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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

**DRAFT PROTOCOL ON POLLUTANT RELEASE AND TRANSFER REGISTERS:  
REVISED CONSOLIDATED TEXT**

**PREAMBLE**

*The Parties to this Protocol,*

*Recalling* article 5, paragraph 9, and article 10, paragraph 2, of the 1998 Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters,

*Having regard to* principle 10 of the Rio Declaration on Environment and Development [ , which states inter alia that each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and that States shall facilitate and encourage public awareness and participation by making information widely available],

*Having regard also to* the principles and commitments agreed to at the United Nations Conference on Environment and Development of 3-14 June 1992, in particular the provisions in chapter 19 of Agenda 21, in which governments with the cooperation of industry were called upon inter alia to improve and develop databases and information systems on toxic chemicals, such as emission inventory programmes, and programmes to promote the public's and workers' right to know, the broadest possible awareness of chemical risks being a prerequisite for chemical safety,

*[Taking note of the Programme for the Further Implementation of Agenda 21, adopted by the General Assembly at its nineteenth special session (23-28 June 1997), in which it called for, inter alia, enhanced national capacities and capabilities for information collection, processing and dissemination, to facilitate public access to information on global environmental issues through appropriate means,]*

*Having regard to the Plan of Implementation of the 2002 World Summit on Sustainable Development, which encourages the development of coherent, integrated information on chemicals, such as through national pollutant release and transfer registers,*

*Taking into account the work of the Intergovernmental Forum on Chemical Safety, in particular the Bahia Declaration on Chemical Safety, the Priorities for Action Beyond 2000 and the Action Plan on Pollutant Release and Transfer Registers/Emission Inventories,*

*Taking into account also the activities undertaken within the framework of the Inter-Organization Programme for the Sound Management of Chemicals,*

*Taking into account furthermore, the work of the Organisation for Economic Co-operation and Development (OECD), in particular the principles and information contained in its *Pollutant Release and Transfer Registers (PRTRs), A Tool for Environmental Policy and Sustainable Development, Guidance Manual for Governments* and OECD Council recommendation C(96)41 on implementing pollutant release and transfer registers, which calls upon member countries to take steps to establish as appropriate, implement and make publicly available national pollutant release and transfer registers and promote comparability among such national registers and the sharing of data from these registers between neighbouring countries,*

*[Having regard to decision 2000/479/EC of 17 July 2000 of the Commission of the European Communities on the implementation of a European pollutant emission register,]*

*[Having regard also to resolutions 97-04 and 00-07 of the Council of the Commission for Environmental Cooperation of North America on promoting comparability of pollutant release and transfer registers and on such registers generally,]*

*[Wishing to provide a mechanism contributing to the realization of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, by assuring the development of publicly accessible environmental information systems,]*

*[Wishing also to ensure that the development of such systems takes into account principles contributing to sustainable development such as the precautionary principle, the polluter-pays principle and the principle of internalizing environmental costs,]*

*Recognizing* the link between adequate environmental information systems and the exercise of the rights contained in the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters,

*Recognizing also* the importance of preventing and reducing pollution from industrial and other sources in protecting the environment and the health of present and future generations,

*Recognizing further* that reducing, and as far as possible eliminating, potentially harmful releases and transfers of pollutants is a foundation for achieving environmentally sound and sustainable development,

*[Noting* that the public availability of information through the mechanism of pollutant release and transfer registers has contributed to a substantial and quantifiable reduction of pollution in those countries where it has been implemented,]

*Convinced* of the value of pollutant release and transfer registers as a cost-effective tool for encouraging improvements in environmental performance, for providing the public with access to information on pollutants released into and transferred in and through their communities, and for use by Governments in tracking trends, demonstrating progress in pollution reduction, monitoring compliance with certain international agreements and setting priorities and evaluating progress achieved through environmental policies and programmes,

*Believing* that pollutant release and transfer registers can bring tangible benefits to industry through improved management of [pollutants][chemicals],

*Noting* the opportunities for using data from pollutant release and transfer registers, when combined with health, environmental, demographic, economic or other types of relevant information, for the purpose of gaining a better understanding of potential problems, identifying 'hot spots', taking preventive and mitigatory measures, and setting environmental management priorities,

*Recognizing* the need to develop internationally compatible national pollutant release and transfer register systems to increase the comparability of data,

*Noting* that many ECE member States, the European Community and the Parties to the North American Free Trade Agreement are acting to collect data concerning pollutant releases and transfers from various sources and to make these data publicly accessible, and recognizing especially in this area the long and valuable experience in certain countries,

*Have agreed* as follows:

## **Article 1**

### **OBJECTIVE**

The objective of this Protocol is to enhance [the rights of the public to have] access to information through the establishment of a coherent, integrated, nationwide pollutant release and transfer register (PRTR) in accordance with the provisions of this Protocol, which could facilitate public participation in environmental decision-making as well as contribute to the prevention and reduction of pollution of the environment [and thereby contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being].

