount of contributions by EU member States. It also would not preclude the possibility of additional funding under the Protocol being provided through the European Community's financial instruments. After discussion of this proposal and the clarification provided by the European Community, the Working Group agreed to include the proposed paragraph with the footnote into the draft text.

27. GLOBE Europe, supported by the European ECO-Forum, proposed providing for a combined scheme of mandatory and voluntary contributions. However, this was not accepted by the Working Group.

28. Following a proposal by Norway, it was provisionally agreed to include a new paragraph in the draft decision aimed at ensuring that the current practices for providing financial support to facilitate the participation of environmental NGOs in meetings under the Convention would continue for meetings under the auspices of the Protocol. Some delegations felt they needed more time to reflect upon the proposal, so it was agreed to leave the paragraph in square brackets for the time being.

29. Having made these changes and some other minor amendments, the Working Group requested the secretariat to prepare an updated version of the draft decision reflecting the agreed changes for consideration at its next meeting, where it would return to the discussion of the outstanding issues, taking into account, inter alia, the relevant outcomes of the third meeting of the Parties to the Convention.

D. Draft decision on the preparation, adoption and monitoring of work programmes

30. The Working Group gave a first reading to the draft decision on the preparation, adoption and monitoring of work programmes (ECE/MP.PP/AC.1/2007/L.12) and discussed possible amendments.

31. The Working Group decided to leave paragraph 8 with its reference to the long-term strategic plan in square brackets, since the process for developing a long-term strategic plan under the Convention was still ongoing.
32. With regard to the annex, following a proposal by Armenia, the Working Group decided to give technical assistance a higher priority and thus to move it up from letter D to B. In response to a query concerning the link between the level of priority and the resources allocated, the secretariat clarified that while there might be a general correlation, it was not always the case that things that were of the highest priority received the most money, especially bearing in mind that some high-priority activities might be essential but did not require the most funding.
33. The question of the extent to which PRTR capacity-building activities should be included within the work programme was discussed. It was acknowledged that on the one hand, some capacity-building activities, especially those for which the secretariat was responsible, should be included in the work programme; on the other, it was recognized that many PRTR capacity-building activities would and should continue to be carried out independently of and outside the framework of the work programme by a wide range of actors.
34. The Working Group mandated the Bureau, with the assistance of the secretariat, to prepare for discussion at its next meeting a revised version of the draft decision reflecting the revised order of priorities and including figures for the estimated costs of each area of activity.

E. Draft decision on reporting requirements for the Protocol

35. The Chair introduced a draft decision on reporting requirements under the Protocol which had been prepared by the Bureau of the Working Group with the assistance of the secretariat (ECE/MP.PP/AC.1/2007/L.13). In preparing the document, the Bureau had taken into account the experience under the Convention with national implementation reporting and the guidance provided to the Parties by the Compliance Committee (ECE/MP.PP.WG.1/2007/L.4). He noted that for the second round of implementation reporting under the Convention, in order to avoid unnecessary duplication and reduce the burden of reporting, the Parties were able to use their first reports as a basis for preparing the second report, using "track changes" where appropriate to indicate the new or updated information.
36. As it was in the Chair's view desirable that the reports be as up-to-date as possible, he asked delegations to consider carefully the implications for the timetable of reporting of the two options for reporting outlined in paragraph 5 of the draft decision, namely (a) having the secretariat prepare a draft synthesis report for review and finalization by the Working Group and (b) having the secretariat prepare a synthesis report for consideration by the Meeting of the Parties without such a review procedure. Option (a) would require Parties to deliver implementation reports at least nine months before the convening of ordinary sessions of the Meeting of the Parties, whereas option (b) would require their submittal at least five months before each session of the Meeting of the Parties.
37. After some discussion and clarification of the purpose of the proposed synthesis report and the logistical considerations involved, it was agreed that the secretariat should be responsible for preparing the report, and thus the deadline for submission of national implementation reports would be five months before the meeting. It was noted that if the proposed intersessional body

were to convene immediately before the session of the Meeting of the Parties, it would have an opportunity to review the report before it was considered by the Meeting.

38. It was noted that there was potential for confusion between the reporting on implementation of the Protocol, which was the subject of the draft decision under discussion, and the reporting on releases and transfers required under article 7. A number of amendments to clarify this matter were agreed upon (notably to the title of the draft decision, the third recital of the preamble and paragraph 3, and through the addition a new recital in the preamble).

