



**Economic and Social
Council**

Distr.
GENERAL

MP.PP/AC.1/2003/2
12 August 2003

ORIGINAL: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

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

Working Group on Pollutant Release and Transfer Registers

REPORT ON THE SECOND MEETING

1. The second meeting of the Working Group on Pollutant Release and Transfer Registers (PRTRs) established by the Meeting of the Parties was held in Geneva on 27-30 January 2003.
2. The meeting was attended by delegations from the Governments of Armenia, Austria, Belarus, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Monaco, Netherlands, Norway, Poland, Republic of Moldova, Russian Federation, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States, Uzbekistan and Yugoslavia.
3. The Commission of the European Communities was represented.
4. The United Nations Environment Programme (UNEP) was represented.
5. The Organisation for Economic Co-operation and Development (OECD) was also represented.
6. The following non-governmental and regional organizations were represented: Eco-Accord; European ECO Forum; GLOBE Europe; Land and Mercantile Registries (Spain); and the Regional Environmental Center for Central and Eastern Europe (REC).
7. The Director of the UNECE Environment and Human Settlements Division, Mr. Kaj Bärlund, reminded the Working Group that the adoption and signature of the protocol on pollutant release and transfer registers was expected to be one of the key outcomes of the fifth

Ministerial Conference “Environment for Europe”, Kiev, May 2003. He briefly described the preparations for the Conference and encouraged the Working Group to do its utmost to finalize the draft text during its meeting.

I. ADOPTION OF THE AGENDA

8. The provisional agenda as set out in document MP.PP/AC.1/2003/1 was adopted on the understanding that the Working Group would address the issue of the future process under agenda item 4 (arrangements for the Kiev Ministerial Conference).

“Virtual classroom”

9. The Vice-Chair of the Working Group, Mr. Geert van Grootveld (Netherlands), reported on progress in the development of the “virtual classroom”. He recalled that its main objectives were to give technical assistance to the implementation of the protocol pending its entry into force and to provide support to countries wanting to develop a PRTR. He informed the Working Group that a workshop had taken place on the Sunday prior to the meeting to discuss how to materialize these objectives.

10. At the workshop, it had been concluded that the development of the “virtual classroom” should be demand-driven and facilitated by moderators. A secretariat to be hosted by an international organization would coordinate the activities. The United Nations Institute for Training and Research (UNITAR) had shown interest in undertaking this task and cooperation with other international organizations working in this field such as OECD and UNEP would be sought.

11. Furthermore, the workshop had agreed that the “virtual classroom” should report to the intermediate body to be established to carry out work pending the entry into force and that a mandate for the “virtual classroom” should be adopted by this body. Several suggestions for this mandate were put forward, such as development of guidance documents, starters kits and leaflets, and facilitation of exchange of information. A side event on the “virtual classroom” during the Kiev Conference (21-23 May 2003) would be proposed to the organizers of the Conference.

II. PREPARATION OF A DRAFT PROTOCOL

12. The Working Group resumed its task of preparing the draft protocol, using as a basis document MP.PP/AC.1/2002/3.

13. A contact group led by Mr. Bernd Mehlhorn (European Commission) met in parallel with the Working Group to discuss and prepare proposals on some of the technical issues related to activities, pollutants and thresholds.

14. The group of legal experts established at the previous meeting of the Working Group held discussions in parallel with the Working Group to examine the final provisions of the protocol and to identify substantive questions requiring further consideration and decision by the Working

Group. The secretariat informed the Working Group of some comments which had been submitted to it by the Treaties Section of the United Nations Office of Legal Affairs. The comments related to the articles on amendments to the protocol, adoption and amendment of annexes, signature and ratification, acceptance, approval and accession. The group of legal experts was asked to take these into account in its work on the relevant provisions.

