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**ECONOMIC COMMISSION FOR EUROPE**

Meeting of the Parties 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

**REPORT ON THE FIRST SESSION**

1. The first meeting of the Working Group on Pollutant Release and Transfer Registers (PRTRs) established by the Meeting of the Parties was held in Geneva on 25-29 November 2002.
2. The meeting was attended by delegations from the Governments of Armenia, Austria, Belarus, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom, United States of America and Yugoslavia.
3. The Commission of the European Communities was represented.
4. The United Nations Environment Programme (UNEP) was represented.
5. The Organization for Economic Co-operation and Development (OECD) was also represented.
6. The following non-governmental and regional organizations were represented: Eco-Accord; European ECO Forum; GLOBE Europe; Land and Mercantile Registries (Spain) and the Regional Environmental Center for Central and Eastern Europe (REC).
7. The Chairperson of the Working Group on Pollutant Release and Transfer Registers established by the Committee on Environmental Policy, Mr. Karel Blaha (Czech Republic), welcomed participants and opened the meeting. He explained that the Parties to the Aarhus Convention at their first meeting had decided to formally replace that Working Group by a new open-ended, ad hoc subsidiary body, also to be called the Working Group on Pollutant Release

and Transfer Registers (Decision I/2). According to that decision, the Working Group was charged with the task of preparing a draft protocol on pollutant release and transfer registers and to complete its work in time for the Protocol to be adopted and opened for signature at the Kiev Ministerial Conference "Environment for Europe", Kiev, May, 2003.

### **I. ELECTION OF OFFICERS**

8. The Meeting of the Parties having accepted the offer of the Czech Republic to chair the Working Group, Mr. Karel Blaha took his place as its Chairman. The Working Group elected Mr. Geert van Grootveld (Netherlands) as Vice-chair. Finally, it was agreed that Mr. Maas Goote (Netherlands) should be invited to chair the informal drafting group should it need to meet again.

### **II. ADOPTION OF THE AGENDA**

9. The provisional agenda as set out in document MP/PP/AC.1/2002/1 was adopted with the understanding that the Working Group would address the issue of future process under agenda item 5 (any other business).

### **III. REPORT ON THE ACTIVITIES OF THE WORKING GROUP ON PRTRS ESTABLISHED BY THE COMMITTEE ON ENVIRONMENTAL POLICY**

10. The Chairman reported on the activities of the Task Force and the Working Group established by Committee on Environmental Policy.

11. A progress report on the Virtual Classroom was presented by Mr. Geert Van Grootveld (Netherlands), Mr. Pieter van der Most (Netherlands) and Mr. Ondrej Velek (Czech Republic).

12. A workshop had taken place on 24 November 2002 to discuss the strategy and the more operational aspects of the further development of the Virtual Classroom. Some fifteen representatives of the PRTR Working Group had taken part in the workshop.

13. The primary *objective* of the Virtual Classroom was considered to be exchange of information in small issue groups; secondary objectives would be to provide technical input into the preparation of amendments and new issues and to meet national needs for assistance in the development of national PRTR systems.

14. The most important *target groups* of the Virtual Classroom would be national and regional authorities. The languages in which the Classroom would operate would be crucial for the success and the effectiveness of the Virtual Classroom, Russian, Spanish and English being considered the most important languages.

15. With respect to the *ownership* of the Virtual Classroom, there were at least four international organizations which could undertake this task:

(a) OECD, which already had a mandate for supporting PRTR development and whose Task Force on Release Estimation Techniques, with its recently broadened mandate, was clearly relevant to the Virtual Classroom;

(b) UNITAR, which was already supporting capacity-building in many countries and was author of guidance documents on designing PRTRs;

(c) UNEP, which was also supporting PRTR design;

(d) UNECE, which was responsible for servicing the negotiations and several other initiatives.

16. It was estimated that the *total budget* of the Classroom would be US\$ 40,000 per year and that financial support to cover this amount would be necessary.

17. The Virtual Classroom could provide technical support in the implementation and further development of the PRTR Protocol, in particular in the period between its adoption (May 2003) and its entry into force (e.g. 2006).