39. During the discussion, Portugal, on behalf of the EU, expressed concern that some elements in the reporting format contained in the annex went beyond the scope of the Protocol. The Chair responded that the intention behind the inclusion of such elements was not to go outside the scope of the Protocol but rather to gather information on its practical implementation in accordance with paragraph 1 (b). He pointed out that the Bureau had also taken account of the request by the Meeting of the Parties to the Convention, based on the experience with the first reporting cycle, that more information on practical implementation be provided in the second reporting cycle. The EU nonetheless continued to have some concerns and made a number of specific comments on the annex, indicating that these were preliminary and that it would have further comments.

40. Citing the aforementioned concerns over some elements in the annex, Portugal, on behalf of the EU, asked for the elements relating to the involvement of the public in the reporting mechanism (the third recital in the preamble and para. 3) to be placed in square brackets. Portugal emphasized that the EU was fully in agreement with the principle that the public should be involved in the preparation of national implementation reports and its request for square brackets should not be interpreted as opposition to that principle. Other delegations expressed strong support for the text, arguing that the practice under the Convention had been successful and that there was no reason to depart from that. It was agreed to leave these elements of the text in square brackets for further reflection.

41. Taking into account the need for further discussion of the annex in particular, the Working Group agreed to establish a written commenting process through which delegations could provide input to the further development of the draft decision. It was agreed that comments should be submitted to the secretariat by 30 April 2008 and would be made available on the Convention's website. The Bureau would then prepare a revised text taking into account the present discussion and the written comments received, and would submit it for consideration by the Working Group at its sixth meeting.

F. Draft decision on the establishment of a Working Group of the Parties to the Protocol

42. The Chair presented a draft decision on the establishment of a Working Group of the Parties to the Protocol that had been prepared by the Bureau with the assistance of the secretariat (ECE/MP.PP/AC.1/2007/L.14). He pointed out that one of the main issues to be decided upon was whether the body should be established on a permanent basis, or just on an ad hoc basis up to the second session of the Meeting of the Parties.

43. Portugal, on behalf of the EU, stated that it favoured such a body being established on a permanent basis. It suggested adding another topic on which technical information could be exchanged (para. 2 (c)), namely the exploration of the methodologies by which information could be presented to the public. It proposed that the draft decision should only require the intersessional body to meet once in each intersessional period, but should signal that more frequent meetings might be necessary for it to fulfil its task. It put forward a number of amendments reflecting these points.

44. The Working Group agreed to the proposed amendments put forward by the EU and also to the proposed name of the intersessional body. The draft text was thus endorsed by the Working Group, but the Working Group would have a second reading at its next session.

VI. NEEDS AND PROSPECTS FOR CAPACITY-BUILDING, TECHNICAL SUPPORT, GUIDANCE AND INFORMATION EXCHANGE

45. The secretariat informed the Working Group of the outcome of the second meeting of the International PRTR Coordinating Group, held on 26 February 2007 in Copenhagen. He thanked the Danish Environmental Protection Agency for hosting the meeting. The meeting had been attended by experts from 10 countries involved in PRTR development. UNITAR, which currently serves as chair of the Coordinating Group, informed the Working Group about the outcomes of the meeting, including the further development of the PRTR capacity-building matrix (ECE/MP.PP/AC.1/2007/L.8) and opportunities to report on PRTR implementation activities in the context of the SAICM Global Plan of Action to the second meeting of the International Conference on Chemicals Management in 2009. The third meeting of the Coordinating Group would be held on 11 March 2008 in Paris.

46. OECD reported on the development of PRTR.net⁵, a global portal to PRTR information. The portal had been developed by the OECD Task Force on PRTR and was maintained by Environment Canada. It featured links to technical information and international, regional and national organizations' electronic resources supporting PRTR development, including the Virtual Classroom. It was expected that PRTR.net would be launched as a publicly accessible website by the end of 2007. OECD also informed the meeting of the other activities of the OECD task force on PRTRs, which would hold its eleventh meeting back-to-back with the third meeting of the International PRTR Coordinating Group, from 12 to 14 March 2008. The task force would consider, inter alia, proposals on how to complete a scoping study on the development of a "crosswalk" between different systems of reporting on transfers of waste.