15. The Working Group agreed on a number of changes to the draft text, indicated in the following paragraphs.

Preamble

16. The Working Group discussed the preamble and agreed on a number of changes to the text and the insertion of some new paragraphs. These included:

- Addition of a new paragraph referring to the Lucca Declaration and citing the content of its paragraph 24, which addressed the issue of PRTRs;
- Shortening and simplifying paragraphs referring to principle 10 of the Rio Declaration, Agenda 21 and the work of OECD;
- Deletion of paragraphs referring to the European Union's European pollutant emission register and the relevant work of the Commission for Environmental Cooperation of North America;
- Reference to the 'ability', rather than the 'right', of every person of present and future generations to live in an environment adequate to his or her health and well-being;
- Reference to the 'precautionary approach' rather than the 'precautionary principle' and deletion of references to the polluter-pays principle and the principle of internalizing environmental costs;
- Addition of a new paragraph referring to the need for cooperation with other international initiatives concerning pollutants and waste, with specific reference to the Basel and Stockholm Conventions;
- Deletion of a paragraph making a causal link between the public availability of information through PRTRs and substantial and quantifiable reductions in pollution;
- Reworking of two paragraphs linking reduction of pollution, the environment and health of future generations and environmental sound and sustainable development into a single paragraph; and
- Addition of new paragraphs referring to the importance of protecting the privacy of individuals and the need for flexibility to avoid duplication and take account of different approaches and urging the progressive development of PRTRs and the establishment of links between PRTRs and other information systems of public concern.

17. The delegation of the Czech Republic proposed to include a reference to the UNEP International Declaration on Cleaner Production to explicitly highlight the link between PRTR

and cleaner production elements implicit in article 5, paragraph 9, of the Aarhus Convention, but this was not accepted by the Working Group.

Objective (MP.PP/AC.1/2002/3, art. 1)

18. In article 1, it was agreed to delete “the rights of the” and “to have” from the first set of square brackets, to delete all the words in the second set of square brackets and, with these changes, to lift the square brackets. The delegations of Belarus, the European ECO Forum, REC and Eco-Accord expressed their deep regret at the loss of the reference to rights in article 1.

Definitions (MP.PP/AC.1/2002/3, art. 2)

19. The participants in the Working Group discussed the meaning of the word "public" as it appears in the protocol. It was agreed that Parties to the Protocol should welcome and encourage broad public participation. It was also agreed that, unless otherwise obliged under another international agreement, the use of this word in the context of this protocol was not intended to refer to non-residents. It was agreed that this understanding should be included in the record of the meeting in order to assist Parties at a later date to determine the scope of their obligations under the protocol.

20. In the definition of “facility” (para. 4), it was agreed to delete all the words in square brackets.

21. It was agreed to shorten the definition of “pollutant” (para. 6) to read as follows: ““Pollutant” means a substance or a group of substances that may be harmful to the environment or to human health on account of its properties and of its introduction into the environment;”.

22. In the definition of “release” (para. 7), it was agreed to delete “[or]” before “dumping”, to replace “, or discarding of any closed receptacles” with “or through sewer systems without final waste-water treatment” and to remove all square brackets.

23. It was agreed to revise the definition of “off-site transfer” (para. 8) to read as follows: ““Off-site transfer” means the movement beyond the boundaries of the facility of either pollutants or waste destined for disposal or recovery and of pollutants in waste-water destined for waste-water treatment.”

24. It was agreed to delete the definition of “on-site transfers” (para. 9).

25. It was agreed to delete the definition of “transfer through products” (para. 10).

26. The delegation of the Czech Republic was opposed to deleting the definitions of “on-site transfer” and “transfer through products”. For the first definition, it argued that such information could contribute to a better understanding of pollution prevention measures and management of pollutants, especially in large facilities where pollutants were produced in one part of the site and later treated or released in a different part of the site and that the definition could be useful to arrive at a common understanding of the design of progressive national registers and the future development of the protocol as referred in the article 6, paragraph 2 (d). For the definition of “transfer through products”, the delegation of the Czech Republic argued that such information

could contribute to a better understanding of flows and mass balance of pollutants in the facility and that such a definition would be consistent with the recommendation of article 5, paragraph 9, of the Aarhus Convention.