18. Information should be exchanged on the more crucial articles – in the current draft (CEP/WG.5/AC.2/2002/11) these would be articles 5, 6, 7, 12, 13 and 15 – and on the most important issues: requirements on diffuse sources and transfers; methodological issues like emission factors and data quality; confidentiality and public participation; reporting cycle and information dissemination; and finally the relation to the European Monitoring and Evaluation Programme (EMEP), the European Pollutant Emission Register (EPER) and other international reporting schemes. It was agreed that the issues should be further clarified in order to have a clear structure of the information exchange before the end of 2002. In March 2003, a workshop could be organized, perhaps back-to-back to a conference of REC in Budapest. The goal would be to launch the operation of the Virtual Classroom on the occasion of the Kiev Ministerial Conference (May 2003).

#### **IV. PREPARATION OF A DRAFT PROTOCOL**

19. The delegation of the United States informed the meeting that it would not be participating in the Working Group in a negotiating capacity but that it would continue to follow this and other international processes dealing with the issue of PRTRs. The Working Group expressed its appreciation of the contribution made by the United States to the discussions. The delegation of Canada stated that it intended to participate fully in the negotiations with a view to being able to consider favourably joining the protocol, but also stated that it did not consider the development of an open protocol in this context to be a precedent for future treaties. The delegation of Denmark, on behalf of the European Union, expressed its wish for a strong and dynamic protocol, balancing the interests of the public with the costs of the registers. It emphasised the importance of flexibility, taking into account the diversity of systems, and stated that it would be negotiating with an open mind. The delegation of the European Commission informed the meeting that the European Council of Ministers was expected to adopt a decision establishing a negotiating mandate for the European Commission at its forthcoming session in December 2002.

20. The Working Group resumed the task of preparing the draft protocol, working on the basis of document CEP/WG.5/AC.2/2002/11 and starting with article 1. It was agreed that the outcome of its work would be included in a new and comprehensive consolidated draft of the protocol (MP.PP/AC.1/2002/3).

**Objective (CEP/WG.5/AC.2/2002/11, art. 1)**

21. Some delegations favoured the deletion of the words in square brackets, whereas others wished to retain them. Including similar wording in the preamble was seen as an acceptable compromise option by most delegations. One delegation wished to see the words “the rights of the public to have” in the opening line deleted, and to end the sentence after “provisions of this Protocol”. It asked for all the references to rights in article 1 to be put in square brackets and was also opposed to including any such references in the preamble. It was agreed to return to the issue at the next meeting.

**Definitions (CEP/WG.5/AC.2/2002/11, art. 2)**

22. Article 2 on definitions was not discussed by the Working Group.

**General provisions (CEP/WG.5/AC.2/2002/11, art. 3)**

23. Regarding article 3 on general provisions, there were no comments on paragraphs 1 and 2 and the text of those paragraphs was agreed unchanged.

24. In paragraph 3, the word “ensure” was replaced with the word “require”. Otherwise the text was considered to be satisfactory.

25. In paragraph 4, there was some discussion as to whether the paragraph should refer to the ‘precautionary approach’ or the ‘precautionary principle’ and whether the reference should be tailor-made to the specific context in which it is made. It was agreed to revise the paragraph as follows:

“In the implementation of this protocol, each Party shall be guided by the precautionary approach as set forth in principle 15 of the Rio Declaration.”

26. The ECO Forum noted that this text was considerably weaker than the original text, both through its use of the terms “shall be guided” rather than “shall apply” and through the removal of the references to the contexts in which the precautionary approach/principle would be relevant. It asked for its objection to be noted.

27. The only comment on paragraph 5 was that the acronym ‘PRTR’ should be spelled out. Otherwise the text was agreed unchanged.

28. With respect to paragraph 6, most delegations favoured a shorter version of the text, deleting all text in square brackets. However, some delegations argued that it would be important to make a clear reference to the issue of waste-specific and pollutant-specific reporting in this particular place as that had been the reason for the drafting group to introduce the paragraph. However, in the spirit of compromise, these delegations finally agreed to delete all the text in square brackets, so that paragraph 6 would read:

“Parties shall strive to achieve convergence among national pollutant release and transfer registers.”

