



Economic and Social Council

Distr.: General
10 September 2019

Original: English

Economic Commission for Europe

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

Working Group of the Parties

Seventh meeting

Geneva, 28 and 29 November 2019

Item 6 of the provisional agenda

Development of the Protocol

Report on the development of the Protocol on Pollutant Release and Transfer Registers

Addendum

Possible approach for revising annexes I, II and III

Draft proposal prepared by the Bureau

Introduction

1. The current document outlines aspects to be taken into account for the development of the Protocol related to revising annexes I, II and III to the Protocol. The document was prepared on the basis of outcomes of deliberations by the Bureau and the Compliance Committee, and of the consultations launched in March 2019. The consultations aimed at gathering views of Parties, other interested countries and stakeholders, so as to ensure that the document was prepared through a participative process.

2. Comparative analysis of different international reporting obligations related to annexes I, II and III is provided in document PRTR/WG.1/2019/Inf.1, which contains a complete list of activities/sectors, pollutants and disposal and recovery operation codes.

Annex I

3. Should annex I to the Protocol be revised, it would be important to take into consideration the following points:



- (a) Including activities listed¹ in the:
 - (i) United Nations Framework Convention on Climate Change;
 - (ii) Stockholm Convention on Persistent Organic Pollutants;
 - (iii) Minamata Convention on Mercury;
 - (iv) Convention on Long-range Transboundary Air Pollution;
 - (v) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters;
 - (vi) European Union Industrial Emissions Directive.²
- (b) Harmonizing thresholds under the Protocol that do not correspond to the lowest common values duplicated in more than one of the relevant instruments;
- (c) Introducing activity classification according to the *International Standard Industrial Classification of All Economic Activities (ISIC), Rev.4*;³
- (d) A change of focus in terms of intended outputs/service provided by a given industrial activity. For example, the scope of the list of activities falling under “waste management” should be broadened to include “resource management”, in order to better account for activities relevant to achieving circular economy related-objectives;
- (e) Adding diffuse emissions from products in the reporting activities.

Annex II

4. Should annex II to the Protocol be revised, it would be important to take into consideration the need to include additional pollutants listed⁴ in the:

- (a) Updated Organization for Economic Cooperation and Development common list of pollutants (short list);
- (b) Stockholm Convention on Persistent Organic Pollutants;
- (c) Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal;
- (d) Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade;
- (e) United Nations Framework Convention on Climate Change;
- (f) Convention on Long-range Transboundary Air Pollution and its Protocol to Abate Acidification, Eutrophication and Ground-level Ozone;
- (g) European Union Industrial Emissions Directive and the European Union Water Framework Directive.⁵

5. In addition, it is suggested that consideration be given to the idea of:

- (a) adding: missing substances that, in terms of their properties, meet the criteria for classification as substances of very high concern according to article 57 of the European Union Registration, Evaluation, Authorization and Restriction of Chemicals regulation; the

¹ See the complete list of activities contained in PRTR/WG.1/2019/Inf.1.

² Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control), *Official Journal of the European Union*, L 334 (2010), pp. 17–119.

³ United Nations publication, Sales No. E.08.XVII.25.

⁴ See the complete list of pollutants contained in PRTR/WG.1/2019/Inf.1.

⁵ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, *Official Journal of the European Union*, L 327 (2000), pp. 1–72.

substances that are listed in the “candidate list” referred to in article 59 (10)⁶ of the European Union Registration, Evaluation, Authorization and Restriction of Chemicals regulation; the substances listed as priority substances in annex X to the Water Framework Directive;⁷ and the “watch list” substances pursuant to article 8 (b) of Directive 2013/39/EU.⁸ Regarding specific substances, it is suggested that a distinction be made between biogenic and fossil origin when reporting quantities of carbon dioxide releases. Moreover, it is noteworthy that some substances may serve as indicators for a wider range of pollution releases;

(b) Removing thresholds from annex II to the Protocol, or harmonizing thresholds listed in annex II with those applied under other relevant instruments to correspond to the lowest common values, for those pollutants that are duplicated in more than one of the instruments;

(c) In order to set pollutant release and transfer register data into context, add further:

(i) Data on resource consumption on energy (distinguishing between fossil fuels and renewable sources of energy) and water;

(ii) Production-related data, for example, by reporting on relative data, such as the change of production output compared to the previous reporting year.

Annex III

6. Should annex III to the Protocol be revised, it would be important to take into consideration the idea of including the codes for individual operations listed in the Basel Convention for the different operations⁹ and the European Union List of Waste codes.¹⁰ When revising the annex, care should be taken with regard to how to address the issue of “storage” (whether “storage” should be treated differently from “disposal”, what would be the practical difference, for example, between “incineration on land/at sea” vs. “releases to air”), and consideration should be given to reporting on “inverse” releases from recovery operations with recycling facilities.

7. Lastly, it is important to ensure that the list of activities (annex I), the list of pollutants (annex II) and the list of disposal and recovery operations (annex III) in the Protocol match.

⁶ See <https://echa.europa.eu/candidate-list-table>.

⁷ See http://ec.europa.eu/environment/water/water-dangersub/pri_substances.htm.

⁸ Directive 2013/39/EU of the European Parliament and of the Council of 12 August 2013 amending Directives 2000/60/EC and 2008/105/EC as regards priority substances in the field of water policy, *Official Journal of the European Union*, L 226 (2013), pp. 1–17. Available at <https://www.eea.europa.eu/data-and-maps/indicators/emission-intensity-of-manufacturing-industries-1/directive-2013-39-eu>.

⁹ See the list of codes contained in PRTR/WG.1/2019/6/Inf.1.

¹⁰ See <http://ec.europa.eu/environment/waste/framework/list.htm>.