27. It was agreed to delete the square brackets around the text of the definition of “diffuse sources” (para. 11).

28. It was agreed to revise the definition of “waste” (para. 13) to read as follows:

““Waste” means substances or objects which are:

- (a) Disposed of or recovered;
- (b) Intended to be disposed of or recovered; or
- (c) Required by the provisions of national law to be disposed of or recovered.’

29. It was agreed to remove the square brackets around the definitions of “hazardous waste” and “other waste” (paras. 14 and 15). The delegation of OECD expressed its concern that the definition of “other waste” was not consistent with that in the Basel Convention and proposed that the term “non-hazardous waste” should be used instead. The Working Group noted the proposal but did not agree to it.

30. It was agreed to add a definition of “waste water” as follows:

““Waste water” means used water containing substances or objects that is subject to regulation by national law.’

General provisions (MP.PP/AC.1/2002/3, art. 3)

31. In response to a query from the UNECE editor regarding the use of the term “require” as opposed to “ensure”, it was noted that whereas “require” implied that certain obligations should be established in national law, “ensure” implied an additional element of follow-up enforcement action. The Working Group decided to leave the text unchanged.

Design/Structure (MP.PP/AC.1/2002/3, art. 5)

32. In paragraph 1, for the sake of clarity, it was agreed to separate out in distinct subparagraphs the parameters according to which the releases and transfers should be searchable and identifiable. In the process, the sequence “operator or owner, and company, as appropriate” was re-ordered “owner or operator, and, as appropriate, company”, and all square brackets were removed. Furthermore, it was agreed that the last sentence concerning diffuse sources should be put into a separate paragraph.

33. In paragraph 4, it was agreed to insert a full stop after “environmental protection” and delete the remainder of the text. The delegation of the European Union expressed its regret at the deletion of the references in that paragraph to specific subject matters (i.e. radioactive substances, radiation, genetically modified organisms, use of water, energy and resources, and transfer of pollutants through products). The delegation of the Czech Republic was in favour of keeping the explicit reference to concrete links from the PRTR to existing, publicly accessible databases such as chemical product registers, permit registers, and water, energy and resource use registers.

Scope of the register (MP.PP/AC.1/2002/3, art. 6)

34. In paragraph 2, it was agreed to delete “[, having regard to any recommendations of the subsidiary body,]”.

Reporting requirements (MP.PP/AC.1/2002/3, art. 7)

35. In subparagraph 1 (a), it was agreed to insert “in annex I, column 1,” after “capacity thresholds”, and in subparagraph (a) (i), to replace “[x]” with “1”; in subparagraph (a) (ii), to replace “[x]” with “2”; and in subparagraph (a) (iv), to replace “[x]” with “1b”.

36. In subparagraph 1 (b), it was agreed to insert “in annex I, column 2,” after “employee threshold” and to replace “[y]” with “3”.

37. In paragraph 5 (d)(i), it was agreed to replace “for [storage,] recycling, energy recovery, treatment or disposal[, including storage,]” with “distinguishing between the amounts transferred for disposal and for recovery,” replacing the comma after “name” with “and”, deleting “and location”, replacing “site” with “facility” and removing the remaining square brackets.

38. In paragraph 5 (d)(ii), it was agreed to delete the square brackets around “pursuant to annex III” and to revise the end of the subparagraph to read “... the name and the address of the disposer of the waste and the actual recovery or disposal site receiving the transfer;”. The delegation of Norway and some other delegations expressed concern at the fact that information on the name and address would be required to be reported only with respect to transboundary transfers and considered that this information should also be available in the case of domestic transfers. However, all governmental delegations agreed to accept the new wording.

39. It was agreed to delete the outer square brackets around paragraph 6 and to revise the text to read as follows: “The information referred to in paragraph 5 (c) to (e) shall include information on releases and transfers resulting from routine activities and from extraordinary events.”

40. It was agreed to delete paragraph 9.

Data collection and record-keeping (MP.PP/AC.1/2002/3, art. 9)

41. In the first sentence of paragraph 1, it was agreed to retain the words “collect the data needed to determine” and to delete “identify”, to delete the square brackets around “off-site” and to opt for five years as the period for which records of the relevant data should be kept.