**Core elements (CEP/WG.5/AC.2/2002/11, art. 4)**

29. The text of article 4 on core elements was agreed with the following changes:

(a) The square brackets around subparagraph (b) were deleted; and

(b) In subparagraph (c), it was understood that “or” could include “and” and the text was amended to read: “Be pollutant-specific or waste-specific, as appropriate;”

30. The delegation of OECD raised the question of compatibility between subparagraph (c) and the recently agreed text for an amendment to the 1996 OECD Council Act on Implementing Pollutant Release and Transfer Registers. It requested time to seek expert legal opinion on this question and undertook to report back to the Working Group on the matter.

**Design/structure (CEP/WG.5/AC.2/2002/11, art. 5)**

31. Concerning article 5, paragraph 1, the relationship between the owner, the operator and the company was discussed, and it was noted that these might in some cases be the same and in other cases different. Some delegations considered it to be important that data on the registers be searchable via the name of the company on behalf of which a facility is operated, as this might often be the only information the public holds, whereas other delegations considered that this information would not be necessary on the register. It was eventually agreed to replace “and/or” with “or”, delete the brackets around “company” and add “and” before the word “company” and “as appropriate” after it to allow for some flexibility. It was furthermore agreed that in consequence of the amendment to article 4, subparagraph (c), the square brackets around “or waste as appropriate” could be deleted. Some delegations considered that information on the destination of the transfer should not be included on the register, and that it was more important to refer to the purpose of the transfer by replacing the words “the destination of the transfer” with “and, where appropriate, the disposal or recovery operation for waste”. Others considered that information on the final destination of the transfer was of importance to the public and argued to retain those words. It was not possible to resolve this issue and it was agreed to return to it at the next meeting. Finally, as a consequence of the deletion of the square brackets around article 4, subparagraph (b), it was agreed that the square brackets around the last sentence could be deleted.

32. With respect to paragraph 2, it was agreed that the data from the ten previous reporting years should be available on the register but not necessarily from all previous reporting periods, and the text of paragraph 2 was revised and agreed accordingly.

33. There were no comments on paragraph 3, which was accordingly agreed unchanged.

34. Regarding paragraph 4, it was considered acceptable to use the word “should” in the first line rather than “shall” or “may” in the first line. There was some discussion on whether the links mentioned in this paragraph should be to other specified publicly accessible databases or in a more general way to databases containing information on other types of releases and transfers. It was not possible to resolve this issue and it was agreed to return to it at the next meeting. However, it was agreed that the following revised text should provide the basis for further work:

“Each Party should provide links in the register to its relevant existing, publicly accessible databases on subject matters related to environmental protection such as radioactive substances [.]and radiation [and genetically modified organisms, use of water, energy and resources and transfer of pollutants through products].”

35. The text of paragraph 5 was agreed without discussion.

**Scope of register (CEP/WG.5/AC.2/2002/11, art. 6)**

36. In article 6, subparagraphs 1 (a) and (b), it was agreed to delete the text in the square brackets, including the reference to on-site transfers as a ‘first step’ element, and to keep the rest of the text unchanged.

37. For subparagraph 1 (c), as part of a restructuring of the provisions concerning diffuse sources (see CEP/WG.5/AC.2/2002/11, footnote 4, referring to this subparagraph and to article 7, paragraphs 2 and 5), it was agreed to substitute the following text:

“Releases of pollutants from diffuse sources required under article 7, paragraph 2.”<sup>1/</sup>

