



**Economic and Social
Council**

Distr.
GENERAL

CEP/WG.5/AC.2/2001/5
17 July 2001

ORIGINAL: ENGLISH

**ECONOMIC COMMISSION FOR EUROPE
COMMITTEE ON ENVIRONMENTAL POLICY**

Meeting of the Signatories to the
Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters

Working Group on Pollutant Release and Transfer Registers
(Second meeting, Geneva, 5-6 July 2001)

**REPORT ON THE SECOND MEETING OF THE WORKING GROUP
ON POLLUTANT RELEASE AND TRANSFER REGISTERS**

1. The second meeting of the working group was held in Geneva from 5 to 6 July 2001.
2. The meeting was attended by delegations from the Governments of Armenia, Austria, Azerbaijan, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Georgia, Germany, Hungary, Italy, Latvia, Luxembourg, Mexico, Netherlands, Norway, Poland, Russian Federation, Slovakia, Slovenia, Sweden, Switzerland, United Kingdom, United States of America, Uzbekistan and the Federal Republic of Yugoslavia.
3. The Secretariat of the International Forum for Chemical Safety (IFCS) and United Nations Environment Programme (UNEP) were represented.

This document has not been formally edited.
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4. The European Community and the Organization for Economic Cooperation and Development (OECD) were also represented as well as the following organizations: the Regional Environmental Center for Central and Eastern Europe (REC); European Chemical Industry Council (CEFIC); European ECO Forum; Interactive Health Ecology Access Links (IHEAL); and the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF).

5. The provisional agenda for the meeting (CEP/WG.5/AC.2/2001/4) was adopted. It was agreed to structure the discussion under agenda items 2 and 3 in accordance with the procedure laid out in a note from the Chairman, which had been circulated in advance of the meeting.

6. The Director of the Environment and Human Settlements Division, Mr. K. Bärlund, commented on the constructive progress made in the Technical Group in support of the work of the Working Group and informed the meeting of a generous offer from the ECE Economic Analysis Division to provide the necessary expertise to carry out a cost-benefit analysis of pollutant release and transfer registers (PRTRs).

7. The delegation of Belgium, in its capacity as President of the Council of the European Union, made a statement on behalf of the member states of the European Community, which had been represented at the Technical Group meeting. The statement is included in annex II to this report.

8. The representative from the IFCS Secretariat presented some of the organization's material to the Working Group and offered to make copies available to the delegates.

Report from the technical group

9. The Technical Group was established at the first meeting of the Working Group (28 February- 2 March 2001). The Chairperson of the Technical Group, Mr. G. van Grootveld, presented the report of the first meeting of the Technical Group, which had taken place 2-4 July 2001. The group had discussed document CEP/WG.5/AC.2/2001/7, in particular paragraphs 1-24 concerning substances and thresholds, activities and transfers and the related annexes.

10. The discussions had resulted in preliminary conclusions contained in six informal reports:

- Report on substances and thresholds
- Prioritization of substances
- Report on activities
- Note on manufacturing (not discussed)
- Prioritization of activities
- Report on transfers

11. The preliminary conclusions are contained in annex I. It was agreed that these should serve as the starting point for discussions of the Working Group at its third meeting together with a note from the Chair of the Technical Group. However, it was noted that the preliminary

conclusions should be seen as a reflection of 'work in progress' rather than definitive conclusions or recommendations. Not all of the thoughts and ideas expressed enjoyed consensus among the experts present in the group. Nonetheless, the conclusions contained some preliminary indications as to which issues were generally agreed upon; which needed further work but were not particularly controversial; and which were significantly controversial and likely to be more difficult to resolve.

12. The technical group was invited to present the Working Group with an agreed report following its next meeting.

Form of instrument and final provisions

13. The secretariat presented the main elements of document CEP/WG.5/AC.2/2001/6, 'Elements for final provisions of a draft instrument on pollutant release and transfer registers', which had been prepared based on a protocol model as requested by the Working Group at its first meeting. It was agreed that the discussion on this topic should focus only on major issues, notably the question of the form of the instrument, whether the instrument should be open to non-Parties to the Convention and/or non-ECE countries, and whether it should have its own Meeting of the Parties or be serviced by the Meeting of the Parties to the Convention.