## **Article 2**

### **DEFINITIONS**

For the purposes of this Protocol,

1. “Party” means, unless the text indicates otherwise, a Contracting Party to this Protocol;
2. “Convention” means the 1998 Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters;
3. “The public” means one or more natural or legal persons, and, in accordance with national legislation or practice, their associations, organizations or groups;
4. “Facility” means one or more installations on the same site, or on adjoining sites, that are owned or operated by the same natural or legal person [and where one or more activities [listed in annex I] are carried out];
5. “Competent authority” means the national authority or authorities, or any other competent body or bodies, designated by a Party to manage a national pollutant release and transfer register system;
6. “Pollutant” means [a substance or a group of substances, including any chemical elements and their compounds,] [an individual chemical, a category of chemicals or an individual chemical within a chemical category] that may be [harmful][hazardous] to the environment or to human health on account of its physical, chemical, biological or other intrinsic properties [and of its introduction into the environment [through human activity]] [and for which reporting is required under this Protocol];
7. “Release” means any introduction of pollutants into the environment [as a result of any human activity] [, whether deliberate or accidental, routine or non-routine], including [spilling, emitting, discharging, injecting, disposing [,] [or] dumping [, or discarding of any closed receptacles]];

8. “Off-site transfer” means the movement of  
[**option 1:** pollutants]  
[**option 2:** either pollutants [in waste] or waste]  
beyond the boundaries of the facility [for [storage,] [use, reuse,] recycling, treatment,  
[including waste-water treatment,] [incineration with or without energy recovery,] [final  
treatment] [or disposal] [or release]];
9. [“On-site transfer” means the movement of  
[**option 1:** pollutants]  
[**option 2:** either pollutants [in waste] or waste]  
within the boundaries of the facility [for [storage,] [use, reuse,] recycling, treatment, [including  
waste-water treatment,] [incineration with or without energy recovery,] [final treatment] [or  
disposal] [or release]];
10. [“Transfer through products” means off-site movement of pollutants in or as products;]
11. [“Diffuse sources” means the many smaller or scattered sources from which pollutants may be  
released to land, air or water, whose combined impact on those media may be significant and for  
which it is impractical to collect reports from each individual source;]
12. The terms “national” and “nationwide” shall, with respect to the obligations on regional  
economic integration organizations arising under this Protocol, be construed as applying to the  
region in question unless otherwise indicated;
13. [“Waste” means substances or objects [which are disposed of or are intended to be disposed of  
or are required to be disposed of by the provisions of national law] [so defined by the provisions of  
national law and which are intended to be recovered, incinerated or disposed of] and references to  
“waste” include waste-water destined for waste-water treatment plants;]
14. [“Hazardous waste” is waste that is defined as hazardous by the provisions of national law;
15. “Other waste” is waste that is not hazardous waste.]

### Article 3

#### GENERAL PROVISIONS

1. Each Party shall take the necessary legislative, regulatory and other measures, and appropriate enforcement measures, to implement the provisions of this Protocol.

2. The provisions of this Protocol shall not affect the right of a Party to maintain or introduce a more extensive or more publicly accessible pollutant release and transfer register than required by this Protocol.
3. Each Party shall take the necessary measures to require that employees of a facility and members of the public who report a violation by a facility of national laws implementing this Protocol to public authorities are not penalized, persecuted or harassed by that facility or public authorities for their actions in reporting the violation.
4. 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.
5. To reduce duplicative reporting, pollutant release and transfer register systems may be integrated to the degree practicable with existing information sources such as reporting mechanisms under licences or operating permits.
6. Parties shall strive to achieve convergence among national pollutant release and transfer registers.

#### **Article 4**

##### **CORE ELEMENTS OF A PRTR SYSTEM**

In accordance with this Protocol, each Party shall establish and maintain a publicly accessible national pollutant release and transfer register which shall:

- (a) Be facility-specific with respect to reporting on point sources;
- (b) Accommodate reporting on diffuse sources;
- (c) Be pollutant-specific or waste-specific, as appropriate;
- (d) Be multimedia, distinguishing among releases to air, land and water;
- (e) Include information on transfers;
- (f) Be based on mandatory reporting on a periodic basis;
- (g) Include standardized and timely data, a limited number of standardized reporting thresholds and limited provisions for confidentiality, if any;
- (h) Be coherent and designed to be user-friendly and publicly accessible, including in electronic form;

- (i) Allow for public participation in its development and modification; and
- (j) Be a structured, computerized database or several linked databases maintained by the competent authority.