38. With these amendments, the text of paragraph 1 was agreed.

39. Regarding paragraph 2, there was no agreement that there should be an automatic trigger or deferred obligations built into the protocol as had been envisaged in that paragraph. Some of the elements of the paragraph were considered by some delegations to be relevant to a possible recommendatory component of the first step, and the possibility of revising the chapeau to make the provision recommendatory but immediate was put forward by some delegations. In particular, the Czech Republic proposed to keep and elaborate paragraph 2 in recommendatory language to include particularly important PRTR elements not covered by the draft Protocol (on-site transfers, transfers of pollutants through products, storage of pollutants, and eco-efficiency indicators as water, energy and resource use). It also stated that information about these elements was available in many countries under different regimes of cleaner production, emergency planning, energy conservation, best available technology, etc. Furthermore, paragraph 2 was mandated under the Aarhus Convention itself (notably article 5, paragraph 9). Its inclusion was in compliance with the agreed step-by-step approach and would give a clear instruction for work in the important period between the adoption of the Protocol and the first Meeting of Parties. Most delegations were however opposed to the inclusion of paragraph 2, whether in its original form or redrafted to make it recommendatory.

40. After some discussion, it was agreed to delete paragraphs 2 and 4 from the draft protocol. However, it was also agreed that the issue of a recommendatory step could be re-opened at the next meeting of the Working Group if delegations wished to do so.

41. It was agreed to replace paragraph 3 with the following text, which would serve as the basis for further discussions at the next meeting:

“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

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<sup>1/</sup> This text was subsequently revised to accommodate the renumbering of paragraph 2 in article 7 as paragraph 4.

international processes, the Meeting of the Parties shall review the reporting requirements under this Protocol and shall consider [, having regard to any recommendations of the subsidiary body,] the following issues in the further development of this Protocol:

- (a) Revision of the activities specified in annex I;
- (b) Revision of the pollutants specified in annex II;
- (c) Revision of the thresholds in annexes I and II; and
- (d) Inclusion of other relevant aspects such as information on on-site transfers, storage, the specification of reporting requirements for diffuse sources or the development of criteria for including pollutants under this Protocol.”

### **Reporting requirements (CEP/WG.5/AC.2/2002/11, art. 7)**

42. With respect to article 7, paragraph 1, which aimed to specify which facilities would be subject to the reporting requirements under the protocol by reference to annexes on activities and pollutants, the Working Group noted that whereas there were broad similarities between the types of activities and pollutants which delegations wished to see covered in the annexes, there were fundamentally different approaches to setting the thresholds which would determine whether a particular activity or pollutant would be covered. With regard to activities, some countries preferred to use capacity-based thresholds whereas others preferred to use thresholds based on the number of employees. With regard to pollutants, some countries (notably those which preferred the capacity-based thresholds for activities) preferred to use thresholds based on the amount of the pollutant released or waste transferred. Others (notably those which preferred the employee-based thresholds for activities) preferred to use thresholds based on the amount of the pollutant manufactured, processed or used.

43. The Working Group concluded that it would not be possible to agree on a single, unified approach to setting thresholds in the protocol, and that it would be necessary to recognise and accommodate in the text the two main approaches existing among the negotiating parties. A revised text of paragraph 1 was therefore elaborated on this basis (see MP.PP/AC.1/2002/1, article 7, paras. 1 and 2).

It was furthermore agreed to insert a paragraph following paragraph 1 that would allow a Party which was principally using one of the two approaches to use, in addition, thresholds from the other approach so as to increase the amount of information available on its register (see MP.PP/AC.1/2002/1, article 7, para. 3).

44. Paragraph 2 was revised in line with the restructuring of the provisions dealing with diffuse sources (see para. 37 above) and taking into account the need to address situations where the competent authority would be responsible for collecting information on diffuse sources as well as situations where other bodies would be responsible (see MP.PP/AC.1/2002/1, article 7, para. 4).

45. With respect to paragraph 3, it was agreed that the second of the two options in square brackets in the chapeau would be preferable, so that the paragraph would begin with the words: “Each Party...”.