14. Regarding the form of the instrument, many delegations were in favour of the instrument taking the form of a protocol to the Convention and none were opposed to it. Two delegations could accept the instrument taking the form either of a protocol or of an annex, and one delegation reserved its position.

15. There was also general support and no opposition to the notion that the protocol should be open to accession by non-ECE countries and by non-Parties to the Convention.

16. It was consequently agreed to recommend to the Committee on Environmental Policy that the instrument be drafted as a protocol, open to accession by non-ECE countries and by non-Parties to the Convention, while noting that at least one country had yet to confirm its position on the matter.

17. During a short discussion, several delegations emphasized the importance of cost-saving in the organizational arrangements for servicing the instrument, and consequently welcomed the approach set out in document CEP/WG.5/AC.2/2001/6 whereby the Meeting of the Parties to the Convention would serve as the Meeting of the Parties to the instrument. It was proposed that meetings under the instrument should be held back-to-back with meetings under the Convention where possible.

18. One delegation cited a possible disadvantage in placing the instrument under the authority of the Meeting of the Parties to the Convention, which might have a different set of Parties, namely the risk that the instrument might be perceived as being too closely linked to the Convention and that this might deter some non-ECE countries or non-Parties to the Convention from becoming Parties to the instrument. Notwithstanding this, several delegations stressed the importance of linking the instrument closely with the Convention.

19. It was noted that the proposal that the Meeting of the Parties to the Convention serve as the Meeting of the Parties to the instrument as set out in document CEP/WG.5/AC.2/2001/6 would have implications for the rules of procedure of the Meeting of the Parties to the Convention. The Chairperson of the Aarhus Convention Working Group on Compliance and Rules of Procedure (Mr. A. McGlone, UK) agreed to ensure that that Working Group would be duly informed so that appropriate co-ordination could take place.

Discussion of document CEP/WG.5/AC.2/2001/3

20. Following the procedure set out in the Chairman's informal note, the Working Group started to discuss the document 'Elements for a draft instrument on pollutant release and transfer registers' (CEP/WG.5/AC.2/2001/3) from the beginning of the document.

Preamble

21. The written comments of the United Kingdom relating to the preamble were briefly presented, most notably the proposal to include a new recital on the need to take account of risks, costs and benefits.

22. Several delegations felt that the generally agreed features of PRTRs, such as substance-specificity, integrated reporting on a periodic basis, the multi-media approach and the accessibility of information to the public, should be listed in a new recital in the preamble. Those delegations were invited to draft some text for a preambular paragraph for the Working Group to consider at its next meeting.

23. It was proposed that the paragraph referring to the Intergovernmental Forum on Chemical Safety (IFCS) should make explicit specific reference to the declaration of the Third Session of the Forum (the Bahia Declaration from Forum III), and that more emphasis be given to the benefits of PRTRs.

Article 1: Objective

24. The Working Group then went on to discuss the first article of the instrument on the objective of the instrument. Several delegations felt that it was very important to guide the future negotiations with a clearly worded objective that would cover all the different steps of the instrument.

25. There was general agreement that the rights of the public should be at the very forefront of the instrument and that both the right to know and the right to participate should be given more emphasis in the objective. Pollution prevention and control would be a second but nonetheless important objective of the instrument. In its written comments, the UK delegation had made a proposal for rewording the text which reflected these priorities, and this was welcomed by the Working Group as the basis for further discussions.

26. It was generally agreed that PRTRs 'contribute to' or 'stimulate' pollution prevention and reduction rather than directly preventing or reducing pollution, and it was proposed to change the wording accordingly.

27. Some delegations preferred to see the key principles of PRTRs, as agreed at Forum III, reflected not just in the detailed provisions of the instrument but also in the objective. Others felt that this would be redundant, but it was agreed that textual proposals in this direction should be developed with the assistance of the secretariat.

28. It was proposed that, in view of the Rio Declaration and Agenda 21, the objective should enshrine the public right to have access to information about hazardous materials and activities. Some delegations found it premature to agree on any language concerning water, energy and resource use or about transfers within and between facilities as long as the Working Group had not agreed on those elements. However, it was also argued that article 1 should contain the overall objective of the instrument and should therefore include elements from the later steps even if these would not have immediate effect.

Article 2: Definitions

29. The Working Group discussed the definitions contained in article 2 of the draft elements. Some delegations felt that some refinement was needed or that they were too broad in their current wording.

