

Your Right to a Healthy Community



A simplified guide
to the Protocol on Pollutant Release and Transfer Registers



UNITED NATIONS

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Your Right to a Healthy Community

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to the Protocol on Pollutant Release and Transfer Registers



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Foreword

Releases of pollutants into the air, water and land threaten public health and well-being, while undermining the Earth's fragile environment. Atmospheric pollution in particular changes the global climate, with far-reaching consequences for the sustainability of life as we know it on the planet.

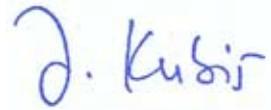
Traditionally, Governments have relied upon legislation to deter inefficient use of fossil fuels, improve the management of natural resources and reduce the production of waste. In some areas, industry has responded by adopting cleaner and more efficient methods of production. Some of the most hazardous products have been banned outright, to protect consumers and threatened or endangered species.

The 2003 Kyiv Protocol on Pollutant Release and Transfer Registers (PRTRs), adopted in Kyiv, Ukraine, at an extraordinary session of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) in May 2003, seeks to reduce the burden of pollution and waste by establishing publicly accessible national pollutant registers. By requiring companies to produce annual reports on their releases and transfers of specified pollutants, the Protocol on PRTRs provides an incentive to reduce levels of pollution and promote cleaner systems of production and healthier communities and ecosystems.

Open to accession by States throughout the world, the Protocol and its parent instrument, the Aarhus Convention, have established a new benchmark in promoting transparency and accountability in the sphere of the environment. The Protocol in particular will enable ordinary members of the public, simply by using the Internet, to find out about the major sources of polluting emissions in their immediate neighbourhoods.



The present simplified guide aims to promote understanding of this novel regulatory instrument and thereby lend support to the public's role in promoting better environmental performance through the study and use of PRTRs. I hope that it will be used by a wide range of stakeholders from countries that are Parties to the Kyiv Protocol, as well as from those that may become so in the future, in order to realize the full potential of this innovative approach to achieving sustainable development.



Ján Kubiš

Executive Secretary

United Nations Economic Commission for Europe

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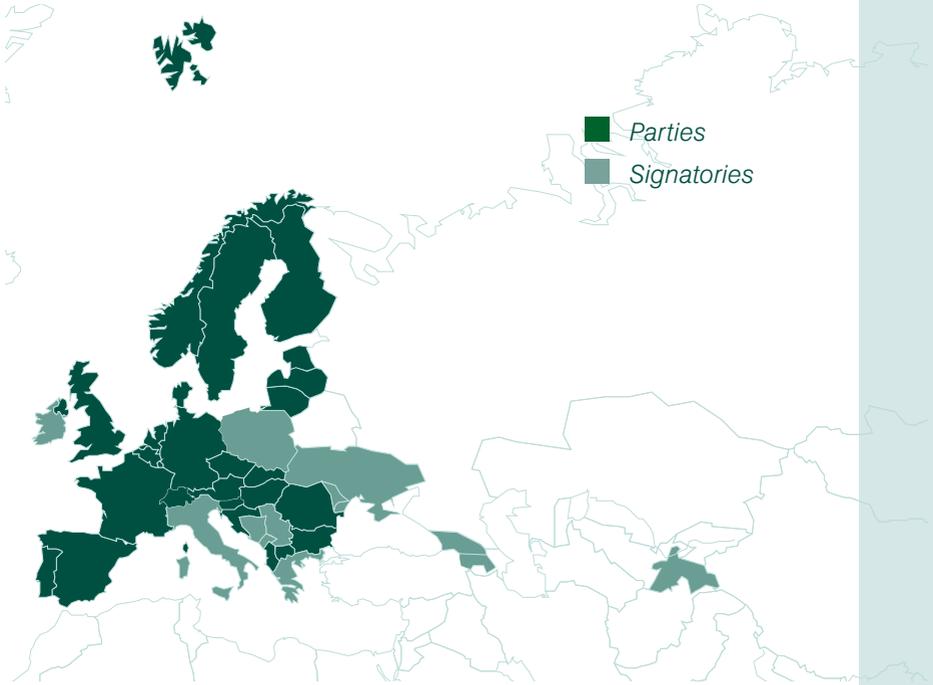
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Parties and Signatories to the PRTR Protocol, as of December 2010