46. In consequence of the amendments agreed for article 5, paragraph 1, it was agreed to amend subparagraph (a) to read:

“The name, street address, geographical location and the activity or activities of the

reporting facility, and the name of the operator or owner, and company, as appropriate;”

47. The Working Group agreed to keep the text of subparagraphs (b) and (c) unchanged.

48. On subparagraph 3 (d), an extensive discussion took place on the fact that there were two basic approaches to reporting on transfers of waste: whereas some countries preferred to report on the amount of each pollutant in the waste (the pollutant-specific approach), others preferred to report on the amount of waste within a given waste category (the waste-specific approach). It was agreed that a requirement for convergence between the two approaches would not be possible in the first step, and that this issue should rather be addressed in the context of the article on the Meeting of the Parties (see para. 63 below). It was agreed to work on the basis of option III, providing for an indefinite two-track approach, for the time being.

49. In subparagraph (d) (i) (the pollutant-specific track), it was agreed to delete the reference to on-site transfers. Several delegations were in favour of deleting the reference to transfer for storage, mentioning that this would be a corrupt or even criminal act in their countries; others wished to retain it, stating that this practice was not uncommon in some parts of the region. A compromise proposal to insert “, including storage,” after “disposal” did not gain consensus, with its proponents stating that this would be consistent with the definition of “disposal” in the Basle Convention which included certain types of storage and other delegations being of the opinion that storage, at least in the context of the pollutant-specific track, should not be limited in this way. The issue remained unresolved.

50. In subparagraph (d) (ii) (the waste-specific track), it was agreed to delete all references to pollutant-specific reporting and reporting on metals, and to on-site transfers. It was agreed that the provision should require transfers to be distinguished according to whether the purpose of the transfer was for disposal or for recovery, and that an annex (annex III) should be added, for the time being in square brackets, setting out which types of operation would be classified as “disposal” for the purposes of the provision and which as “recovery”, based on the categorisation used in the Basle Convention. In this context, it was agreed to delete the reference to storage in the body of the text.

51. There were mixed views as to whether there should be a requirement in subparagraph (d) (ii) on the owner or operator to provide information on the name, address and location of the site receiving the transfer. Eventually it was agreed to limit this requirement to transboundary transfers and not to refer to the location, though not all delegations were comfortable with this solution. Norway in particular, while not insisting that the relevant text be square-bracketed, expressed the view that it was somewhat anomalous to restrict such a requirement to the transboundary cases, for which the information would in many cases be already available under the Basle Convention. It asked that its preference for including the same information with respect to domestic transfers be duly noted, taking account of the fact that, if only for commercial reasons, the relevant information would also be available in the case of domestic transfers. There were also mixed views as to whether the text should refer to the facility receiving the transfer or to the site receiving it, and it was agreed to leave both options in the text as alternatives in square brackets, for further consideration.

52. A revised text of subparagraph (d) and the proposed new annex was prepared and it was agreed to use this as the basis for further work (see MP.PP/AC.1/2002/3, article 7, paragraph 5 (d), and annex III).

53. Poland expressed a scrutiny reservation to allow for consideration of whether there might be a need for a provision making it explicit that a Party was not prevented from adding to its chosen approach (pollutant-specific or waste-specific) elements from the other approach in order to increase the amount of information reported, so as to avoid any possibility of the "Either ... or ..." formulation being interpreted in an exclusive sense.

54. It was agreed to insert a new subparagraph after subparagraph 3 (d) as follows:

"The amount of each pollutant in waste water required to be reported pursuant to paragraph 1 transferred off site in the reporting year; and".

55. Subparagraph 3 (e), which had envisaged a requirement to report on the maximum amounts of pollutants stored on-site, was deleted.

56. For subparagraph 3 (f), it was agreed to substitute the following text:

"The type of methodology used to derive the information referred to in subparagraphs (c) to (e), according to article 9, paragraph 2, indicating whether the information is based on measurement, calculation or estimation."

57. With regard to paragraph 4, there were different views as to the extent to which the different types of releases (routine, non-routine, extraordinary, catastrophic, etc) should be differentiated on the registers though most delegations felt that the register should at least contain information on all these types of releases. It was not possible to resolve the matter and it was agreed to return to it at the next meeting.

