

## PRTR Protocol

### 8<sup>th</sup> meeting of the Working Group of the Parties (WGP 8)

(Geneva / virtual, 16-18 December 2020)

#### **Proposed EEB amendments to proposal of EU and its Member States for a WGP 8 recommendation to the fourth Meeting of the Parties to the Protocol (MoPP 4) to adopt a decision on development of the PRTR Protocol**

##### *Summary*

The EEB would wish to re-iterate [its statement made at the 7<sup>th</sup> WG of the Parties \(WGP 7\)](#), we consider that a review and strengthening of the Protocol is necessary on several aspects.

The first report prepared by the Bureau (ECE/MP.PRTR/WG.1/2019/6), with its addendum provide a very good summary on the preliminary issues addressed so far that could be addressed for further development of the Protocol. The summary of the survey (PRTR/WG.1/2020/inf.1) also highlights many possible quick fix solutions on how the delivery of the PRTR can be improved. Harmonisation potentials are also highlighted in the comparative analysis (PRTR/WG.1/2019/inf.2 -6/Add1).

We have taken note of the proposal for a draft decision of the Working Group that has been put forward by the EU and its Member States. We welcome the EU's willingness and favorable position to explore the review of the Protocol and consider further improvement to its effectiveness. The development of concrete progress towards the process up to MoP-4 would be put on hold depending upon amendment proposals to be tabled pursuant to Article 20 of the Protocol (iii), the information exchange mentioned under (iv) refers to Parties only but does not foresee an information exchange with the main end user group, namely citizens (represented by its organisations).

The EU proposal does not live up to the EU Green Deal ambition that provides for a new momentum to make the EU "fit for the digital age" <https://meta.eeb.org/2020/10/22/industrial-pollution-its-time-to-enter-the-digital-age/>, which also means a go ahead for the review of the EU-PRTR <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12583-Industrial-pollution-revision-of-the-European-Pollutant-Release-and-Transfer-Register>. The 8<sup>th</sup> Environmental Action Plan Proposal also highlights the role of improved monitoring frameworks, improving availability and relevance of data, including for delivering on policy-relevant and systemic analysis and contributing to implementing policy objectives (see Article 4 [https://www.europarl.europa.eu/RegData/docs\\_autres\\_institutions/commission\\_europeenne/com/2020/0652/COM\\_COM\(2020\)0652\\_EN.pdf](https://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2020/0652/COM_COM(2020)0652_EN.pdf))

We think it is now time to speed up the revision process and move expeditiously to the stage of developing formal proposals for adoption by the Meeting of the Parties at its fourth session (MoP-4). Based on the conclusion of last year we consider that revisions to the Protocol that might be adopted at MoP-4 should not be limited to its Annexes (Annex I, II and III) only but should also address the other issues listed under the "key areas" identified in paragraph 39 (ECE/MP.PRTR/WG.1/2019/6) and building on new findings gathered by the survey.

We would therefore propose that a "reflection group", is tasked to further develop the way forward proposed by the Bureau and suggest proposals on how provisions and specific issues linked to the Protocol implementation could be remediated. The participation to that group shall be voluntary but should also comprise E.NGOs / representing the "end-user" perspective. This would include further reflections on the proposed way forward and its weaknesses as to the following items (mainly drawn

from the Annex to ECE/MP.PRTR/WG1/2019/6 and ECE/MP.PRTR/WG.1/2020/4):

- promoting actions to reduce pollution and sharing pollution prevention methods
- enabling more timely dissemination of data already subject to monitoring requirements (e.g. air pollution and water release monitoring data)
- presenting data into context (e.g. in relation to outputs of a given activity)
- methods to report on diffuse emissions (e.g. emission factors) and suggestion for product groups to prioritise
- possible harmonization of Annex I (linked to product groups) and II
- integrating consumption data (e.g. energy, water, resources) as well as re-use of materials
- centralized and electronic reporting on permit conditions applied to industrial activities so to enable comparability
- considerations relevant for Taxonomy / Green Finance reporting
- improved linking with other databases (e.g. human health, state of the environment, products/articles related and waste phase related data reporting)

**Draft Recommendation to the fourth Meeting of the Parties to the Protocol for a decision on development of the Protocol  
Submitted by the Working Group of the Parties**

*The Meeting of the Parties,*

Recalling decisions and major outcomes adopted by the Working Group at its seventh meeting<sup>1</sup>, in particular as regards Item 6,

Aware that some Parties are interested in information on possible approaches for Parties to develop PRTRs, going beyond the current requirements of the Protocol and wishing to further improve its effectiveness for various purposes, such as benchmarking and compliance promotion with best practice on pollution prevention in the light of an ambition to achieve zero-pollution.

