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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

Eighth meeting

Geneva, 16-18 December 2020

Item 5 of the provisional agenda

Compliance and reporting mechanisms

Membership of the Compliance Committee*

Note by the secretariat

Summary

The present note on the membership of the Compliance Committee under 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 was prepared pursuant to the decision of the Meeting of the Parties to the Protocol (ECE/MP.PRTR/2010/2/Add.1, decision I/2, annex, para. 8), and further to the election of the members of the Compliance Committee at the third session of the Meeting of the Parties (Budva, Montenegro, 14 and 15 September 2017 (ECE/MP.PRTR/2017/6, para. 35)). It was prepared by the secretariat for the information of the Working Group of the Parties so as to facilitate the election of the members of the Compliance Committee at the fourth session of the Meeting of the Parties, which is expected to take place back-to-back with the seventh session of the Meeting of the Parties to the Convention in October 2021.

The note is accompanied by two annexes: annex I presents a table showing the situation of the members of the Committee; annex II contains excerpts from all the relevant decisions and reports of the Meeting of the Parties, the Bureau and the Compliance Committee on this subject.

* This document was scheduled for publication after the standard publication date owing to circumstances beyond the submitter's control.



Introduction

1. At its fourth session, expected to take place in October 2021, the 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 will have to consider the composition of its Compliance Committee. The main rules of procedure are set out in the annex to decision I/2 of the Meeting of the Parties to the Protocol. Accordingly, “a full term of office begins at the end of an ordinary session of the Meeting of the Parties and runs until the second ordinary session of the Meeting of the Parties thereafter” (for example, a full term of office runs from the first session of the Meeting of the Parties until the end of its third session, or from its second session until the end of its fourth session, etc.) and “outgoing members may be re-elected once for a further term of office, unless in a given case the Meeting of the Parties decides otherwise” (ECE/MP.PRTR/2010/2/Add.1, decision I/2, annex, para. 8).

2. In accordance with those rules, at its first session, the Meeting of the Parties elected four members to serve a half term of office, until the end of the next ordinary session, and five members to serve a full term of office.

3. Outgoing members may be re-elected once for a further full term of office, “unless in a given case the Meeting of the Parties decides otherwise”. This provision prevents the re-election of a member who has already served two terms, unless the Meeting of the Parties in a given case “decides otherwise”. Such situations are thus to be evaluated on a case-by-case basis. Decision I/2 does not further elaborate on any criteria that would direct the Parties on the use of this proviso.

I. Situation of the members of the Compliance Committee at the fourth session of the Meeting of the Parties

4. The following members of the Committee were elected or re-elected at the third session of the Meeting of the Parties (Budva, Montenegro, 14 and 15 September 2017) to serve in the Committee until the end of the fifth session of the Meeting of the Parties:

- Mr. Gor Movsisyan (Armenia) was elected for the first full term of office at the first session of the Meeting of the Parties, i.e., until the end of the third session. Mr. Movsisyan was re-elected at the third session for a second full term of office, i.e., until the end of the fifth session of the Meeting of the Parties.
- Mr. Fritz Kroiss (Austria) was elected for the first full term of office at the first session of the Meeting of the Parties, i.e., until the end of the third session. Mr. Kroiss was re-elected at the third session for a second full term of office, i.e., until the end of the fifth session of the Meeting of the Parties.
- Mr. Nicolas Encausse (France) was appointed by the Bureau at its ninth meeting (Madrid, 27 November 2015) to serve the remainder of the first term of former member, Mr. Ralid Ajabboune (France), i.e., from 27 November 2015 to the third session of the Meeting of the Parties. Mr. Encausse was re-elected at the third session of the Meeting of the Parties for a further full term of office, i.e., until the end of the fifth session of the Meeting of the Parties.
- Ms. Nataša Kacic-Bartulovic (Croatia) was elected at the second session of the Meeting of the Parties to serve the remainder of the first term of former member Ms. Martina Vazdar (Croatia), i.e., until the third session of the Meeting of the Parties. Ms. Kacic-Bartulovic was re-elected at the third session for a further full term of office, i.e., until the end of the fifth session.
- Ms. Azemine Shakiri (North Macedonia) was elected at the third session of the Meeting of the Parties for a first full term of office, i.e., until the end of the fifth session.
- Mr. Juan Luis Martin Ortega (Spain) was elected at the third session of the Meeting of the Parties for a first full term of office, i.e., until the end of the fifth session.