Parties to the PRTR Protocol	Signatories to the PRTR Protocol
Albania	Armenia
Austria	Bosnia and Herzegovina
Belgium	Cyprus
Bulgaria	Georgia
Croatia	Greece
Czech Republic	Ireland
Denmark	Italy
Estonia	Montenegro
European Union	Poland
Finland	Republic of Moldova
France	Serbia
Germany	Tajikistan
Hungary	Ukraine
Latvia	
Lithuania	
Luxembourg	
Netherlands	
Norway	
Portugal	
Romania	
Slovakia	
Slovenia	
Spain	
Sweden	
Switzerland	
The former Yugoslav Republic of Macedonia	
United Kingdom of Great Britain and Northern Ireland	

Map of the Parties and Signatories to the PRTR Protocol, as of December 2010



I. Introduction

Over the past few decades, pollutant release and transfer registers (PRTRs) have emerged as an important new tool in the field of chemicals management. By bringing information on polluting emissions into the public domain, PRTRs raise awareness about major sources of threat to health and the environment and enable the public to play a more effective role in influencing the decision-making processes related to such threats. The resulting increase in transparency can create pressure on companies to reduce the pollution burden arising from their activities.

The Kyiv Protocol on PRTRs is the first legally binding international instrument on the topic, committing its Parties to establish PRTRs that are publicly accessible and maintained through mandatory reporting of a wide range of pollutants from certain environmentally significant activities.

This booklet introduces the PRTR concept, tells the story of how the Protocol came into being and describes its main requirements and the activities being undertaken to promote its implementation.

What is a PRTR?

A pollutant release and transfer register, known for short as a PRTR, is a publicly accessible register containing information on the releases (emissions) from facilities into the environment, and transfers to other facilities, of a defined set of pollutants from certain specified activities. The information contained in a PRTR is generated through periodic reporting, usually on an annual and mandatory basis, by the facilities responsible for the activities causing the releases and transfers. The PRTR should be accessible via the Internet and searchable according to individual facility, owner/operator, type of pollutant, type of activity and environmental medium (air, water, land).

II. Origin of the Kyiv Protocol on Pollutant Release and Transfer Registers

The 1992 United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro, Brazil, gave global recognition to the importance of public access to information on environmental pollution, including emissions inventories.

Agenda 21, the global plan of action adopted at the Rio Conference, recommends in chapter 19 that Governments should collect sufficient data about potentially hazardous substances and, with the cooperation of industry and the public, implement and improve databases on toxic chemicals, including inventories of emissions. Chapter 19 further states that the broadest possible awareness of chemical risks is a prerequisite for chemical safety and highlights the principle of the “community right-to-know” about such risks.

Principle 10 of the Rio Declaration on Environment and Development states, *inter alia*, that at the national level, each individual shall have “appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities”, and that States shall “facilitate and encourage public awareness and participation by making information widely available”.

Building on principle 10, Governments in the United Nations Economic Commission for Europe (UNECE) region began in 1996 to negotiate a new international treaty on procedural environmental rights. The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters was adopted in June 1998 in the Danish city of Aarhus at the Fourth Ministerial Conference in the “Environment for Europe” process. It is widely known today as simply the Aarhus Convention.

The Convention contains a provision requiring each Party to take steps to progressively establish “a coherent, nationwide system of pollution inventories or registers on a structured, computerized and publicly accessible database compiled through standardized reporting” (art. 5, para. 9). It also contains a requirement that the governing body of the Convention, the Meeting of the Parties, would at its first session review the experience in implementing the provision on pollution registers and consider further steps, including the elaboration of an appropriate instrument on the topic (art. 10, para. 2 (i)).