30. Two delegations felt that the definition of 'pollutant' should refer to the relevant annexes on pollutants, and that by doing so, this would avoid the need for a more qualitative or descriptive definition of pollutant; or alternatively, a reference to the appropriate annexes could be added to the existing definition. A similar point was made with respect to the definition of 'facilities', in which it was proposed to include a cross-reference to the activities listed in the relevant annex. Other delegations argued that the appropriate place to circumscribe the range of pollutants and facilities covered by the obligations of the instrument was in the later articles establishing those obligations, and it was suggested that to do otherwise could create problems of logic purely from a drafting point of view. It was proposed that the definition of 'pollutant' should be broad enough to embrace issues of public concern such as radiation and noise.

31. Several delegations considered that it was essential to define both facilities and pollutants for the sake of transparency. Concerning pollutants, one delegation suggested to use already established definitions, such as those developed by the International Union of Pure and Applied Chemistry Glossary (IUPAC) and the World Health Organization (WHO). For example, the IUPAC definition of 'chemical species' could be used instead of defining 'pollutant'. Others stated that that would not solve the problem.

32. The Working Group agreed that the definitions of 'transfer' and 'diffuse sources' should be dealt with by the technical group taking into account the input from the expert groups being established to deal with those two subjects (see paragraph 42 below). Some delegations had already submitted their proposals for definitions of 'transfers' in their written comments. The

concept of 'potential pollutants' in the context of storage and transfers was considered to be relevant and useful by some delegations, as the substances might not be primarily considered as pollutants in their normal usage in these contexts.

33. There was no discussion on the definitions in paragraphs 1, 2, 3, 5, 7 and 10. The secretariat clarified that the primary relevance of paragraph 10 would be for regional economic integration organizations.

Article 3: General provisions

34. The Working Group only discussed paragraphs 1 to 3. No delegations commented on paragraph 1.

35. Paragraph 2 was seen as containing several rather different elements. The question as to whether the instrument should refer to a single register for each Party, or should allow for the possibility that several registers might jointly serve the same function, was raised. It was proposed either to include an interpretative footnote covering the latter interpretation or to refer to 'register or registers'. There was general agreement that it should be possible to comply with the requirements of the instrument through several registers dealing for example with different environmental media, though it was emphasized that these should be linked in a coherent and integrated manner. It was noted that having multiple registers could mean quite different things, according to whether the separate registers were dealing with releases to one or other environmental medium, with releases and transfers as distinct from water, energy and resource use, or with different geographical sub-regions within a country. Subject to the need for further clarification on this issue, the first sentence of paragraph 1 was considered acceptable.

36. The reference to workers in the second sentence was controversial. Several delegations wanted the entire sentence deleted, believing that workers were already covered as members of the public and that the instrument should not single them out for special treatment. Others were in favour of keeping the sentence, on the basis that workers could be in the front line of exposure to toxic substances subject to PRTR reporting and could play a key role in working with management to prevent and reduce releases and transfers using PRTR data.

37. Some delegations stated that paragraph 2 had a more or less recommendatory character and that it should therefore be put in a guidance document on the legally binding instrument.

38. There was general agreement on the importance of paragraph 3, to establish that the instrument established only a 'floor' and not a 'ceiling'. Some delegations were in favour of refining or elaborating upon the terms 'more extensive' and 'more public accessible', whereas others preferred to leave them unchanged.

Future process

39. The Meeting discussed the future process, including forthcoming meetings. The Chair, having consulted with the secretariat concerning the availability of meeting rooms and

interpreters, proposed the following meeting schedule:

7-9 November 2001	Technical Group (English only)
3-7 December 2001	Working Group (third session)
25-28 March 2002	Working Group (fourth session)
24-27 June 2002	Working Group (fifth session)
16-20 September 2002	Working Group (sixth session, venue unconfirmed)
25-29 November 2002	Working Group (seventh session)

Sessions of the Technical Group would be scheduled as necessary, either taking place within the dates provisionally scheduled for the Working Group meetings or separately.

40. Several delegations felt that the proposed meeting schedule was too intensive, and in particular, were not in favour of holding the next meeting of the Technical Group as a stand-alone meeting in advance of the third meeting of the Working Group. Consequently, it was agreed to hold the next Technical Group meeting during the week of 3 to 7 December 2001, back-to-back with the third session of the Working Group. Regarding the schedule for 2002, the secretariat pointed out that this was less intensive than the schedule for the preparation of the Aarhus Convention had been and that it would be easier to cancel reservations if meetings were not needed than to try to make new reservations at short notice.