5. The following members of the Committee were elected or re-elected at the second session of the Meeting of the Parties to serve in the Committee until the end of the fourth session of the Meeting of the Parties:

- Mr. Dmytro Skrylnikov (Ukraine) was elected at the second session of the Meeting of the Parties for a first full term of office, i.e., until the end of the fourth session. He may be re-elected at the fourth session for a second full term of office, i.e., until the end of the sixth session of the Meeting of the Parties.
- Mr. Merab Barbakadze (Georgia) was elected at the first session of the Meeting of the Parties for a half term of office, i.e. until the end of the second session. He was re-elected at the second session of the Meeting of the Parties for a full term of office, i.e., until the end of the fourth session. Mr. Barbakadze should be replaced at the fourth session, unless the Meeting of the Parties decides otherwise (see para. 3 above).
- Mr. Akos Fehervary (Hungary) was elected at the first session of the Meeting of the Parties for a half term of office, i.e. until the end of the second session. He was re-elected at the second session of the Meeting of the Parties for a full term of office, i.e., until the end of the fourth session. Mr. Fehervary should be replaced at the fourth session, unless the Meeting of the Parties decides otherwise (see para. 3 above).

II. Nominations for the election of Committee members at the fourth session of the Meeting of the Parties¹

6. Nominations for three members, all of whom may be re-elected (see para. 5 above) may be submitted by Parties, taking due account of any proposal for candidates made by signatories or by non-governmental organizations qualified or having an interest in the fields to which the Protocol relates. Nominations should be sent to the secretariat in at least one of the official languages of the Protocol by not later than 29 July 2021 if the fourth session of the Meeting of the Parties opens on 21 October 2021. Each nomination should include the curriculum vitae of the candidate (not exceeding 600 words) and may include supporting material. According to rule 10 of the rules of procedure (ECE/MP.PRTR/2010/2/Add.1, decision I/1, annex), the secretariat will distribute the nominations and the curricula vitae with the supporting material, if any, to the Parties and to the other States, organizations and bodies referred to in rule 6² at least six weeks before the opening of the session.

7. The Meeting of the Parties elects Compliance Committee members by consensus or, failing consensus, by secret ballot. The Committee elects its own Chair and Vice-Chair at its next meeting following the session of the Meeting of the Parties.

8. The Committee may not include more than one national of the same State and its composition should reflect the need for adequate geographical distribution of membership and diversity of experience (ECE/MP.PRTR/2010/2/Add.1, decision I/2, annex, para. 3).

¹ See procedure for the nomination of candidates for the Committee set out in paragraph 5 of the annex to decision I/2.

² States and regional economic integration organizations that are signatories to the Protocol but have yet to become Parties; the United Nations, its specialized agencies and the International Atomic Energy Agency; relevant intergovernmental organizations, qualified or having an interest in the fields to which the Protocol relates, that have requested to be so notified; and relevant non-governmental organizations, qualified or having an interest in the fields to which the Protocol relates, that have requested to be so notified.

Annex I

Situation of the members of the Compliance Committee

<i>MOP-1 (2010)</i>	<i>MOP-2 (2014)</i>	<i>November 2015</i>	<i>MOP-3 (2017)</i>	<i>MOP-4 (2021)</i>	<i>MOP-5 (2025)</i>
Merab Barbakadze (MB) elected through MOP-2	MB re-elected through MOP-4			MB should be replaced, unless in a given case the Meeting of the Parties decides otherwise	
Akos Fehervary (AF) elected through MOP-2	AF re-elected through MOP-4			AF should be replaced, unless in a given case the Meeting of the Parties decides otherwise	
Sveto Vasileski (SV) elected through MOP-2	Dmytro Skrylnikov (DS) elected through MOP-4			DS may be re-elected through MOP-6	
Alistair McGlone (AM) elected through MOP-2	AM re-elected through MOP-4		Juan Luis Martin Ortega (JLMO) elected through MOP-5		JLMO may be re-elected through MOP-7
Gor Movsisyan (GM) elected through MOP-3			GM re-elected through MOP-5		GM should be replaced, unless in a given case the Meeting of the Parties decides otherwise
Fritz Kroiss (FK) elected through MOP-3			FK re-elected through MOP-5		FK should be replaced, unless in a given case the Meeting of the Parties decides otherwise
Martina Vazdar (MS) elected through MOP-3	Nataša Kacic-Bartulovic (NKB) elected for the remainder of the term through MOP-3		NKB re-elected through MOP-5		NKB should be replaced, unless in a given case the Meeting of the Parties decides otherwise
Didier Guiffault (DG) elected through MOP-3	Ralid Ajabboune elected for the remainder of the term through MOP-3	As of 27 November 2015, Nicolas Encausse (NE) appointed for the remainder	NE re-elected through MOP-5		NE should be replaced, unless in a given case the Meeting of the Parties decides otherwise

<i>MOP-1 (2010)</i>	<i>MOP-2 (2014)</i>	<i>November 2015</i>	<i>MOP-3 (2017)</i>	<i>MOP-4 (2021)</i>	<i>MOP-5 (2025)</i>
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of the term
through
MOP-3

Barbara Rathmer
(BR) elected
through MOP-3

Azmine
Shakiri (AS)
elected through
MOP-5

AS may be re-
elected through
MOP-7

Note: MOP stands for Meeting of the Parties. Sessions of the MOP are indicated by placing the numeral for the session after "MOP-". For example, MOP-1 stands for the first session of the Meeting of the Parties. AM resigned at MOP-3.