These provisions led to the establishment of first a task force and later a working group to address the topic of PRTRs. Negotiation of the Protocol on PRTRs began in 2001 and concluded with the adoption of the Protocol in May 2003 at an extraordinary session of the Meeting of the Parties to the Aarhus Convention held in Kyiv on the occasion of the fifth “Environment for Europe” Ministerial Conference. The Kyiv Protocol on PRTRs thus became the first legally binding international instrument on pollutant release and transfer registers. It has 38 Signatories, one of these being the European Union (EU).

The Protocol entered into force on 8 October 2009 and became binding on its Parties as international law. Although it is a protocol to the Aarhus Convention and furthers the Convention’s goal of promoting public access to environmental information, in many respects the Protocol has the character of an independent treaty. For example, the Protocol on PRTRs is open to all Member States of the United Nations, including those that are not members of UNECE or Parties to the Aarhus Convention. It is also open to all regional economic integration organizations.



III. How the Protocol works

The main objective of the Kyiv Protocol on PRTRs is to enhance public access to information through the establishment of coherent, integrated, nationwide PRTRs. This, in turn, is expected to facilitate public participation in environmental decision-making and to contribute to the prevention and reduction of environmental pollution.

The Protocol requires each of its Parties to establish and maintain a publicly accessible national PRTR that meets certain requirements which are set out in the Protocol. The information contained in the PRTR is to be supplied through mandatory periodic reporting by the owners or operators of certain types of potentially polluting facilities. These should report annually on releases (into the environment) of certain types of pollutants that are specified in the Protocol, as well as off-site transfers of waste (to waste disposal sites or recovery facilities) and pollutants released in wastewater from the facility.

The Protocol requires that PRTRs also progressively contain information on pollution from other diffuse sources, such as pollution from traffic to air, from agriculture to water and from small polluting enterprises to land, water or air.

The information contained in the PRTR must be searchable and identifiable according to particular companies, facilities or geographical locations; types of activity, pollutant or waste; and the environmental medium into which the pollutant is released (air, water, land).

The Protocol requires each Party to promote public awareness of its PRTR and to provide assistance and guidance to the public in accessing the register and in understanding and using the information contained in it. The PRTR must be user-friendly, with the information being continuously and immediately available through electronic means.



Parties may take “appropriate enforcement measures” to implement the provisions of the Protocol. This could include taking action against operators or against officials responsible for the registers where they are found to have acted in bad faith, fraudulently or negligently and where such actions have hampered the implementation of the Protocol.

Although the Protocol regulates information on pollution, rather than the pollution itself, it is expected to reduce pollution because companies will not want to be identified as major polluters.

The Protocol sets minimum requirements. Parties developing PRTRs may go further, according to their national priorities and concerns. For example, if a particular type of pollutant or polluting industry not covered under the Protocol is common in a given country, it may be important to ensure that that type of pollutant or industry is covered by the national reporting requirements.

A. What gets reported?

The PRTR is required to cover information on at least 86 pollutants or groups of pollutants that are recognized to pose the most significant threats to the environment or health, including major greenhouse gases, acid rain pollutants, heavy metals, dangerous pesticides and various cancer-causing chemicals such as dioxins. The pollutants covered by the Protocol on PRTRs are listed in annex II of the Protocol, which contains all but one of the persistent organic pollutants (POPs) which are inventoried under the Stockholm Convention on Persistent Organic Pollutants.

The Protocol identifies a number of important groups of substances, such as total organic carbon (TOC), halogenated organic compounds, phenols, particulate matter (PM10), dioxins, polycyclic aromatic hydrocarbons (PAHs), cyanides, fluorides, non-methane volatile organic compounds (NMVOCs), perfluorocarbons (PFCs) and hydrochlorofluorocarbons (HCFCs), as well as key individual pollutants. These groups cover potentially thousands of single substances.