41. It was agreed that the technical group would meet on 3-4 December 2001 to discuss primarily the issues of reporting on substances (especially thresholds), activities (including the US-led proposal to include a section on manufacturing industries), transfers (definitions, wastes per se versus substances in waste), diffuse sources and possibly the issue of validation.

42. It was agreed that the Working Group would hold its third meeting on 5-7 December 2001, where it would continue to discuss documents CEP/WG.5/AC.2/2001/3, CEP/WG.5/AC.2/2001/6 and CEP/WG.5/AC.2/2001/7 with a view to completing a full round of comments on all three documents. Following this, a complete new draft text of the instrument would be prepared in due time for discussion at the fourth session of the Working Group.

43. Both meetings would take place in Geneva, with interpretation into the official ECE languages provided.

44. For the intersessional period, three small expert groups would prepare proposals for the Working Group and/or Technical Group to consider, on the topics of transfers (led by the United States, supported by Czech Republic, Germany, Sweden and European ECO Forum), diffuse sources (led by the Netherlands, with support from Germany, United Kingdom, CEFIC, European ECO Forum and IUF) and principles of PRTR (an open-ended group to be led by the United States) respectively. The proposals would be submitted to the Secretariat to be circulated to delegates well in advance of the next meeting and preferably sufficiently in advance of the commenting deadline referred to in the following paragraph, to allow for thorough consideration to be given to them and for written comments on them to be submitted and circulated.

45. Delegations, separately or in combination, were invited to submit written comments on the three documents prepared by the secretariat (documents CEP/WG.5/AC.2/2001/3, CEP/WG.5/AC.2/2001/6 and CEP/WG.5/AC.2/2001/7) before the end of October 2001. The secretariat would then organize the comments in a matrix, corresponding to the relevant paragraphs of the official documents, and circulate this in advance of the next Working Group meeting to facilitate the negotiations. Comments would only be circulated in the language in which they were submitted.

46. Some delegations felt that it was important to have a list of core elements for a PRTR agreed by the Working Group circulated in advance of the third meeting of the Working Group and requested the secretariat to prepare such a list. The Chair pointed out that some such core elements were already identifiable from the report of the first meeting (CEP/WG.5/AC.2/2001/2, notably paragraph 15) and that beyond this, it would be difficult to attribute a firm position on this question to the Working Group. However, he encouraged delegations to address this issue in their written comments.

Cost benefit analysis

47. The secretariat introduced its proposal to carry out a cost-benefit analysis of PRTRs. An expert from the UNECE Division on Economic Analysis had been made available to carry out the study over the summer with a view to having a document ready by mid-September and available in the three official languages at the third meeting of the Working Group. The interim terms of reference for the analysis were circulated.

48. The Working Group welcomed the initiative by the secretariat and the terms of reference, but most delegations preferred to see a study focused on costs only rather than costs and benefits. Some delegations, however, considered it to be important to also cover the benefits, especially to assist countries with no experience of PRTRs in getting a clear picture of the benefits of such systems.

49. It was agreed that the study should primarily focus on the costs aspects but should include qualitative information on benefits where readily available and appropriate. If necessary, additional information on benefits (e.g. quantitative information) could be included in a separate paper. Several delegations emphasized the importance of differentiating between the costs linked to the establishment of a PRTR and to the running of the system. Also, it was recommended that costs related to the expansion of an existing PRTR system should be analyzed.

50. On the basis of the discussions, the secretariat undertook to revise the terms of reference for the study. In the very near future, the expert carrying out the study would write a letter to focal points and members of the Working Group requesting information relevant to the study. The revised terms of reference would be attached to the letter. A draft of the analysis would be available for review in early September.

Any other business

51. It was agreed that work should start on the preparation of a draft decision on PRTRs for the first Meeting of the Parties. The draft decision would effectively mandate the continuation, under the authority of the Meeting of the Parties, of the work undertaken by the Working Group under the authority of the Committee on Environmental Policy. At the request of the Chair, Mr A. McGlone (UK) agreed to prepare a draft text, which would be submitted to the secretariat in time to be made available in the three official languages for discussion at the preparatory meeting for the first meeting of the Parties (28-30 November 2001). It was considered not necessary for the Working Group to be involved in preparing the draft decision.