## **Article 5**

### **DESIGN/STRUCTURE**

1. Each Party shall ensure that the data held on the register referred to in article 4 are presented in both aggregated and non-aggregated forms, so that releases and transfers can be searched and identified according to facility and its geographical location, activity, operator or owner, and company, as appropriate, pollutant or waste, as appropriate, each of the environmental media into which the pollutant is released, and, as specified in article 7, paragraph 5, [the destination of the transfer] [and, where appropriate, the disposal or recovery operation for waste]. Each Party shall also ensure that the data can be searched and identified according to those diffuse sources which have been included in the register.
2. Each Party shall design its register taking into account the possibility of its future expansion and ensuring that the reporting data from at least the ten previous reporting years are publicly accessible.
3. The register shall be designed for maximum ease of public access through electronic means, such as the Internet. The design shall allow that, under normal operating conditions, the information on the register is continuously and immediately available through electronic means.
4. 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[, genetically modified organisms, use of water, energy and resources, and transfer of pollutants through products].
5. Each Party shall provide links in its register to the pollutant release and transfer registers of other Parties to the Protocol and, where feasible, to other countries' pollutant release and transfer registers.

## **Article 6**

### **SCOPE OF REGISTER**

1. Each Party shall ensure that its register includes the information on:

- (a) Releases of pollutants required to be reported under article 7, paragraph 2;
- (b) Off-site transfers required to be reported under article 7, paragraph 2; and
- (c) Releases of pollutants from diffuse sources required under article 7, paragraph 4.

2. Having assessed the experience gained from the development of national pollutant release and transfer registers and the implementation of this Protocol, and taking into account relevant international processes, the Meeting of the Parties shall review the reporting requirements under this Protocol and shall consider[, having regard to any recommendations of the subsidiary body,] the following issues in the further development of the 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.

## Article 7

### **REPORTING REQUIREMENTS**

1. Each Party shall either:

(a) Require either the owner or the operator of each individual facility within its jurisdiction that undertakes one or more of the activities specified in annex I above the capacity thresholds, where indicated, and:

- (i) Releases any pollutant specified in annex II in quantities exceeding the applicable thresholds as specified in annex II, column [x];
- (ii) Transfers off-site any pollutant specified in annex II in quantities exceeding the applicable threshold as specified in annex II, column [x], where the Party has opted for pollutant-specific reporting of transfers pursuant to article 7, paragraph 5 (d);
- (iii) Transfers off-site hazardous waste exceeding 2 tons per year or other waste exceeding 2,000 tons per year, where the Party has opted for waste-specific reporting of transfers pursuant to article 7, paragraph 5 (d); or

- (iv) Transfers off-site any pollutant specified in annex II in waste water destined for waste-water treatment in quantities exceeding the applicable threshold as specified in annex II, column [x];

to undertake the obligation imposed on that owner or operator pursuant to paragraph 2 below;

or

(b) Require either the owner or the operator of each individual facility within its jurisdiction that undertakes one or more of the activities specified in annex I above the employee thresholds, and manufactures, processes or uses any pollutant specified in annex II in quantities exceeding the applicable threshold as specified in annex II, column [y], to undertake the obligation imposed on that owner or operator pursuant to paragraph 2 below.

2. Each Party shall require the owner or the operator of a facility referred to in paragraph 1 above to submit the information specified in paragraphs 5, 6 and 7 below, and in accordance with the requirements therein, with respect to those pollutants and wastes for which thresholds were exceeded.

3. In order to achieve the objective of this Protocol, a Party may decide with respect to a particular pollutant to apply either a release threshold or a manufacture, process or use threshold, provided that this increases the relevant information on releases or transfers available in the register.

4. Each Party shall ensure that its competent authority collects, or shall designate one or more public authorities or competent bodies to collect, the information on releases of pollutants from diffuse sources specified in paragraphs 7 and 8, for inclusion in the register.

5. Each Party shall require the owners or operators of the facilities required to report under paragraph 2 above to complete and submit to its competent authority, the following information on a facility-specific basis:

(a) 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;

(b) The name of and numerical identifier for each pollutant required to be reported pursuant to paragraph 2;

(c) The amount of each pollutant required to be reported pursuant to paragraph 2 released from the facility to the environment in the reporting year, both in aggregate and according to whether the release is to air, to water or to land, including by underground injection;

(d) Either

- (i) The amount of each pollutant required to be reported pursuant to paragraph 2 that is transferred off-site for [storage,] recycling, energy recovery, treatment or disposal[, including storage,] [and the name, address and location of the site receiving the transfer]; or
- (ii) The amount of waste required to be reported pursuant to paragraph 2 transferred off-site in the reporting year, distinguishing between hazardous waste and other waste, for any operations of recovery or disposal, indicating respectively with 'R' or 'D' whether the waste is destined for disposal or recovery [pursuant to annex III] and, in relation to transboundary movements of hazardous waste, the name and address of the [facility][site] receiving the transfer;

(e) The amount of each pollutant in waste water required to be reported pursuant to paragraph 2 transferred off-site in the reporting year; and

(f) 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.