The national registers also provide a framework for reporting on pollution from diffuse sources such as traffic, agriculture, aquaculture and small and medium-sized enterprises. Here, the Protocol allows some flexibility, in that Parties are only required to include data on releases from diffuse sources in the PRTR where the data is being collected by the relevant authorities and can practicably be included. However, where no such data are being collected, the Party should take measures to initiate reporting on releases from one or more diffuse sources.

The emphasis of the Protocol and of PRTRs in general is on the amount of pollution released or transferred. It takes no account of the impact of the pollutants on the environment or health (e.g., whether the pollutants are being released into an environmentally sensitive or densely populated area). Nor does it identify the precise timing of the releases within the reporting year. These features make the PRTR a simple but effective instrument, which needs to be used in conjunction with other instruments for greatest effect.

Many of the substances included in the Protocol are severely restricted, banned or being phased out under international agreements. They are included in the Protocol for the sake of completeness and to help countries track the remnants of phased-out pollutants.



The concept of “releases” is generally understood to cover situations where pollutants are emitted or introduced into the environment from a facility or other sources. The concept of “transfers” applies to the movement of pollutants within or between facilities. The Protocol covers

only “off-site” transfers. Movements of pollutants or waste between two installations of the same facility on the same site or adjoining sites are considered to be an on-site transfer, and are not subject to reporting under the Protocol.

Reporting is not required where the quantities of the pollutant in question fall below certain thresholds, which are specified in annex II of the Protocol. In broad terms, there are two types of threshold, one based on the quantity of the pollutant released or transferred, the other based on the quantity of the pollutant manufactured, processed or used. Each Party is expected to choose which type of threshold it will use.



Within the first type of threshold, there is a further choice between pollutant-specific reporting of transfers and waste-specific reporting of transfers. If the Party chooses the pollutant-specific reporting approach, it must require facilities to report when individual thresholds for the chemical substances (those listed in annex II of

the Protocol) transferred are exceeded during the reporting year. If the Party chooses the waste-specific approach, it must require facilities to report when thresholds for the total volume of waste are exceeded during the reporting year. Under the latter approach, the threshold is set at 2,000 tons for non-hazardous waste and 2 tons for hazardous waste. If the destination of the hazardous waste is a transboundary one, i.e., the waste is being exported to another country, the Protocol requires the Party to collect from the owner or operator information on the actual destination of the waste and the manner of its disposal or recovery. The information collected under the Protocol on the transboundary move-

ment of hazardous waste supports the objectives of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

While the fact that the Protocol allows for different methods of reporting, as summarized above, adds to its complexity and potentially reduces the comparability of the reported data, the different options were included by the negotiators in recognition of the fact that already established PRTR systems reflected the different approaches and in order to accommodate those different approaches within the Protocol. In general, the European PRTRs tend to use the first type of threshold (with waste-specific reporting of transfers), whereas some of the North American PRTRs use the second type of threshold.

In recognition of the advantages of greater harmonization, the Protocol requires its Parties to strive to achieve convergence among PRTRs.

B. Who reports and when?

Mandatory annual reporting is required with respect to a wide range of activities. These include refineries, thermal power stations, the chemical and mining industries, waste incinerators, waste water treatment facilities, wood and paper production and processing, shipbuilding, animal and vegetable production and intensive agriculture and aquaculture, among others, where these activities are carried out on a significant scale. Altogether, 64 activities grouped by sectors are covered. The owner or operator of a facility undertaking one or more of these activities is responsible for submitting the report.

Activities within the sectors covered by the Protocol are not required to report where they are on a small enough scale to fall below certain thresholds. As with the pollutant thresholds, there are two types of activity threshold. One type of activity threshold is based on the capacity of the facility, e.g., the number of megawatts, tons of material processed per hour and so on. The second is based on the number of employees,

with 10 or more employees triggering the requirement to report. The choice of type of activity threshold is coupled with the choice of pollutant threshold, in such a way that a Party applying a pollutant threshold based on the quantity of the pollutant released or transferred should generally apply an activity threshold based on the capacity of the facility, whereas a Party opting for a pollutant threshold based on the quantity of the pollutant manufactured, processed or used should generally apply an activity threshold based on the number of employees.