Closing of meeting

52. The secretariat was requested to finalize the report in consultation with the Chairperson.

53. The Chairperson thanked the participants for their efforts, the interpreters for their high-quality interpretation and the secretariat for its preparations and assistance during the meeting, and closed the meeting.

Annex I

Interim conclusions from the technical group

PART I: SUBSTANCES

Introduction about the background of the papers prepared by the secretariat.

Main paper is CEP/WG.5/AC.2/2001/7. Substance list based on international obligations and national programs. Two parts – mandatory, voluntary.

1. Summary of the general comments on substances

- Pragmatic approach needed
- Substances should be related to activities and/or products
- Communication government/industry necessary
- EPER list good starting point
- Periodic revision necessary
- Three lists mandatory, recommendatory, national
- Start with small lists
- Pesticides only if agriculture is present, or for possible accidents
- Voluntary list only helpful assistance

1.2 Criteria for selection of substances

- List should be explanatory, improving transparency.
- Some participants felt that the list should be incorporated in a guideline or background document, not in a legal document; others felt it should be part of the instrument.
- Effort should be made to group the criteria, for instance, ecotoxicology, bioaccumulation, human toxicity, physical or chemical properties, etc.
- A combination of such criteria might be used in selection of substances.
- Many groups of scientists are already working on the subject, criteria themselves are the same.
- Background document should explain the reasons for selection.
- Criteria will be developing in the coming years.

1.3 Substances Selected

1.3.1 General Comments

- EPER list should be starting point.
- Substances from OSPAR are not yet finalised.
- Criteria from water framework directive (WFD) are different.
- WFD substances only included in entirety if diffuse sources are covered.

- Pesticides from point sources or from accidents.
- Accidents in general not a practical criterion.
- Grouping of substances in pesticide sector useful.
- Possible additions according to international obligations or which are the subject of particular public concern.

2. Comparison with existing lists

2.1 EPER list

- General agreement to use as a starting point for mandatory list.

2.2 Montreal list

- Inclusion in general accepted.
- Sometimes data are not available on individual enterprise level.

2.3 ECE – POP list

- Present in EPER except pesticides and PCB.
- PCB should be added (relevance different in different countries).
- Discussion about relevance of including pesticides if agriculture is not on activity list.
- Pesticides are also present in stockpiles.

2.4 Basel Convention

- Discussion about asbestos, Se, Be, Cr (VI). In any case, can be on national lists.

2.5 ECE-HM list

- Selenium on national list, rest in EPER.

2.6 ECE-Gothenberg

- All substances are in EPER.

2.7 OSPAR

- Criteria for inclusion are sometimes different.
- Discussion about list not finished, list should be “observation list” for reconsideration at a later stage in the negotiations.

2.8 EU Priority lists

2.8.1 Water Framework

- List almost finalized.
- Substances all in EPER except 12 pesticides (see 2.3) (diffuse sources).

2.8.2 Endocrine disruptors

- Proposed list still under consideration.
- Great public concern.
- In any case on “observation list”.
- Incorporation in national lists.

2.9 PIC list

- List contains some duplication.
- More information necessary.

2.10 IARC Group 1

- Substances of proven carcinogenicity.
- Relation with WHO important.
- Partly in EPER – partly banned.
- In any case on national lists.
- Discussion about inclusion in mandatory list.

3. Thresholds

- Proposal from the Chair to add columns for use-based thresholds and for off-site thresholds accepted.
- In the first step EPER and Aarhus should be compatible (so release based thresholds should be kept in). And compatible with other global agreements.
- National databases may lower their threshold values depending on local situation.
- Substance-specific thresholds based on manufacturing (including creation of by-products) processing, and use, are used in the North American and Japanese PRTRs.
- A delegation commented that activity-based thresholds do not capture emissions for certain substances such as PAHs and dioxins. A delegation with an operating PRTR

stated that this is a viable mechanism for capturing this information.

- Combination of activity and emission thresholds should be advised.
- Discussion about using same thresholds for different environmental media.
- For transfers, Basel Convention thresholds useful for waste.
- Discussion about use: either use or emission, or a combination.
- Offer by Germany to provide thresholds for off-site transfer of waste (for total waste and for hazardous waste).
- Some participants felt that there should be transfer thresholds for individual substances.
- Some participants considered some of the thresholds in annex III to be controversially high.
- Germany stated that even in EPER (Annex A3), activity-based thresholds are defined in the identification of the activities.

