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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

Tenth meeting

Geneva, 27–28 November 2023

Item 6 (a) (iii) of the provisional agenda

Fifth session of the Meeting of the Parties to the Protocol:

substantive preparations: financial arrangements under the Protocol

Note on future financial arrangements under the Protocol on Pollutant Release and Transfer Registers

Prepared by the Bureau

Summary

At its fourth session (Geneva, 21–22 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 mandated the Bureau and the Working Group of the Parties to explore options for more predictable, stable and equitably shared funding, and requested them to make the appropriate proposals for the consideration of the Meeting of the Parties at its fifth session.^a

The present document was prepared by the Bureau pursuant to decision IV/4. It aims to facilitate the Working Group's discussion on the preparation of a draft decision on financial arrangements for the intersessional period following the fifth session of the Meeting of the Parties (scheduled for 2025). The document includes information on the approach to drafting the future decision on financial arrangements and an indicative timeline for its preparation. A suggested draft decision on future financial arrangements is contained in the annex to the present document. To facilitate the discussions, the secretariat will prepare an informal document showing revisions in track changes as compared to the decision adopted by the Meeting of the Parties at its fourth session.

The Working Group is invited to consider the present note on future financial arrangements at its tenth meeting (Geneva, 27–28 November 2023) and to mandate the Bureau to finalize it, in the light of the discussions at the meeting, for submission to and approval by the eleventh meeting of the Working Group of the Parties in 2024, with a view to its possible adoption at the fifth session of the Meeting of the Parties.



^a ECE/MP.PRTR/2021/6/Add.1, decision IV/4, para. 12

I. Introduction

1. The present note has been prepared by the Bureau on the basis of decision IV/4 on financial arrangements under the Protocol on Pollutant release and Transfer Registers (ECE/MP.PRTR/2021/6/Add.1) adopted by the meeting of the Parties at its fourth session (Geneva, 21–22 October 2021). It aims to facilitate the Working Group's discussion on the preparation of a draft decision on financial arrangements for the intersessional period following the fifth session of the Meeting of the Parties (scheduled for 2025). The note includes information on the approach to drafting the future decision on financial arrangements and an indicative timeline for its preparation. A suggested draft decision on future financial arrangement is contained in the annex to the present document.

II. Approach to the drafting of the decision on future financial arrangements

2. Considering that there is no support from the vast majority of Parties for a mandatory scheme of contributions and for introducing a scheme of assessment of contributions, it is proposed that the current financial arrangement, reflecting a voluntary scheme for contributions by Parties, be maintained, and the contents of the draft decision be updated, as appropriate.

III. Indicative timeline

3. The below indicative timeline for preparing the future decision on financial arrangements takes into consideration the need to: (a) provide Governments, non-governmental organizations (NGOs), the general public and other interested stakeholders with an appropriate time frame for consultations within their respective constituencies, organizations and networks; and (b) ensure that an advance draft of the document is ready for approval by the Working Group of the Parties at its eleventh meeting in 2024, prior to the fifth session of the Meeting of the Parties. This approach is based on previous experience and was welcomed by both Governments and stakeholders, including NGOs, which had the possibility to provide inputs and negotiate text well in advance of its formal adoption.

4. The indicative timeline is as follows:

(a) A proposal regarding the preparation of the draft decision on financial arrangements will be submitted to the Working Group of the Parties for consideration (tenth meeting, Geneva, 27–28 November 2023);

(b) The revised draft decision on financial arrangements will be prepared, taking into account the comments received at the meeting of the Working Group of the Parties, and made available online to Parties, NGOs, the general public and other interested stakeholders for comments (early 2024);

(c) Taking into account the comments received, the revised draft decision on financial arrangements will be prepared by the Bureau, made available online for comments and submitted to the Working Group of the Parties for further discussion and approval (eleventh meeting, 2024) with a view to submitting it for adoption by the Meeting of the Parties at its fifth session (scheduled for 2025).

Annex

Draft decision on financial arrangements under the Protocol on Pollutant Release and Transfer Registers

The Meeting of the Parties,

Recalling article 17, paragraph 2 (h), of 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 (Aarhus Convention), which states that the Meeting of the Parties shall consider establishing financial arrangements by consensus to facilitate the implementation of the Protocol,

Recalling also decisions I/3, II/4, III/3 and IV/4 of the Meeting of the Parties to the Protocol, establishing an interim voluntary scheme of contributions to be sustained by contributions from Parties, Signatories and other States having opted to participate in the scheme,

Recognizing the need to:

- (a) Ensure that sufficient resources are available to implement the Protocol's work programme for 2026–2029, adopted through decision IV/...,
- (b) Establish a scheme of financial contributions that is transparent and accessible to all Parties, Signatories and other States and organizations wishing to contribute,
- (c) Establish financial arrangements under the Protocol that will ensure stable and predictable sources of funding, based on the principles of an equitable sharing of the burden, accountability and sound financial management,

Believing that some organizations and non-State entities, such as charitable foundations, may be interested in contributing financially to the activities under the Protocol's work programme and should be encouraged to do so,

[Noting with regret that most of contributions are still arriving late and that the financial burden has not been evenly distributed, with several Parties and Signatories not contributing at all,]¹