The Protocol requires that, after the first reporting cycle, the information for a given calendar year is included in the national register within 15 months of the end of that year. (Regional economic integration organizations such as the EU have an extra six months.) It is left to each Party to set internal deadlines by which the individual facilities should submit the data which eventually appears on the register to the competent authority.

C. To whom is the data reported?

Each Party is expected to designate a competent authority or authorities to manage the national PRTR. It should establish a national legal framework which defines the obligations of the administrative authorities who will be collecting, validating and managing the register, as well as dealing with accessibility of the data and confidentiality issues. In countries that already have systems of pollutant reporting, the two most common structures in use for collecting the data needed to establish national emissions registers are:

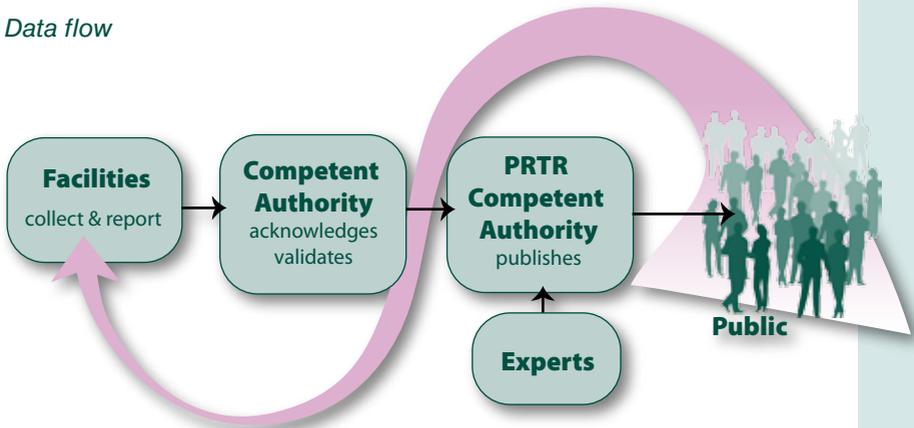
- (a) information requirements set out in environmental permits;
- (b) compulsory self-monitoring and reporting.

Many countries, especially in Western Europe, already have well-developed systems for the permitting of large industrial installations, including mandatory self-monitoring and reporting of polluting emissions.



To avoid duplication of effort, they have linked the collection of data required for their national PRTRs to requirements already in place in their permitting system. The Protocol itself encourages Parties to integrate PRTR systems into other reporting mechanisms to the extent practicable, in order to reduce duplicative reporting.

Data flow



D. How do I access PRTR information?

The Protocol envisages direct electronic access through public telecommunications networks, such as an open website on the Internet, as the primary means of public access. In this case, the PRTR must be accessible free of charge.

This form of access has many advantages. The PRTR can be accessed by anyone with computer skills at any time and from any place that has a good Internet connection, at the person's convenience. Electronic tools can be used to search through and analyse the data.

However, the Protocol recognizes that not everyone has easy access to the Internet, and thus it requires that Parties provide “other effective means” for members of the public who do not have direct electronic access to the PRTR. This could include providing electronic access to PRTRs in public locations such as libraries or offices of public authorities, or providing copies of the data in paper or CD-ROM form. Where copies of PRTR data are provided upon request, the Protocol requires that this be done within one month of the request. The competent authority may levy a charge for reproducing and mailing the information, provided that this does not exceed a reasonable amount.

The Protocol sets out limited circumstances in which a competent authority may keep PRTR data confidential, e.g., where public disclosure would adversely affect international relations, national defence, public security or commercial confidentiality. In such cases, the grounds for confidentiality are to be interpreted in a restrictive way, taking into account the public interest served by disclosure and whether the information relates to releases into the environment. Where information has been withheld, the register should indicate the type of information that has been withheld and the reason(s) for withholding it.