4. Substances to be included in the mandatory list of the PRTR instrument

According to the views expressed in the Technical Group, the substances have been divided into three categories:

- There was consensus that substances on the lists in category I should be included.
- A majority of delegations favoured the inclusion of the remaining substances on the lists mentioned in category II.
- A minority of delegations favoured the inclusion of the remaining substances on the lists in category III (i.e. a majority of those who spoke favoured the exclusion).

Category I

- EPER (1-13, 17, 19, 20, 22-26, 38, 43, 44, 50, 52, 53, 54, 60, 62, 67-70, 73, 74, 80, 84, 92, 103, 107, 108, 117, 119, 121, 122, 125-129)
- Kyoto
- Montreal (14, 15, 16)
- ECE Gothenburg
- EU list of priority substances in the field of water policy (depending upon whether the issues of diffuse sources/pesticides are to be covered) (29, 31, 37, 40, 46, 47, 55, 65, 79, 91, 97, 101, 104, 118)
- ECE POPs (non-pesticides) (63)

Category II

- ECE POPs (pesticides) (30, 34, 35, 41, 46, 49, 51, 58, 63, 75, 95)
- ECE HM (27)

Category III

- Basel, Annex I (18, 21, 124)
- OSPAR (45, 48, 57, 63, 85, 86, 89, 90, 91, 96, 100, 106, 111, 113, 114, 115).
- PIC (33, 36, 39, 64, 83, 87, 88, 94, 123)
- IARC, Group I (18, 21, 32, 59, 66, 77, 78, 81, 93, 102, 124, 130)
- EU list of high priority substances for further evaluation of their role in endocrine disruption (28, 29, 42, 76, 82, 98, 99, 105, 106, 109, 110, 116)

Not discussed

71, 72, 131

PART II: ACTIVITIES

Annex V of document CEP/WG.5/AC.2/2001/7 presents a list of activities for facility reporting, developed from annex 1 of Aarhus Convention with additions proposed in the commenting procedure and by the secretariat and considering point sources. The Chair proposed a two-step approach:

1. General discussion over the list
2. Discussion for each of the 11 groups of activities proposed.

1. General Discussion

Several European delegations (Austria, Belgium, Bulgaria, Denmark, France, Germany, Luxembourg, Poland, Sweden and Switzerland) and CEFIC proposed to start with the annex 1 IPPC European Directive list, that is used for EPER and to consider also in a first step municipal waste water treatment plants.

IHEAL and ECO FORUM emphasized the importance of paragraph 11 of the list which covers activities releasing or transferring substances over specific thresholds. The Netherlands proposed to include diffuse sources having regard to the importance of pesticides. Czech Republic emphasized the importance to keep an open system with simple thresholds based on substance production/use.

The Chair proposed then to have a discussion over diffuse sources. Conclusions are that some delegations believe that it will be possible to consider diffuse sources in a second phase later, due to technical problems concerning estimation methods. NL and UK supported by CEFIC and the European ECO FORUM, will produce a note (to be translated into French and Russian) in advance of the next WG meeting concerning this issue and propose to organize an expert group on diffuse sources.

2. Discussion by group of activities

Considering the general remarks made by European delegations before (IPPC, Annex I as basis and extension to other activities in a second phase) and a general support from ECOFORUM, IHEAL, REC to the proposed annex V list, conclusions were so:

2.1. Energy Sector:

-debate concerning inclusion of nuclear power station and installations not yet concluded (Austria, Bulgaria, United Kingdom and ECOFORUM for; Germany and Switzerland against immediate reporting)

2.2. Production and processing of metals:

-general agreement

2.3 Mineral industry:

- US, REC, IHEAL, ECOFORUM for underground mining. Related operations need clarification.
- Further discussion for production thresholds concerning quarries.

2.4. Chemical Industry

- General agreement except for point 4g needing further discussions

2.5. Extraction, transport and storage of petroleum, gas, oils and chemicals

- Need further discussions, especially concerning 5(c)
- Chemical products might need separating out, and with lower threshold (cf. TEIA Convention, annex I)

2.6. Waste management

- Several delegations argued for also considering transfers
- Further discussions concerning definitions and threshold capacities for municipal waste water treatment plants, including untreated waste water discharges.
- Further discussions needed on the addition of 'municipal'.