Quality assessment (MP.PP/AC.1/2002/3, art. 10)

42. In paragraph 1, it was agreed to replace “ensure that” with “require”, to insert “to” before “assure” and to replace “reported data” with “information that they report”.

Public access to information (MP.PP/AC.1/2002/3, art. 11)

43. In paragraph 1, it was agreed to revise the text so as to avoid a reference to “the public” in

the first line and to move the words “without an interest having to be stated” to be placed after “pollutant release and transfer register”.

44. In paragraph 2, it was again agreed that reference to “the public” should be avoided, and so the opening of the paragraph was agreed as follows: “Where information contained in its register is not easily publicly accessible by direct electronic means, ...”. It was furthermore agreed to insert “upon request” after “competent authorities” and to delete the words “any person requesting specific information with”.

45. In paragraph 4, it was agreed to replace “supplying [copies of]” with “reproducing and mailing”.

46. In paragraph 5, it was agreed to begin the sentence with the same wording as in paragraph 2 “Where information contained in its register is not easily publicly accessible by direct electronic means”, to replace “and” with “or” and to remove the square brackets.

Confidentiality (MP.PP/AC.1/2002/3, art. 12)

47. It was agreed to delete all square brackets in paragraph 1, thereby retaining various exempt categories of information listed in the Convention.

48. In paragraph 2, it was agreed to insert “any” before “information”, to delete “other than the specific chemical name” and “and off-site transfers”, to replace “disclosed” with “considered for disclosure according to national law” and to delete all square brackets.

49. For paragraph 3, it was agreed to substitute the following wording: “Whenever information is kept confidential according to paragraph 1, the register shall indicate what type of information has been withheld, through, for example, providing generic chemical information if possible, and for what reason it has been withheld.” The delegation of the Czech Republic was opposed to deleting the provision that the public should be informed of the hazard of pollutants if a claim of confidentiality is upheld. It found that the register should indicate the adverse health and environmental hazards associated with the pollutants on which information was being withheld.

Public participation (MP.PP/AC.1/2002/3, art. 13)

50. In paragraph 1, it was agreed to simplify the text by referring to “appropriate opportunities for public participation in the development of its national pollutant release and transfer register”, to delete “according to its national provisions” and to retain “within the framework of its national law”.

51. It was agreed to delete paragraphs 2, 3 and 6 of the article.

52. For paragraph 4, it was agreed to substitute the following text: “For the purpose of paragraph 1, each Party shall provide the opportunity for free public access to the information on the proposed measures concerning the development of its national pollutant release and transfer register and for the submission of any comments, information, analyses or opinions that are relevant to the decision-making process, and the relevant authority shall take due account of such public input.”

53. For paragraph 5, it was agreed to avoid a reference to “the public” and to substitute “promptly” with “in a timely manner” so that the text would read as follows: “Each Party shall ensure that, when a decision to establish or significantly change its register has been taken, information on the decision and the considerations on which it is based are made publicly available in a timely manner.”

Access to justice (MP.PP/AC.1/2002/3, art. 14)

54. It was agreed to delete paragraph 1 of article 14, and consequently to delete the words “Enforcement and” from the title of the article.

55. For paragraph 2, it was agreed to retain “request for” and delete “right of access to”. It was furthermore agreed to limit the reference to article 11 to its paragraph 2 and to delete the reference to participation under article 13. Finally, it was agreed to replace the words “refused, hindered or hampered” with “ignored, wrongfully refused, whether in part or in full, inadequately answered, or otherwise not dealt with in accordance with the provisions of that paragraph” and to delete all brackets. The European ECO Forum stated that as a result of these changes, combined with the deletion of paragraph 1, it considered the article to be woefully inadequate and argued that the new text failed to address the real needs of the public to have access to justice in the context of the protocol.

56. The Working Group agreed to add a new paragraph to the article to read as follows: “The requirements in paragraph 1 are without prejudice to the respective rights and obligations of Parties under existing treaties applicable between them dealing with the subject matter of this article.”