E. What uses can be made of PRTR information?

PRTRs are primarily intended to serve the general public, but they also assist Governments in tracking pollution trends, setting priorities and monitoring compliance with international commitments. In addition, they can benefit industry, both management and workers, through stimulating improved environmental management.

There are many potential users of PRTRs. These include, first of all, the general public and citizens’ organizations interested in obtaining information on local, regional or national pollution. The media can also use PRTR data to publicize pollution issues, thereby making the data available and understandable to a wider audience. Health professionals can use the information in public health decisions. PRTRs can be



a valuable tool for environmental education. Environmental authorities can use PRTRs to review both the compliance of local facilities with their permit conditions and national progress towards international commitments. For facilities, the exercise of monitoring or estimating pollution levels, as well as their mandatory publication, can encourage efforts to improve efficiency and reduce pollution levels.

F. How can I participate in the development of national PRTRs?

The Protocol calls for public participation in the development and modification of PRTRs. The negotiations on the Protocol itself provide an example, as they involved not only legal and technical experts from Governments but also representatives of environmental non-governmental organizations, international organizations and industry. Participation of all interested parties was considered crucial to guarantee the transparency of the process and increase acceptance of the end result.

The Protocol refers to two instances when public participation is relevant: (a) during the establishment of the PRTR; and (b) in the modification of the PRTR. In either instance, opportunities for public participation should be provided at an early stage when it can influence the decision-making process. Although the national PRTR must always meet the minimum requirements of the Protocol, input from the public may influence how they are met and whether the national PRTR goes further.



A participatory process for establishing and further developing a PRTR is essential for the future success of the system. Involvement of all stakeholders, such as reporting facilities, non-governmental organizations (NGOs) and civic organizations, workers in the facilities, health officials, pollution control officials, local authorities and academia, is important. Those countries having to develop their PRTRs from the beginning will especially benefit from the experiences of other countries in this regard.

To ensure that the public is given sufficient opportunity to participate, Parties may set in place detailed rules on how to inform the public and how the opportunity for consultation should be publicized, e.g., in mass media, regional or local media or official journals; on information panels in city halls or other relevant buildings; or by post, Internet postings or podcasts. Public participation can take different forms, including through public meetings, working groups or other standing committees, or through community forums. The rules for public participation may ensure that comments made by the public can be sent by both electronic and non-electronic means.

The EU and the PRTR Protocol

An important milestone in the development of PRTRs was the ratification of the Protocol by the EU in February 2006. In order to bring its legislation in line with the Protocol, the EU adopted a regulation implementing the Protocol throughout its member States and established a European PRTR (E-PRTR) to replace the former European Pollutant Emission Register. The E-PRTR includes annual data reported by some 24,000 industrial facilities from the EU member States together with Iceland, Liechtenstein and Norway. The first year for which data were reported was 2007. The data will be updated in April of each year. For further information, see <http://prtr.ec.europa.eu/Home.aspx>.



IV. Consolidating progress: a framework for future activities

The first session of the Meeting of the Parties to the Protocol, the Protocol's governing body, took place in Geneva from 20 to 22 April 2010. By that time, 23 States and the EU were Parties to the Protocol. At that session, the Meeting put in place the main procedures and mechanisms which will provide the framework for the activities under the Protocol for many years and which are fully independent of the Convention's procedures and mechanisms. These included:

- rules of procedure for the sessions of the Meeting of the Parties and its subsidiary bodies;
- a work programme for the Protocol covering the period up to 2014;
- a voluntary scheme of financial arrangements to fund the activities in the work programme;
- a reporting mechanism, whereby each Party is required to report to each session of the Meeting of the Parties on the activities it has undertaken to implement the Protocol;
- a compliance mechanism to address situations where a Party is or may be failing to comply with its obligations under the Protocol, with members of the public having the possibility to trigger review of a Party's compliance;
- an intersessional body to be known as the Working Group of the Parties to the Protocol, which will oversee the implementation of the work programme between sessions of the Meeting of the Parties.