2.7. Paper and Wood

- General agreement with request from SWEDEN and ECOFORUM to add threshold to 7c

2.8. Agriculture and aquaculture

- Needs further discussions concerning definition of intensive rearing and considering pesticides uses for all agriculture installation (see expert group on diffuse sources)
- Threshold for 8b needs to be fixed (Norway proposed 2000 tons of aqua culture produce per year)

2.9. Animal and vegetable products from food and beverage sector

- Breweries might not be appropriately covered. Language could be amended to state more clearly which sectors are covered.

2.10. Other activities

- Needs further discussions concerning reasons to consider those activities in relationship with list of substances and more specific references to manufacturing industry. Some delegations supported the inclusion of manufacturing industries which are not already in the list and to separate them out in a separate section of the list. USA agreed to lead a small group to prepare a proposal on this.

2.11.

- Needs further discussions. Some delegations felt this paragraph was important and were in favour of keeping it. Others felt that it was not needed and preferred to rely on an explicit list of activities.

- Some delegations proposed a formal procedure to review the list of activities.

3. Manufacturing Sector*

The following portions of the manufacturing sector do not appear to be included in annex V of document CEP/WG.5/AC.2/2001/7:

- (27)¹ Printing
- (30)¹ Rubber and miscellaneous plastics products
 - This includes the manufacture of plastic and rubber items.
- (35)¹ Industrial and commercial machinery and computer equipment
 - This includes the manufacture of turbines, process equipment, machine tools, etc.
- (36)¹ Electronic and other electrical equipment and components, except computer equipment:
 - This includes the manufacture of motors and generators, household electrical equipment, batteries, printed circuit boards, capacitors, resistors, etc
- (37)¹ Transportation Equipment:
 - This includes the manufacture of motor vehicles, aircraft, railroad equipment² etc.
- (38)¹ Measuring, analysing and controlling instruments; photographic, medical and optical goods:

¹ These numbers represent Standard Industrial Classification Codes

² Certain cleaning, coating, and painting operations, as well as ship-building are already listed in annex V

* This section was not discussed by the Technical Group.

4. Activities to be included in the list of the PRTR instrument

A majority of delegations made the general statement that they would only support the inclusion of those activities listed in annex V of document CEP/WG.5/AC.2/2001/7 which are also included in the European Pollution Emission Register, Annex A3, with the sole addition being municipal waste water treatment plants. Some of these added that they would not repeat this position under the discussion of each of the sectors in annex V. These activities have been included in Category I.

Category II contains those activities the inclusion of which the delegations participating in the discussions supported or did not oppose. Given the opening statements referred to in the previous paragraph, it should be noted that this does not imply that a majority of the technical group were in favour of their inclusion, though it might be an indication that they were less controversial than the issues in category III.

Category III contains those activities the inclusion of which some delegations spoke in favour of and others spoke against.

Category I

1. Energy sector (a-d)
2. Production and processing of metals (a-f)
3. Mineral industry (b-f)
4. Chemical industry (a-f)
6. Waste management (a-d, f, g)
7. Paper and wood production and processing (a,b)
8. Agriculture and aquaculture (a, i-iii)
9. Animal and vegetable products from the food and beverage sector (a-c)

Category II

1. Energy sector (e)
3. Mineral industry (a, g)
6. Waste management (e)
7. Paper and wood production and processing (c)
8. Agriculture and aquaculture (b)
9. Animal and vegetable products from the food and beverage sector (b)
10. Other activities (a-c, i-j)

Category III

1. Energy sector (f-h)
4. Chemical industry (g)
5. Extraction, transport and storage of petroleum, gas, oil and chemicals (a-c)
8. Agriculture and aquaculture (a, iv)
10. Other activities (d, k-o)
11. Activities the releases from which consistently exceed pollutant thresholds.

PART 3: TRANSFERS

The discussion on transfer was based on the Document CEP/WG.5/AC.2/2001/7, chapter “Transfers”, in particular paragraph 24, which addressed several questions to be considered.

The main topics that were discussed were:

Definitions

There is a need to come up with clear definitions of a number of topics such as transfer, waste, recovery, use/reuse etc.