58. It was agreed to incorporate into paragraph 5 the text previously included in article 6, paragraph 1 (c), describing what information on diffuse sources should be collected, and to revise it by adding a reference to national priorities and deleting any reference to particular types of diffuse sources or to an annex specifying such types of diffuse sources. It was also agreed to separate the reference in paragraph 5 to the type of methodology used to derive the information into a separate paragraph but to delete subparagraphs (a) and (b). The European ECO Forum expressed its regret at the deletion of those subparagraphs.

59. It was agreed to discuss paragraph 6 at the next meeting.

60. Several delegations proposed to delete paragraph 7. The Czech Republic proposed to retain the main part of the first sentence of the paragraph, replacing "and resources" with "according to transparent criteria". It stated that such an obligation would improve comparability of implementation of the Protocol, convergence of national PRTR systems and guarantee transparency and participation of all PRTR stakeholders. However, there was insufficient support for this view and it was agreed to delete the entire paragraph.

#### **Reporting cycle (CEP/WG.5/AC.2/2002/11, art. 8)**

61. With respect to paragraph 1, fourth sentence, it was agreed that the reporting referred to should be clarified by making a specific reference to reporting under article 7.

62. There were no other comments on article 8 and the text was accordingly agreed.

### **Meeting of the Parties (CEP/WG.5/AC.2/2002/11, art. 18)**

63. Following the decision to adopt a two-track approach with respect to reporting requirements for transfers (see para. 48 above), it was agreed to insert the following paragraph in an appropriate place in article 18 on the Meeting of the Parties:

“The Meeting of the Parties shall facilitate the exchange of information on the experience gained in reporting transfers using the pollutant-specific and waste-specific approaches and shall review that experience in order to investigate the possibility of convergence between the two approaches, taking into account the public interest in information in accordance with article 1 and the overall effectiveness of national pollutant release and transfer registers.”

64. The Working Group did not discuss the other provisions of article 18.

### **Final provisions (CEP/WG.5/AC.2/2002/11, art. 19 onwards)**

65. The text of article 19 was agreed unchanged.

66. Without prejudice to the policy decisions with respect to article 22, it was agreed to remove the square brackets in paragraphs 1 and 4 of that article. The text of those paragraphs was then accepted.

67. In article 25, it was agreed to insert the word “peaceful” before “means” in paragraph 1, after which the text was agreed. The chapeau and subparagraph (a) of paragraph 2 were also agreed.

68. The remaining provisions in articles 20 to 31 were considered to require further discussion.

### **Annexes**

69. Mr. Bernd Mehlhorn (European Commission), who had chaired the contact group on activities and pollutants that had met on the occasion of the sixth meeting of the previous Working Group, presented the report of the contact group’s work. The report had been annexed to the report of the Working Group meeting but had not been discussed or considered by that Working Group.

70. It was agreed that the contact group should resume the work on the basis of the result of the previous meeting, as included in the appendices of the report of the meeting of the Working Group. The contact group met again, after which Mr Mehlhorn reported to the Working Group on the results of its deliberations.

### **Annex on activities**

71. With respect to annex I, thresholds for the activities had been agreed within the contact group. Following the agreed two-track approach for applying thresholds as set out in the new article 7, paragraph 1, an employee threshold should be established in annex I. The delegation of Canada had put a proposal forward in the contact group but no agreement on this text had been reached. Finally, the contact group had not agreed on whether activity 5 of annex I should be

deleted as proposed by the group at the previous meeting.

72. The Working Group welcomed the work of the contact group, agreed to include in the new consolidated text the text upon which there had been agreement within the contact group and proceeded to address the outstanding issues. With respect to annex I, one country supported the inclusion of activity 5 but was willing to accept its deletion, on the basis that it was not prevented from requiring reporting from such facilities anyway. The Working Group agreed to delete activity 5, noting the standing objections by the European ECO Forum and GLOBE Europe. Concerning the text on employee thresholds, no agreement was reached by the Working Group and the delegation of Canada was requested to draft a new proposal to be discussed at the next meeting. On this basis, it was agreed to include the text of annex I in the new consolidated draft of the protocol.