The second session of the Meeting of the Parties to the Protocol is scheduled to take place in 2014.

The Protocol should not be seen as a static instrument. Once experience has been gained with the current PRTR model, it should be able to evolve over time to take account of new technical developments and in order to better serve users' needs. This is implicitly recognized in the

Protocol itself, which requires the Meeting of the Parties to keep the implementation and development of the Protocol under continuous review on the basis of regular reporting by the Parties and to promote the progressive strengthening and convergence of PRTRs. More specifically, the Meeting is required to keep under review the list of activities and pollutants and their associated thresholds, and to consider the inclusion of on-site transfers, storage and the specification of reporting requirements for diffuse sources in the Protocol.

V. Cooperating internationally to promote PRTRs

Broad international cooperation is an important element for the Protocol's implementation, including through sharing information and providing technical assistance to Parties that are developing countries or countries with economies in transition.

Such cooperation, coupled with systematic exchange of information, can contribute to the goal of achieving greater convergence between national PRTRs, so that information in the registers can be compared worldwide. National PRTRs should also make the appropriate linkages with global POPs monitoring projects being developed by the



United Nations Environment Programme (UNEP). The POPs monitoring projects funded through the UNEP Global Environment Facility will deal with the presence and reduction of POPs in the environment and in humans, and will look at the reduction of POPs emissions at the sources, in stockpiles, POPs in use and contaminated sites.

In order to enhance international cooperation in promoting the development of PRTRs, a number of international agencies are collaborating within the framework of the International PRTR Coordinating Group. The goal of the Group is to improve coordination between international organizations, Governments and other interested parties in their ongoing and planned efforts related to the development of PRTR systems. The

Coordination Group encompasses, among others, the Organization for Economic Cooperation and Development (OECD), the United Nations Environment Programme (UNEP) and the United Nations Institute for Training and Research (UNITAR), as well as UNECE, which, through the Aarhus Convention secretariat, provides the secretariat to the Group. Governments active in promoting PRTRs also participate in the Group.

The Coordinating Group provides a means to ensure coordination among international organizations and Governments for PRTR capacity-building activities and to establish synergies between activities undertaken by different stakeholders, through the sharing of information, experiences and lessons learned between its participants. The Coordinating Group also serves to promote capacity-building for PRTR systems in developing countries and countries with economies in transition.

To assist donors with the identification of capacity-building needs, the partner organizations have developed a matrix of capacity-building activities. The matrix can be found at <http://apps.unece.org/ehlm/pp/NIR/RLsearch.asp>.

Another useful information tool to emerge from the International PRTR Coordination Group is a global information portal for PRTR activities at <http://www.prtr.net>. This website provides important information on activities by countries and organizations around the world. It also provides countries with technical information on the development and improvement of PRTR programmes. PRTR.net is hosted by UNEP/GRID-Arendal in partnership with the UNECE.



VI. Further information

More information on the Protocol is available on the UNECE PRTR web pages:

<http://www.unece.org/env/pp/prtr.htm>

More information on PRTRs is available at:

<http://www.prtr.net>

This guide to the Protocol on Pollutant Release and Transfer Registers offers information to authorities, stakeholders and the general public about the Protocol, explaining its contents and providing guidance on how to follow its requirements and make use of its benefits. The guide aims to raise awareness of the Protocol in a clear and accessible way and to increase the public's knowledge and use of pollutant release and transfer registers.



Other relevant publications available online:

- The Aarhus Convention
- The Aarhus Convention Implementation Guide
- The Protocol on Pollutant Release and Transfer Registers
- Guidance on Implementation of the Protocol on Pollutant Release and Transfer Registers
- Public Participation in Making Local Environmental Decisions
- Handbook on Access to Justice under the Aarhus Convention
- Your Right to a Healthy Environment

www.unece.org/env/pp