6. [The information referred to in paragraph 5 (c) to (e) shall include information on total releases and transfers whether resulting from routine activities or extraordinary events [not resulting from such activities], and distinguish between releases and transfers resulting from routine activities and those resulting from extraordinary events].

7. Each Party shall present on its register, in an adequate, spatial disaggregation, the information on releases of pollutants from diffuse sources with respect to which that Party determines that data are being collected by the relevant authorities and can be practicably included. Where the Party determines that no such data exist, it shall take measures to initiate reporting on releases of relevant pollutants from one or more diffuse sources in accordance with its national priorities.

8. The information referred to in paragraph 7 above shall include information on the type of methodology used to derive the information.

[9. Pursuant to article 6, paragraph [2], 1/ beginning with the X<sup>th</sup> reporting year for a Party, that Party shall also require reports under paragraph 2 to include, for each pollutant required to be reported, the following information:

(a) Estimates of the amount of the releases, including off-site transfers for disposal, and estimates of the amount of transfers for treatment, energy recovery and recycling, expected to be reported for the next two reporting years;

(b) The total amount of releases from the facility, including the on-site releases and the transfers for disposal, but excluding releases from extraordinary events;

- (c) A ratio of production in the current reporting year to production in the previous reporting year, calculated in a manner that reflects all activities involving the pollutant. Where a feedstock or some variable other than production is the primary influence on the quantity of the pollutant released or transferred, a ratio based on the primary variable for each pollutant may be used;
- (d) The following amounts, aligned in the register to allow for comparison with the same amounts reported for the current reporting year:
- (i) The sum of releases in paragraph 5 (c), and the transfers off-site to disposal reported under paragraph 5 (d) and (e), excluding the releases resulting from extraordinary events, for the previous reporting year;
  - (ii) The amounts transferred off-site for the previous reporting year, distinguishing whether the pollutant was transferred off-site for treatment, energy recovery, recycling, disposal or other type of release; and
  - (iii) The amounts transferred on-site for the previous reporting year, distinguishing whether the pollutant was transferred for treatment, energy recovery or recycling.]

## **Article 8**

### **REPORTING CYCLE**

1. Each Party shall ensure that the information required to be incorporated in its register is publicly available, compiled and presented on the register by calendar year. The reporting year is the calendar year to which that information relates. For each Party, the first reporting year is the calendar year after the Protocol enters into force for that Party. The reporting required under article 7 shall be annual. However, the second reporting year may be the second calendar year following the first reporting year.
2. Each Party that is not a regional economic integration organization shall ensure that the information is incorporated into its register within fifteen months from the end of each reporting year. However, the information for the first reporting year shall be incorporated into its register within two years from the end of that reporting year.
3. Each Party that is a regional economic integration organization shall ensure that the information for a particular reporting year is incorporated into its register six months after the Parties that are not regional economic integration organizations are required to incorporate their information.

### **Article 9**

#### **DATA COLLECTION AND RECORD-KEEPING**

1. Each Party shall require the owners or operators of the facilities subject to the reporting requirements of article 7 to [collect the data needed to determine][identify], in accordance with paragraph 2 below and with appropriate frequency, the facility's releases and [off-site] transfers subject to reporting under article 7 and to keep available for the competent authorities the records of the data from which the information was derived for a period of [three][five] years, starting from the end of the reporting year concerned. These records shall also include the methodology used for data gathering.
2. Each Party shall require the owners or operators of the facilities subject to reporting under article 7 to use the best available information, which may include monitoring data, emission factors, mass balance equations, indirect monitoring or other calculations, engineering judgments and other methods. Where appropriate, these should be carried out in accordance with internationally approved methodologies.

### **Article 10**

#### **QUALITY ASSESSMENT**

1. Each Party shall ensure that the owners or operators of the facilities subject to the reporting requirements under article 7, paragraph 1, assure the quality of the reported data.
2. Each Party shall ensure that the data contained in its register are subject to quality assessment by the competent authority, in particular as to their completeness, consistency and credibility, taking into account any guidelines that may be developed by the Meeting of the Parties.

### **Article 11**

#### **PUBLIC ACCESS TO INFORMATION**

1. Each Party shall ensure that the public has access, without an interest having to be stated, to information contained in its pollutant release and transfer register according to the provisions of this Protocol, primarily by ensuring that the register provides for direct electronic access through public telecommunications networks.
2. Where the register is not easily accessible to the public by direct electronic means, each Party shall ensure that the competent authorities provide any person requesting specific information with that information by any other effective means, as soon as possible and at the latest within one month after the request has been submitted.