Annex II

Relevant paragraphs from decision I/2 and relevant reports

Decision I/2 (2010),³ annex, paragraphs 8 and 9

“8. The Meeting of the Parties shall, at its first ordinary session, elect four members to the Committee to serve until the end of the next ordinary session and five members to serve a full term of office. At each ordinary session thereafter, the Meeting of the Parties shall elect for a full term of office four or five members as appropriate in order to achieve the full complement of the Committee. Outgoing members may be re-elected once for a further full term of office, unless in a given case the Meeting of the Parties decides otherwise. A full term of office begins at the end of an ordinary session of the Meeting of the Parties and runs until the second ordinary session of the Meeting of the Parties thereafter. The Committee shall elect its own Chair and Vice-Chair.

9. If a member of the Committee can no longer perform his or her duties as a member of the Committee for any reason, the Bureau of the Meeting of the Parties shall appoint another member fulfilling the criteria in this section to serve the remainder of the term, subject to the approval of the Committee.”

Report of the first session of the Meeting of the Parties (2010),⁴ paragraph 65

“65. On the basis of consultations (see para. 21 above), the Meeting elected by consensus the following candidates to the Compliance Committee to serve until the end of the second session of the Meeting: Mr. Merab Barbakadze (Georgia); Mr. Akos Fehervary (Hungary); Mr. Sveto Vasileski (the former Yugoslav Republic of Macedonia); and Mr. Alistair McGlone (United Kingdom). The following candidates were elected by consensus to serve on the Committee until the end of the third session of the Meeting: Mr. Gor Movsisyan (Armenia); Mr. Fritz Kroiss (Austria); Ms. Martina Sorsa⁵ (Croatia); Mr. Didier Guiffault (France); and Ms. Barbara Rathmer (Germany).”

Report of the second session of the Meeting of the Parties (2014),⁶ paragraph 37

“37. The Meeting of the Parties re-elected by consensus the following Compliance Committee members: Mr. Alistair McGlone, nominated by the United Kingdom; Mr. Akos Fehervary, nominated by Hungary; and Mr. Merab Barbakadze, proposed by Georgia and nominated by Spain. It elected by consensus the following new members to the Committee: Mr. Ralid Ajabboune, nominated by France; Ms. Nataša Kacic-Bartulovic, nominated by Croatia; and Mr. Dmytro Skrylnikov, proposed by the European ECO Forum and Environment People Law and nominated by Norway.”

Report of the ninth meeting of the Bureau of the Meeting of the Parties,⁷ section 3

“3. Membership of the Compliance Committee

Pursuant to the decision I/1 (Rules of Procedure, see rule 22, paragraph 5, and rule 23, paragraph 2) and decision I/2 (Structure and functions of the Compliance Committee and

³ See ECE/MP.PRTR/2010/2/Add.1.

⁴ See ECE/MP.PRTR/2010/2.

⁵ Ms. Sorsa changed her family name to Vazdar in 2010.

⁶ See ECE/MP.PRTR/2014/4.

⁷ The report is available at [www.unece.org/index.php?id=39756#/.](http://www.unece.org/index.php?id=39756#/)

procedures for the review of compliance, see chapter I, paragraph 9, of the annex) (ECE/MP.PRTR/2010/2/Add.1) of the Meeting of the Parties to the Protocol on Pollutant Release and Transfer Registers (PRTRs), the Bureau appointed Mr. Nicolas Encausse as new member of the Compliance Committee. Mr. Encausse had been nominated by France as a replacement for Mr. Ralid Ajabboune. Mr. Ajabboune had been elected member of the Committee at the second session of the Meeting of the Parties (3-4 July 2014, Maastricht), but had not been in a position to fulfil his duty due to other commitments.”

Report of the third session of the Meeting of the Parties (2017),⁸ paragraph 35

“35. The Chair presented nominations for the membership of the Committee noting that there were six vacant places available and only five nominations had been received before the formal deadline set out in decision I/2 on the review of compliance (see ECE/MP.PRTR/2010/2/Add.1). The representative of the European Union, recalling the issue of “particular instances” provided through decision I/2 (annex, para. 5), proposed to re-elect Ms. Nataša Kačić-Bartulović, the Committee’s current member, for continuation of her mandate. Ms. Kačić-Bartulović had expressed her readiness to serve, and Croatia had expressed its readiness to support her re-election. As Ms. Kačić-Bartulović had already been elected at the second session of the Meeting of the Parties, she met all the requirements set out in decision I/2. The Meeting of the Parties took note of the statement by the European Union and then re-elected by consensus the following Compliance Committee members: Ms. Kačić-Bartulović, nominated by Croatia; Mr. Fritz Kroiss, nominated by Austria; and Mr. Gor Movsisyan, nominated by Belgium. It elected by consensus the following new members to the Committee: Mr. Nicolas Encausse, nominated by France; Mr. Juan Luis Martín Ortega, nominated by Spain; and Ms. Azemine Shakiri, nominated by the former Yugoslav Republic of Macedonia.”

⁸ See ECE/MP.PRTR/2017/6.