Regional register (MP.PP/AC.1/2002/3, art. 15)

57. It was agreed to delete the article requiring the establishment of a regional register. The delegation of the Czech Republic was opposed to the deletion of this article and suggested simplifying its function to collect “meta-information” about the existing national PRTRs to be sent regularly by national PRTR authorities to the proper single United Nations body.

Capacity-building (MP.PP/AC.1/2002/3, art. 16)

58. In paragraph 1, it was agreed to delete “to the public”.

59. In paragraph 2, it was agreed to replace “shall ensure that it provides” with “should provide”, to delete all words after “Protocol” and to delete the square brackets.

International cooperation (MP.PP/AC.1/2002/3, art. 17)

60. In paragraph 1 (b), it was agreed to replace “On request” with “On the basis of mutual agreement between the Parties concerned” and to remove the square brackets.

61. In paragraph 1 (d), it was agreed to retain the words “under this Protocol”, to delete the words “the route and destination of” and to delete all square brackets.

Meeting of the Parties (MP.PP/AC.1/2002/3, art. 18)

62. In paragraph 1, it was agreed to insert “or parallel to” after “sequentially with” in the third sentence, and “by the Executive Secretary of the Economic Commission for Europe” after “communicated” in the fourth sentence.

63. In paragraph 2, it was agreed to remove the square brackets in the introductory sentence and:

- In subparagraph (a), to delete “the policies for and legal and methodological approaches to” and “systems” and to spell out “PRTR”;
- In subparagraph (b), to replace “on” with “facilitating” and to replace “reporting requirements” with “this regard”;
- In subparagraph (d), to replace “Take” with “Consider and, where appropriate, adopt” and to delete “transboundary and”;
- To delete subparagraphs (e), (h) and (m);
- To delete subparagraph (j) (i), (ii) and the introductory words, and to insert “by consensus” after “establishing financial arrangements” in subparagraph (j) (iv); and
- In subparagraph (k), to insert “other” before “relevant”, to delete “ECE bodies and other competent”, “and specific committees” and “all aspects pertinent to” and to delete the square brackets.

64. It was agreed to insert a new sentence at end of paragraph 4 and also at the end of paragraph 5 to read as follows: “Their admission and participation shall be subject to the rules of procedure adopted by the Meeting of the Parties.”

Subsidiary body for scientific and technical advice (MP.PP/AC.1/2002/3, art. 20)

65. It was agreed to delete article 20. The European ECO Forum asked for its opposition to this decision to be noted.

Amendments to the protocol (MP.PP/AC.1/2002/3, arts. 21 and 22)

66. It was agreed that any proposed amendment to the protocol should be circulated at least six months before the meeting at which it was proposed for adoption (para. 3). The secretariat reminded the Working Group that, if proposed amendments were to be translated so as to be available in the three official languages, they would need to be submitted to the secretariat some weeks in advance of the six-month deadline, taking into account the time required for the translation of official United Nations documents.

67. It was agreed that proposed amendments and adopted amendments should be circulated not only to Parties but also to States and regional economic integration organizations which had consented to be bound by the protocol but for which it had not yet entered into force and to Signatories.

68. It was agreed that there should be an expedited procedure for the entry into force of amendments to annexes, but that this would not apply to the addition of new annexes.

69. To determine whether the three-quarters threshold required to enable an amendment other than an amendment to an annex to enter into force or whether the one-third threshold required to

prevent an amendment to an annex entering force had been reached, it was agreed to specify more clearly in the text that the number of Parties from which the proportions should be calculated should in both cases be the number of Parties at the moment of adoption of the amendment.

70. The Working Group agreed not to include a provision which would have required Parties to establish a procedure for the consideration and acceptance of amendments proposed by members of the public (para. 7).