3. Subject to paragraph 4, each Party shall ensure that access to information contained in the register is free of charge.
4. Each Party may allow its competent authority to make a charge for supplying [copies of] the specific information referred to in paragraph 2, but such charge shall not exceed a reasonable amount.
5. [Each Party shall facilitate electronic access to its register in publicly accessible locations, for example in public libraries, offices of local authorities and other appropriate places.]

## Article 12

### CONFIDENTIALITY

1. Each Party may authorize the competent authority to keep information held on the register confidential where public disclosure of that information would adversely affect: 2/
  - (a) [International relations, national defence or public security;]
  - (b) [The course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an enquiry of a criminal or disciplinary nature;]
  - (c) The confidentiality of commercial and industrial information, where such confidentiality is protected by law in order to protect a legitimate economic interest;
  - (d) [Intellectual property rights;]
  - (e) [The confidentiality of personal data and/or files relating to a natural person where that person has not consented to the disclosure of the information to the public, where such confidentiality is provided for in national law.]

The aforementioned grounds for confidentiality shall be interpreted in a restrictive way, taking into account the public interest served by disclosure and taking into account whether the information relates to releases into the environment.

2. [Within the framework of paragraph 1 (c),] information [other than the specific chemical name] on releases [and off-site transfers] [which is relevant for the protection of the environment] shall be disclosed.
3. [Where a claim of confidentiality is upheld, the [information][specific chemical name] [shall][may] be withheld from the public and included in the register in a form that does not permit public access. In such cases, the chemical names of particular pollutants shall be replaced in the public part of the register with the generic chemical names.] Where [any information][a specific chemical name] is withheld from the public part of the register, the register shall indicate [what type

of information][that it] has been withheld, for what reason it has been withheld [and the adverse health and environmental hazards associated with the pollutants on which the information is being withheld].

### **Article 13**

#### **PUBLIC PARTICIPATION IN THE DEVELOPMENT OF NATIONAL POLLUTANT RELEASE AND TRANSFER REGISTERS**

1. Each Party shall ensure appropriate opportunities for public participation with respect to measures taken to implement this Protocol and with respect to significant changes in [the reporting requirements of] its national pollutant release and transfer register, [according to its national provisions][within the framework of its national law].
- [2. Each Party shall notify the public, in an effective manner and early in the decision-making process, of its intention to establish or significantly change a national pollutant release and transfer register. The notification shall include information on the envisaged procedure, including the opportunities for and the modalities of public participation, and on the availability of further relevant information and the means to obtain it.]
- [3. In addition to any information required to be publicly available under the Protocol, each Party shall ensure that, in the process of establishing or significantly changing the national PRTR, the public has timely access, free of charge, to information on the proposed scope, nature, structure, functioning and content of the register and to any changes proposed to these elements.]
4. For the purpose of paragraph 1, each Party shall [give the public the opportunity][entitle the public] to submit any comments, information, analyses or opinions that it considers relevant to the decision-making process, and the relevant public authority shall take due account of the public input to the process.
- [5. Each Party shall ensure that, when the decision to establish or significantly change the register has been taken, the public is promptly informed of the decision, of the reasons and considerations on which it is based and of the way in which the public input has been taken into account.]
- [6. Each Party shall ensure that the public may petition the competent authority to change the national pollutant release and transfer register.]

#### **Article 14**

#### **[ENFORCEMENT AND] ACCESS TO JUSTICE**

1. [Each Party shall ensure that its relevant public authorities have sufficient powers and opportunities to initiate administrative, civil or criminal proceedings in order to enforce the obligations of facilities to report full and accurate information.]

[2. Each Party shall, within the framework of its national legislation, ensure that any person who considers that his or her [request for][right of access to] information under article 11[, paragraph 2,] [or opportunity to participate under article 13] has been refused, hindered or impeded has access to a review procedure before a court of law or another independent and impartial body established by law.]

#### **Article 15**

#### **REGIONAL REGISTER**

1. A register shall be established for the ECE region containing the totality of the data existing on the national registers of the Parties. The regional register will be maintained by [name of responsible body] and will meet all relevant criteria applicable to national registers.

2. By 1 June of each year following the first full calendar year after entry into force of this instrument, each Party shall submit the data from its national register to [name of responsible body] for inclusion in the regional register.

3. The Parties shall cooperate with [name of responsible body] to facilitate the harmonization of data collection and presentation methods.]