Believing that the financial arrangements in place under the Protocol will need to be kept under periodic review by the Meeting of the Parties to ensure that they continue to meet the goals of stability, predictability and an equitable sharing of the burden,

1. *Decides* to continue maintaining the interim voluntary scheme of contributions as reflected in decision IV/4 of the Meeting of the Parties to the Protocol² aimed at covering the costs of activities under the work programme that are not covered by the United Nations regular budget, based on the following principles:

- (a) The Parties shall collectively ensure that the costs of the activities of the work programme that are not covered by the United Nations regular budget are covered through the financial scheme;
- (b) No Party or signatory is expected to contribute less than \$1,000 to the Protocol's work programme for a given calendar year;
- (c) Contributions shall be made in cash and shall not be earmarked for a particular activity;
- (d) Additional contributions may be made in cash or in kind, and may be earmarked for a particular activity;

¹ This paragraph is to be verified closer to the adoption of the decision.

² ECE/MP.PRTR/2021/6/Add.1.

(e) Contributions in cash shall be made through the United Nations Economic Commission for Europe trust fund for local technical cooperation (Aarhus Convention/Protocol on Pollutant Release and Transfer Registers project);

(f) Insofar as possible, and subject to the internal budgetary procedures of the Parties, contributions for a given calendar year should preferably be made by 1 October of the preceding year, so as to secure payment of staff costs for the smooth functioning of the secretariat, as a priority, and the timely and effective implementation of the priority activities of the respective programme of work;

(g) To keep administrative costs related to funds management at the minimum and, insofar as possible and subject to internal budgetary procedures of the Parties, contributions should preferably be paid net with possible charges at expense of donors, concentrated as much as possible within the intersessional period, by, for example, making multiannual or annual contributions continuously (for every calendar year) and by merging contributions for the Aarhus Convention and Protocol in one transfer, if appropriate;

(h) Parties pledge, where possible, prior to the adoption of a work programme by the Meeting of the Parties, their expected annual or multiannual financial and in-kind contributions. Signatories, other interested States and organizations may wish to indicate their expected contributions as well;

2. *Requests* Parties, to contribute each year or to make multiannual contributions towards the costs of activities under the work programme, in accordance with the scheme referred to in paragraph 1;

3. *Invites* Signatories, other interested States and public entities, as well as the private sector, in accordance with the 2015 Guidelines on a Principle-based Approach to the Cooperation between the United Nations and the Business Sector,³ to contribute, in cash or in kind, towards covering the costs of the work programme;

4. *Calls upon* countries with economies in transition to finance to the extent possible their own participation in the activities;

5. *Calls upon* international organizations working in countries with economies in transition to support participation of representatives of these countries and nongovernmental organizations in the meetings and other activities under the Protocol;

6. *Encourages* Parties that have historically contributed generously to maintain their previous levels of contribution;

7. *Also encourages* Parties that have so far not contributed, or have contributed modestly, to increase their contributions during the current and future budget cycles so as to ensure the equitable distribution of the financial responsibility for implementation of the work programme, and requests the Bureau to liaise with such Parties where appropriate concerning the achievement of this goal;

8. *Requests* the secretariat, in accordance with the financial rules of the United Nations, to allocate in the Convention trust fund by 1 October of each year the sum required for the extension of the contracts of extrabudgetary staff of the secretariat for the upcoming year, as a priority, and also the costs needed for implementation of activities in the first quarter of the upcoming year;

9. *Also requests* the secretariat, in accordance with the financial rules of the United Nations, to monitor the expenditure of the funds and to prepare annual reports for review by the Working Group of the Parties in order to ensure that the level of contributions matches the level of funding needed for the implementation of the work programme;

10. *Requests* the Working Group of the Parties to consider, in the light of these annual reports, whether changes would be required to the content or time frame of the work

³ United Nations, Global Compact, “Guidelines on a Principle-based Approach to the Cooperation between the United Nations and the Business Sector”, report, 2015 (revised). Available at www.unglobalcompact.org/library/3431 (accessed on 12 July 2023).

programme, in the event that the level of actual and/or pledged contributions does not match the level of funding needed;

11. *Requests* the secretariat to prepare a comprehensive financial report for each session of the Meeting of the Parties, including information on how much Parties and other participating States and organizations have contributed to the budget of the Protocol in cash and in kind, and on how the contributions were spent;

12. *Mandates* the Bureau and the Working Group of the Parties to explore in the next intersessional period options for more predictable, stable and equitably shared funding, and requests them to make the appropriate proposals for the consideration of the Meeting of the Parties at its sixth session;

13. *Requests* the Secretary-General to strengthen the secretariat's capacity to facilitate the implementation of the activities serviced by ECE under the Convention and its Protocol, in view of the lack of resources identified through the evaluation carried out in the period 2022–2023;⁴

14. *Agrees* to review the operation of the scheme of financial arrangements at the sixth session of the Meeting of the Parties.

⁴ This paragraph was updated with information regarding recent evaluation: see Self-evaluation of the activities serviced by ECE under the Convention and its Protocol in 2018–2021, available at https://unece.org/evaluation-reports#accordion_2.