### **Annex on pollutants**

73. With respect to annex II, the contact group had worked on the basis of a proposal for thresholds prepared by the European Union. The contact group had agreed on thresholds for most of the pollutants included in the list but a few outstanding issues remained. It had not been able to agree upon whether thresholds for releases of dioxins to water and land should be established and if so, what they should be. Following the two-track approach in article 7, paragraph 1, it had been agreed that annex II should include also thresholds based on manufacture, processing or use (MPU) where applicable. The delegation of Canada had provided a proposal for MPU thresholds for most of the pollutants; however, for 38 pollutants it would only be able to do so in advance of the next meeting of the Working Group. Finally, the delegation of Canada requested that higher thresholds could be applied in the case of five specific substances and had put forward a proposal for a clause to that effect, noting that it had lower thresholds for five other substances. However, the contact group had not been able to settle that issue.

74. The Working Group again welcomed the work of the contact group on the annex on pollutants and agreed to include in the new consolidated text the text upon which there had been agreement within the contact group. It then proceeded to address the outstanding issues.

75. The Working Group confirmed the understanding that if, for the pollutants and media concerned, the annex did not include a threshold value, reporting would not be required. It agreed to the inclusion of MPU thresholds in annex II and decided that thresholds for releases of dioxins to water and land should be included but did not discuss the value of such thresholds. With respect to the possibility of a clause allowing higher release thresholds to be applied for five specific pollutants, some delegations were in favour of allowing such flexibility, in particular if limited to countries with established PRTRs (a “grandfather” clause). However, other delegations were opposed to this and preferred to see the proposed thresholds applied without exemption. Finally, some delegations proposed a compromise whereby the lowest thresholds put forward would apply without the possibility for exemption, i.e. lower thresholds for five specific substances would be included in the protocol.<sup>2/</sup>

76. The Working Group agreed to come back to the issue at its next meeting and requested delegations, especially the EU and Canada, to consult bilaterally in the intermediate period to find

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<sup>2/</sup> The proposed lower thresholds for releases to air, in kg/year, were: carbon monoxide: 20,000; non-methane volatile organic compounds: 10,000; nitrogen oxides: 20,000; sulphur oxides: 20,000; PM10 (particulate matters): 500.

compromise wording for a revised “grandfather” clause.

## V. FUTURE PROCESS

77. The Working Group considered that good progress had been made during the meeting but noted that a significant number of substantive issues remained to be resolved. It agreed to hold a further and final meeting, to take place in Geneva on 27 to 30 January 2003. The secretariat was requested to finalize the report of the meeting in consultation with the Chairman and to prepare a new consolidated text as soon as possible. The secretariat stated that it could not guarantee that the French and Russian versions of the documentation would be available in advance of the next meeting, due to the short time interval between the meeting dates.

78. The Working Group agreed that a smaller group of legal experts should go through the draft text to ensure consistency throughout the protocol, to check cross-references and identify any other drafting problems with the text. The group would be led by Mr. Maas Goote (Netherlands) and would also include the following members: Mr. Michel Amand (Belgium), Mr. Kyrre Grimstad (Norway), Mr. Jerzy Jendroska (Poland), Mr. Gernot Schnabl (European Commission), Ms. Marianna Bolshakova (REC) and Ms. Susan Casey-Lefkowitz (European ECO Forum), as well as two more experts from the countries of the European Union and one expert from Canada.<sup>3/</sup> The group was urged to start its work as soon as the new consolidated text of the draft protocol was available, perhaps meet briefly before the next meeting of the Working Group and present its findings and suggestions to the Working Group. In any case, the group should meet immediately after the final meeting of the Working Group.

79. The Working Group decided that a resolution enabling the adoption of the protocol should be prepared in advance of the extra-ordinary meeting of the Parties to be held in May 2003 and that a draft should be discussed by the Working Group at its next session.

80. Finally, the Chairman thanked the participants and the interpreters as well as the secretariat, wished everybody a happy Christmas and closed the meeting.

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<sup>3/</sup> After the meeting, the following legal experts were nominated: Alain Tellier (Canada), Jolyon Thomson (United Kingdom) and Markus Reiterer (Austria).