#### **Article 16**

#### **CAPACITY-BUILDING**

1. Each Party shall promote public awareness of its pollutant release and transfer register, and shall ensure that assistance and guidance are provided to the public in accessing the register and in understanding and using the information contained in it.

[2. Each Party shall ensure that it provides adequate capacity-building for and guidance to the responsible authorities and bodies to assist them in carrying out their duties under this Protocol and that the necessary personnel are designated to achieve the ends referred to in this article.]

## **Article 17**

### **INTERNATIONAL COOPERATION**

1. The Parties shall, as appropriate, cooperate and assist each other:
  - (a) In international actions in support of the objectives of this Protocol;
  - (b) [On request, in implementing national systems in pursuance of this Protocol;]
  - (c) In sharing information under the Protocol concerning releases and transfers within border areas; and
  - (d) In sharing information [under the Protocol] concerning [the route and destination of] transfers among Parties.
2. The Parties shall encourage cooperation among each other and with the relevant international organizations, as appropriate, to promote:
  - (a) Public awareness at the international level and the transfer of technology; and
  - (b) The provision of technical assistance to developing Parties and Parties with economies in transition in matters relating to the Protocol.

## **Article 18**

### **MEETING OF THE PARTIES**

1. A Meeting of the Parties is hereby established. The first session of the Meeting of the Parties to this Protocol shall be convened no later than two years after the entry into force of this Protocol. Thereafter, ordinary sessions of the Meeting of the Parties shall be held sequentially with ordinary meetings of the Parties to the Convention, unless otherwise decided by the Parties to this Protocol. The Meeting of the Parties shall hold an extraordinary session if it so decides in the course of an ordinary session or at the written request of any Party provided that, within six months of it being communicated to all Parties, the said request is supported by at least one third of these Parties.
2. The Meeting of the Parties shall keep under continuous review the implementation and development of this Protocol [on the basis of regular reporting by the Parties], and, with this purpose in mind, shall:
  - (a) Review the policies for and legal and methodological approaches to the development of PRTR systems and promote their progressive strengthening and convergence;

- (b) Establish guidelines on reporting by the Parties to the Meeting of the Parties, bearing in mind the need to avoid duplication of effort in reporting requirements; 3/
- (c) Establish a programme of work;
- (d) Take measures to strengthen transboundary and international cooperation in accordance with article 17;
- (e) [Share information on experience gained in concluding and implementing bilateral and multilateral agreements or other arrangements having relevance to the purposes of this Protocol and to which one or more of the Parties are a party;]
- (f) Establish such subsidiary bodies as it deems necessary;
- (g) Consider and adopt proposals for such amendments to this Protocol and its annexes as are deemed necessary for the purposes of this Protocol, in accordance with the provisions of articles 21 and 22;
- (h) [Keep the annexes listing pollutants and activities to which the Protocol applies under continuous review in the light of technological and scientific advances and having regard to the precautionary approach;]
- (i) At its first session, consider and adopt by consensus rules of procedure for its meetings and the meetings of subsidiary bodies under this Protocol, taking into account any rules of procedure adopted by the Meeting of the Parties to the Convention;
- (j) At its [first][Xth] meeting,
  - (i) Review the experience with reporting on releases from diffuse sources, with a view to adopting more precise criteria and thresholds [so as to further harmonize reporting in this area];
  - (ii) [Review the experience with the application of article 5, paragraph 3, 4/ and consider what further steps might be taken to harmonize monitoring and reporting obligations and methodologies in the areas of radiation and radioactive substances, noise and genetically modified organisms];
  - (iii) Consider the adoption of measures to improve the harmonization of methodologies for determining releases, transfers and resource use, such as the establishment of guidelines, taking into account guidance established in other international processes; and
  - (iv) Consider establishing financial arrangements and technical assistance mechanisms to facilitate the implementation of the Protocol;

(k) [Seek, where appropriate, the services of relevant ECE bodies and other competent international bodies and specific committees in all aspects pertinent to the achievement of the purposes of this Protocol;]

(l) Consider and take any additional action that may be required to further the objectives of this Protocol, such as the adoption of guidelines and recommendations which promote its implementation; [and]

[(m) Consider the establishment of a regional register].

3. 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.

4. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State or regional economic integration organization entitled under article 26 to sign this Protocol but which is not a Party to it, and any intergovernmental organization qualified in the fields to which the Protocol relates, shall be entitled to participate as observers in the meetings of the Parties.

5. Any non-governmental organization, qualified in the fields to which this Protocol relates, which has informed the Executive Secretary of the Economic Commission for Europe of its wish to be represented at a meeting of the Parties shall be entitled to participate as an observer unless one third of the Parties present in the meeting raise objections.