47. The Chair noted that the issue of the different systems of reporting of waste transfers was addressed in the Protocol. He asked delegates to consider ways to complete the scoping study.

⁵ <http://www.prtr.net>.

48. The secretariat reported on the activities of the Framework Programme for capacity-building for PRTR since the fourth meeting of the Working Group. The secretariat had finalized the Environment and Security (ENVSEC) PRTR concept proposal and had invited partner organizations to submit project fiches for specific activities to be undertaken within the Framework Programme. In 2007, four proposals addressing capacity-building in 10 countries of EECCA and SEE had been prepared by participating organizations in the Framework Programme. However, to date only one national project had been funded, through the ENVSEC Initiative.

49. Armenia reported on its priorities for PRTR development. Since 2003, a number of activities supported by Switzerland and the United States of America had been undertaken. A national workshop on the theme of meeting obligations under the Protocol was being organized to be held from 6 to 8 November 2007, through the support of the Organization for Security and Co-operation in Europe (OSCE) and the secretariat.

50. REC reported on the needs for assistance raised during the recent training workshop of SEE countries (see para. 11 above), as well as on the development of a project fiche submitted to ENVSEC for funding on supporting PRTR developments in SEE in cooperation with the respective countries. The needs for supporting regional and country-based projects for technical assistance and capacity-building were underlined by the Working Group.

51. Spain submitted a translation of the Protocol into Spanish. The secretariat informed the Working Group that would be posted to the Convention's website. The Working Group welcomed the translation of the Protocol provided by Spain and other translations of the instrument under preparation.

52. The Netherlands mentioned a project that had started in the summer to assist Croatia in improving the register of emissions and implementation of the PRTR Protocol. This project involved, inter alia, a review of the proposed legislation, training of Croatian officials in the area of validation of the PRTR reports, and assisting the Croatian Government in preparing a guidance document.

53. France announced that it was organizing a workshop for local authorities on communicating PRTR information. The workshop would be held in 2008 and would be open to participation by experts from other countries.

54. The secretariat presented the guidance on implementation of the PRTR Protocol, which was on the point of being submitted for publication. The Czech Republic announced that it intended to translate the guidance document into Czech. The Chair welcomed the completion of the guidance document.

VII. FUTURE WORK

55. The Working Group adopted a revised indicative workplan structuring its activities leading up to the first session of the Meeting of the Parties. The main change, which resulted from the need to postpone the first session of the Meeting of the Parties to 2009, was the

postponement of the sixth meeting of the Working Group, originally scheduled for February 2008, to the final quarter of 2008. The revised workplan is shown in Table 1.

56. The Working Group decided that the updated versions of all the revised draft decisions should be prepared as official documents for consideration at its sixth meeting.

Table 1. Calendar of meetings and key documents in preparation for the first session of the Meeting of the Parties

Meeting	Date	Analysis	Draft decision 1st reading	Draft decision 2nd and subsequent readings	MOP review and adoption
WG-3	May 2006	Financial arrangements (FA), subsidiary bodies (SB)	Rules of procedure (ROP), compliance review mechanism (CM)		
WG-4	February 14–16 2007	SB, programme of work (POW), reporting mechanism (RM), technical assistance mechanism (TM)	FA	ROP, CM	
WG-5	22–24 Oct 2007	TM (assessment)	POW, RM, SB	FA, ROP, CM	
WG-6	Oct–Dec 2008		[TM ¹]	POW, RM, FA, SB	
[WG-7] ²	March– June 2009			POW, RM, [TM ¹]	
MOP-1	March– June 2009				ROP, CM, FA, SB, POW, RM, [TM ¹]

Notes to Table 1:

¹ The report on the impact of the framework programme on capacity-building for PRTRs, prepared by the Bureau with the assistance of the secretariat, may or may not lead to a draft decision on establishment of a technical assistance mechanism.

² A decision to hold this meeting would be contingent on the progress made at WG-6.

VIII. ADOPTION OF THE REPORT AND CLOSE OF THE MEETING

57. The Working Group adopted its report on the understanding that the Chair and the secretariat would finalize the text and that the French and Russian-speaking delegations would reserve their positions until the report was available in French and Russian.

58. The Chair thanked the participants in the meeting for their participation and the substantial progress they had achieved, and closed the meeting.