Off-site transfer

The majority of the interventions recommended that only off-site transfer should be included in the Aarhus-PRTR in the first step

On-site transfers

Some delegates proposed that industrial facilities operating Environmental Management Systems (EMS) should include the on-site transfers in their systems on a voluntary basis during and that countries should include on-site transfer as an option.

Fate of chemicals

The two principal approaches, waste categorisation and chemical/substance, were discussed. The fate of a substance/chemical is possible to track with the chemical approach. This is only possible in an indirect way with the waste categorisation approach. The interventions did not give a clear recommendation which approach to apply. An expert group is proposed to elaborate the issue.

Combination of waste categorisation and chemical approach

The use of one of the approaches does not exclude elements from the other approach and a proposal was made to elaborate the combination of the two approaches for the Aarhus-PRTR. The value of a stepwise approach was reiterated.

Storage and risk information

Three delegations stated that the information on storage of waste/chemicals has proven to be of vital interest for the public/community and of great interest to actions by fire and health authorities. Some delegations were in favour of inclusion (bearing in mind a risk based approach) whereas others were opposed to its inclusion. The group did not come up with a recommendation on the subject.

Dilemma of off-site versus on-site transfers

The fact that big industrial facilities with the possibility to treat waste/chemicals on-site will not report within a PRTR with only off-site transfers was highlighted.

Future steps

The possibility to include the fate of chemicals at a future developing step of the Aarhus-PRTR was raised. The inclusion of on-site transfers found general support for the second developing stage of the Aarhus-PRTR.

Support

The support from countries with operating PRTRs on the experience with transfers (both off and on-site transfers) was requested. The request was responded positively by other delegations.

Basel Convention

A number of interventions were made to focus on the work under the Basel-convention to avoid duplication of work in the setting up of the Aarhus-PRTR.

Annex II

Statement by Belgium in its capacity of EU Presidency

Working Group on PRTRs – EU Countries' general response to Discussion on CEP/WG.5/AC.2/2001/3 and CEP/WG.5/AC.2/2001/7.

At the beginning of the Working Group, Belgium wishes to make the following statement on behalf of the EU countries represented at the meeting of the Technical Group (Austria, Belgium, Denmark, France, Italy, Luxembourg, the Netherlands, Germany, Sweden and the United Kingdom).

The EU can agree with the following issues :

1. The mandatory substance list should be based on an extended EPER list, but should contain much fewer substances than the list in annex III of document /7. The list should be finally reviewed again shortly before signature of the Instrument.
2. There is a need to differentiate clearly between substances which are being included in lists for air and water – relevant thresholds may be different for the different media.
3. Reporting of transfers in Step 1 should be limited to off-site waste (Basel Convention and relevant EU Directives on Waste) and indirect discharges to water via municipal sewerage systems. Introduction of some substance-specific reporting of transfers of appropriate substances might also be included following further discussions.
4. There is a need to achieve a balance between the workload which PRTRs impose on authorities and operators of facilities on the one hand with the utility for the public of the data collected on the other hand.
5. The step-by-step approach is crucial to successful implementation and reaching of the balance referred to in (4). Although indications of Step 2 actions can be provided now, none of these should be held to be binding until a review of the operation of Step 1 has been undertaken. Activities on preparing further steps can commence earlier particularly in the light of first reports from EPER.

Furthermore, the EU countries represented at this meeting are strongly in favour of the following points:

1. The Secretariat should make available a document listing the agreed core elements in advance of the December meeting of the Working Group.
2. There is no need to include the criteria for substance selection as part of the legally binding instrument. They should be provided as guidance to the parties. The parties should provide a transparent explanation as to why each substance appears on the list.
3. References to the articles of the Aarhus Convention should be made whenever applicable for the purposes of the PRTR Instrument (eg Access to Justice).
4. There is a need for an independent party to carry out some cost analysis of the proposed

activities which will be necessary to implement PRTRs.

5. The annex IV list of substances (the “Voluntary” list) should be incorporated into a guidance document and not included in the legally binding instrument. Parties are free to add substances for local purposes as required by local circumstances.

6. For Step 1, activities required to report should be focussed on those covered by the EU IPPC Directive plus municipal waste water treatment plants. Other activities could be added if these are expected to be substantial sources of the substances on the mandatory list.