### **Article 19**

#### **RIGHT TO VOTE**

1. Except as provided for in paragraph 2 of this article, each Party to this Protocol shall have one vote.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa

**Article 20**

**SUBSIDIARY BODY FOR SCIENTIFIC AND TECHNICAL ADVICE**

1. A subsidiary body, to be called the Subsidiary Body for Scientific and Technical Advice, is hereby established. It shall be open to participation by all Parties, as well as by non-Parties and representatives of intergovernmental organizations, international organizations and non-governmental organizations.
2. Under the authority of, and in accordance with the relevant decisions by the Meeting of the Parties, the Subsidiary Body for Scientific and Technical Advice shall provide the Meeting of the Parties, and, as appropriate, other subsidiary bodies under the Protocol, with timely advice on scientific, technical and technological matters relevant to the implementation and development of this Protocol.
3. At its first session, the Meeting of the Parties shall consider and decide on the further terms of reference, organization and operation of the Subsidiary Body for Scientific and Technical Advice.]

**Article 21**

**AMENDMENTS TO THE PROTOCOL**

1. Any Party may propose amendments to this Protocol.
2. Proposals for amendments to this Protocol shall be considered at a meeting of the Parties.
3. The text of any proposed amendment to this Protocol shall be submitted in writing to the secretariat, which shall communicate it to all Parties at least [ninety days][six months] before the meeting at which it is proposed for adoption.
4. The Parties shall make every effort to reach agreement on any proposed amendment to this Protocol by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting.
5. An amendment to this Protocol adopted in accordance with paragraph 4 above shall be communicated by the secretariat to the Depositary, who shall circulate it to all Parties for ratification, acceptance or approval. On the ninetieth day after the receipt by the Depositary of notification of their ratification, approval or acceptance by at least three fourths of these Parties, an amendment shall enter into force for Parties having ratified, approved or accepted it. Thereafter it shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, approval or acceptance of the amendment. 5/

6. For the purposes of this article, “Parties present and voting” means Parties present and casting an affirmative or negative vote.

[7. The Parties shall establish a procedure for accepting and considering proposals from members of the public to amend the Protocol.]

## Article 22

### ADOPTION AND AMENDMENTS OF ANNEXES

1. Annexes to this Protocol shall form an integral part thereof and, unless expressly provided otherwise, a reference to this Protocol constitutes at the same time a reference to any annexes thereto.

2. The following procedure shall apply to the proposal, adoption and entry into force of additional annexes and amendments to annexes:

(a) Additional annexes and amendments to annexes shall be proposed and adopted in accordance with the procedure laid down in paragraphs 1 to 4 of article 21;

(b) Any Party that [has not submitted the notification referred to in article 28, paragraph 5, and that] is unable to accept the additional annex or the amendment to an annex shall so notify the Depositary in writing within twelve months from the date of the circulation of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for its previous notification and, upon deposit of an instrument of acceptance with the Depositary, the additional annex or the amendment to an annex shall become effective for that Party;

(c) On the expiry of twelve months from the date of its communication by the Depositary as provided for in paragraph 5 of article 21, the additional annex or the amendment to an annex shall become effective for those Parties which have not submitted a notification to the Depositary in accordance with the provisions of subparagraph (b) above, provided that not more than one third of the Parties at that time have submitted such a notification.

3. [With respect to any Party that has made a declaration in accordance with paragraph 5 of article 28, additional annexes or amendments to annexes shall enter into force for such a Party on the ninetieth day after the date of deposit with the Depositary of its instrument of ratification, acceptance, approval or accession with respect to such an additional annex or amendment to an annex.]

4. If an additional annex or an amendment to an annex is related to an amendment to this Protocol, the additional annex or amendment to an annex shall not enter into force until such time as the amendment to this Protocol enters into force.

### **Article 23**

#### **SECRETARIAT**

1. The Executive Secretary of the Economic Commission for Europe shall carry out the following secretariat functions for this Protocol:

- (a) The convening and preparing of meetings of the Parties;
- (b) The transmission to the Parties of reports and other information received in accordance with the provisions of this Protocol;
- (c) Such other functions as may be determined by the Meeting of the Parties on the basis of available resources.

[2. The secretariat shall report to the Parties on the elements of and the modalities for carrying out the programme of work referred to paragraph 2 (c) of article 18.]

### **Article 24**

#### **REVIEW OF COMPLIANCE**

At its first session, the Meeting of the Parties shall by consensus establish cooperative procedures and institutional arrangements of a [non-judicial][non-adversarial] nature to assess and promote compliance with the provisions of this Protocol and to address cases of non-compliance. [These procedures and arrangements shall allow [for appropriate public involvement, including] consideration of [inter alia] communications from members of the public on matters related to this Protocol.]