71. On the basis of these decisions, it was agreed to put the provisions relating to the procedures for amendments of all types into a single article and to separate out paragraph 1 of article 22 into a new article. A text reflecting these changes was prepared by the group of legal experts and accepted for incorporation into the draft protocol. (See also para. 76)

Secretariat (MP.PP/AC.1/2002/3, art. 23)

72. In paragraph 1, it was agreed to replace “convening and preparing” with “preparation and servicing of” in subparagraph (a) and to insert a new subparagraph after subparagraph (b) containing the following text: “The reporting to the Meeting of the Parties on the activities of the secretariat; and”. It was agreed to delete paragraph 2.

Review of compliance (MP.PP/AC.1/2002/3, art. 24)

73. It was agreed that the text should specify that the arrangements for assessing and reviewing compliance should be of a “non-judicial, non-adversarial and consultative” nature. The second sentence was revised to read as follows: “In establishing these procedures and arrangements, the Meeting of the Parties shall consider, inter alia, whether to allow for information to be received from members of the public on matters related to this Protocol.” The European ECO Forum, REC and GLOBE Europe expressed their dismay at what they regarded as a significant weakening of the draft text and a serious step back from the mechanism being established under the Aarhus Convention.

Settlement of disputes (MP.PP/AC.1/2002/3, art. 25)

74. It was agreed to delete the reference to the Permanent Court of Arbitration in paragraph 2 (b), to revise that paragraph to simply refer to “Arbitration in accordance with the procedure set out in annex IV” and to insert a new annex, annex IV, adapted from the text of annex II to the Convention. It was also agreed to delete the square brackets around paragraph 3.

Signature (MP.PP/AC.1/2002/3, art. 26)

75. The secretariat informed the Working Group that the programme for the Kiev Conference had not yet been fixed and that the planned dates of adoption and signature were therefore not yet known. It was agreed that the secretariat would fill in the correct date in the article on signature once it was known. It was also agreed to specify which regional economic integration organizations were entitled to sign the protocol, as was done in other ECE environmental instruments.

Ratification, acceptance, approval and accession (MP.PP/AC.1/2002/3, art. 28)

76. It was agreed to delete paragraph 5 and the reference to it in article 22.

Annex on activities

77. For annex I, it was agreed that the activities should be listed in a table with a clear indication of the two different thresholds referred to in article 7 with numbered columns as in that article. It was agreed to amend the title of section 7 to read: “Intensive livestock production and aquaculture”.

Annex on pollutants

78. The Working Group introduced threshold values in annex II for transfers of pollutants and for the manufacture, process and use of pollutants, and numbered the columns containing these so as to make the cross references in article 7, paragraph 1, more precise.

79. The Working Group also discussed the use by facilities of a concentration threshold to calculate whether they met the manufacture, process or use threshold for reporting a particular pollutant. Following a proposal from Canada, it was agreed that a Party to the protocol would not be obliged to require facilities to capture small amounts of pollutants in substances that were manufactured, processed or used, and could set a concentration threshold in order to do so – an approach consistent with accepted practice in national PRTR systems with manufacture, process or use thresholds. It was agreed that this understanding should be included in the record of the meeting to assist Parties at a later date to determine the scope of their obligations under the protocol. The delegation of Canada noted in this context that its standard approach was to use a 1 per cent concentration threshold for priority substances. This threshold was applied only to the intentional manufacture, process and use of pollutants, and not to pollutants in by-products.

80. Regarding the process followed for the identification of some of the thresholds in the protocol, the delegation of Canada referred to its domestic process, which was highly participatory and involved comprehensive consultations with various groups of stakeholders, and expressed the view that a number of the thresholds identified in the protocol, in particular as it related to the manufacture, process or use approach, had been identified in haste. It noted in this regard that the protocol provided for an expedited process for amending annexes that could be used to refine these thresholds.

Conclusion of the discussion on the draft protocol

81. The full draft text of the protocol having been discussed, the Chairperson concluded that all substantive issues had been addressed and resolved and that no more square brackets remained. It was agreed to submit the text to the group of legal experts which would examine the text and make such changes as were necessary to ensure coherency and consistency, without affecting the substance of the agreements reached in the Working Group.