Recalling that pursuant to Article 6(2) of the Protocol, having assessed the experience gained from the development of national pollutant release and transfer registers and the implementation of this Protocol, and taking into account relevant international processes, the Meeting of the Parties shall review the reporting requirements under this Protocol and shall consider specified issues in its further development,

Also recalling that pursuant to Article 20 of the Protocol, Parties may propose amendments to the Protocol and that such proposals are to be considered by the Meeting of the Parties,

- i) Welcomes and adopts the Report on the development of the Protocol on Pollutant Release and Transfer Registers<sup>2</sup> prepared by the Bureau;
- ii) Adopts the Report on the outcomes of the survey on the experiences in implementing the Protocol on Pollutant Release and Transfer Registers<sup>3</sup> as a reference document for Parties, with a view to informing Parties' consideration of possible options to improve the Protocol meeting its objectives;

<sup>1</sup> PRTR/WG.1/2019/Inf.7

<sup>2</sup> ECE/MP.PRTR/WG.1/2019/6 and Add.1

<sup>3</sup> ECE/MP.PRTR/WG.1/2020/4

- iii) Invites the Bureau to set up a “reflection group”, tasked to further develop the way forward proposed in the documents referred to under items i) and ii) and elaborate proposals on how provisions and specific issues linked to the Protocol implementation could be remediated. The participation in this group is open to other interested stakeholders including environmental NGOs. The reflections would encompass the following items:
  - a. proposed way forward (e.g. Annex and paragraph 39 to ECE/MP.PRTR/WG1/2019/6);
  - b. issues identified as “weaknesses” and “opportunities” from the summary report of the survey (ECE/MP.PRTR/WG.1/2020/4);
  - c. promoting actions to reduce pollution and sharing pollution prevention methods, centralized electronic reporting; comparability of permit conditions, more timely and multi-purpose dissemination of data already subject to monitoring requirements;
  - d. presenting data into context (e.g. in relation to outputs of a given activity) so to rate performance;
  - e. methods to report on diffuse emissions and suggestion for product groups to prioritise;
  - f. integrating consumption data as well as re-use of materials (circular economy);
  - g. considerations relevant for Sustainable/Green Finance related reporting;
  - h. improved linking with other databases.
- iv) In the light of the information shared, the reflection group shall, with the assistance of the Bureau, make possible recommendations and suggestions for improving the provisions of the Protocol, its effectiveness through change of implementation practice or existing reporting tools.
- v) Invites Parties to submit appropriate amendments to the Protocol pursuant to its Article 20<sup>4</sup>, in time for consideration by the Meeting of the Parties at its next regular or extraordinary session<sup>5</sup>.
- vi) Tasks the Working Group of the Parties, assisted by the Bureau, to facilitate an exchange of information between Parties on possible amendments, and to prepare draft decisions containing amendments to the Protocol proposed by Parties for consideration by the Meeting of the Parties at its next regular or extraordinary session.

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<sup>4</sup> Pursuant to Rule 31.2 of the Rules of Procedure of the MoP (ECE/MP.PRTR/2010/2/Add.1), ‘Proposals for amending the Protocol, including its annexes, shall be submitted to the secretariat at least eight months before the session at which they are proposed for adoption so that the secretariat can communicate them to the Parties in the official languages of the Meeting of the Parties at least six months before the session, in accordance with article 20 of the Protocol.’

<sup>5</sup> Decision I/1 establishing the rules of procedures provides, under rule 4(4), that ‘Extraordinary sessions of the Meeting of the Parties shall be convened at such times as may be deemed necessary by the Meeting of the Parties, or at the written request of a Party pursuant to article 17, paragraph 1, of the Protocol’