III. PREPARATION OF A DRAFT RESOLUTION

82. The Working Group did not have time to consider the elements for a draft resolution of the Signatories to the protocol (MP.PP/AC.1/2003/3). It considered that the draft resolution would have to be prepared at another meeting and requested the Chairman of the Meeting of the Parties to the Convention, Mr. Jerzy Jendroska (Poland), to convene such a meeting under the authority of the Bureau of the Meeting of the Parties. Mr. Jendroska, who was present, noted that the Bureau had a central responsibility for the preparation of the extraordinary meeting of the Parties, including for the preparation of the draft resolution. He undertook to consult the other members of the Bureau regarding the further procedure and, through the secretariat, to inform the Working Group accordingly.

IV. ARRANGEMENTS FOR THE KIEV MINISTERIAL CONFERENCE

83. The secretariat explained the next steps in preparing the protocol for adoption and signature at the Kiev Ministerial Conference. After the legal experts group's final reading of the text to ensure consistency, the text would be submitted for formal editing, translation, authentication and printing on special treaty paper. The Working Group of Senior Officials preparing the Conference would meet in mid-February 2003 and would formally approve the list of documents going forward to the Kiev Conference, including the draft protocol.

84. The exact date of the meeting of the Parties to the Convention had not been settled yet and could be any one of the three days of the Conference (21-23 May 2003). One option under consideration was that the signing ceremony for the protocol would be joined together with those for the two other ECE environmental protocols on civil liability and strategic environmental assessment expected to be adopted in Kiev, so that there would be a single signing ceremony.

85. Delegations were invited to inform the secretariat whether their Minister or Deputy Minister wished to give a short speech during the extraordinary meeting of the Parties, to facilitate preparation of that meeting.

86. Delegations were reminded that, in addition to the credentials required by delegations to exercise their decision-making rights at the meeting of the Parties, full powers would be required for the person who would sign the protocol in Kiev. A model of such full powers was made available to the Working Group in English and Russian.

V. FINAL CONCLUSIONS AND CLOSURE OF MEETING

87. The delegation of France, with the support of the delegation of Canada, noted that the French version of the draft text of the protocol contained in document MP.PP/AC.1/2002/3 had not been available throughout the meeting and expressed its regret that this had not been possible.

88. The delegation of Canada noted for the record that, as a matter of principle, it was usually opposed to the establishment of "open" protocols, where Parties to the protocol were not required to also be Parties to the convention under which it was adopted, or where the protocol was open

to ratification or accession by States not invited to participate in the negotiations. While Canada had agreed to the development of an open protocol in the present context, it indicated that this should not be considered as a precedent.

89. The delegation of Canada noted, finally, that from its perspective the primary purpose of a PRTR as regards information on pesticides was to provide the public with information about releases and transfers from the manufacture and processing of pesticides.

90. The European Union welcomed the agreement reached by the Working Group on the PRTR protocol. It also expressed its appreciation of the fact that the Protocol would be open not only to the Parties to the Aarhus Convention, but also to other interested States and expressed the hope that such other States would widely use the opportunity to accede to the protocol. The EU recognized the efforts and willingness to compromise shown by all delegations in order to find agreement on an instrument capable of improving public access to information and public participation in environmental matters, and noted that, bearing in mind the different approaches to PRTRs, all delegations had had to go quite some way in order to meet each other's concerns. Emphasizing the rights of the public to access to information, public participation and access to justice in environmental matters conferred by the Aarhus Convention, the EU regarded PRTRs as a tool to further the objectives of that Convention. Finally, the EU expressed its gratitude to the Chairman for his great efforts in shaping the consensus reached.

91. The European ECO Forum thanked the Working Group and its Chairperson for allowing it to contribute actively to the discussions, the sponsors who had provided financial support through the UNECE trust fund and the Chairman, Vice-Chairman and secretariat for their efforts.

92. The Chairman of the Working Group expressed his satisfaction that agreement on the text of the draft protocol had been reached. He thanked the Working Group for its cooperative spirit and its willingness to jointly seek and find solutions to sometimes quite difficult problems. He also thanked the secretariat for its help and assistance during the eight meetings of the present and former Working Groups and the three meetings of the drafting group. He then closed the meeting.