### **Article 25**

#### **SETTLEMENT OF DISPUTES**

1. If a dispute arises between two or more Parties about the interpretation or application of this Protocol, they shall seek a solution by negotiation or by any other peaceful means of dispute settlement acceptable to the parties to the dispute.

2. When signing, ratifying, accepting, approving or acceding to this Protocol, or at any time thereafter, a Party may declare in writing to the Depositary that, for a dispute not resolved in accordance with paragraph 1 above, it accepts one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation:

(a) Submission of the dispute to the International Court of Justice;

(b) Arbitration in accordance with procedures to be adopted at the [first] session of the Meeting of the Parties in an annex [as soon as practicable] [having regard to the Permanent Court of Arbitration Optional Rules for Arbitration of Disputes Relating to Natural Resources and/or the Environment].

[3. If the parties to the dispute have accepted both means of dispute settlement referred to in paragraph 2 above, the dispute may be submitted only to the International Court of Justice, unless the parties to the dispute agree otherwise.]

#### **Article 26**

#### **SIGNATURE**

This Protocol shall be open for signature in Kiev (Ukraine) on \_\_\_\_ May 2003 on the occasion of the Fifth Ministerial Conference “Environment for Europe,” and thereafter at United Nations Headquarters in New York until 31 December 2003, by all States which are members of the United Nations and by regional economic integration organizations constituted by such States.

#### **Article 27**

#### **DEPOSITARY**

The Secretary-General of the United Nations shall act as the Depositary of this Protocol.

#### **Article 28**

#### **RATIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION**

1. This Protocol shall be subject to ratification, acceptance or approval by signatory States and regional economic integration organizations.

2. This Protocol shall be open for accession as from 1 January 2004 by the States and organizations referred to in article 26.

3. Any organization referred to in article 26 which becomes a Party without any of its member States being a Party shall be bound by all the obligations under this Protocol. If one or more of such an organization's member States is a Party, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under this Protocol. In such cases, the organization and the member States shall not be entitled to exercise rights under this Protocol concurrently.

4. In their instruments of ratification, acceptance, approval or accession, the regional economic integration organizations referred to in article 26 shall declare the extent of their competence with respect to the matters governed by this Protocol. These organizations shall also inform the Depositary of any substantial modifications to the extent of their competence.

5. [In its instrument of ratification, acceptance, approval or accession, any Party may declare that, with respect to it, any additional annex or amendment to an annex shall enter into force only upon the deposit of its instrument of ratification, acceptance, approval or accession with respect thereto.]

#### **Article 29**

#### **ENTRY INTO FORCE**

1. This Protocol shall enter into force on the ninetieth day after the date of deposit of the sixteenth instrument of ratification, acceptance, approval or accession.

2. For the purposes of paragraph 1 of this article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by the States members of such an organization.

3. For each State or organization which ratifies, accepts or approves this Protocol or accedes thereto after the deposit of the sixteenth instrument of ratification, acceptance, approval or accession, the Protocol shall enter into force on the ninetieth day after the date of deposit by such State or organization of its instrument of ratification, acceptance, approval or accession.

#### **Article 30**

#### **RESERVATIONS**

No reservations may be made to this Protocol.

### **Article 31**

#### **WITHDRAWAL**

At any time after three years from the date on which this Protocol has come into force with respect to a Party, that Party may withdraw from the Protocol by giving written notification to the Depositary. Any such withdrawal shall take effect on the ninetieth day after the date of its receipt by the Depositary.

### **Article 32**

#### **AUTHENTIC TEXTS**

The original of this Protocol, of which the English, French and Russian texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Protocol.

DONE in Kiev, this ....th day of May, two thousand and three.

### **Notes**

1/ The reference here is to article 6, paragraph 2, in document CEP/WG.5/AC.2/2002/11, which was deleted by the Working Group, not article 6, paragraph 2, of the present document. The Working Group did not discuss article 7, paragraph 9, and consequently did not have the opportunity to review or revise this cross reference.

2/ The following exemptions provided for in the Aarhus Convention, article 4, paragraph 4, were considered by the drafting group not to be relevant or appropriate:

- The confidentiality of the proceedings of public authorities, where such confidentiality is provided for under national law;
- The interests of a third party which has supplied the information requested without that party being under or capable of being put under a legal obligation to do so, and where that party does not consent to the release of the material; or
- The environment to which the information relates, such as the breeding sites of rare species.]

Some exemptions are in square brackets in the body of the text as the drafting group considered that they needed further reflection or analysis.

3/ The term “requirements” might not be appropriate here, as “reporting requirements” elsewhere in the draft text refers to something quite different from what is intended in this subparagraph. Furthermore, there could be a discrepancy between the term “requirements” (binding connotations) and the term “guidelines” (non-binding connotations). This question would need to be addressed at a later stage.

4/ This cross reference is to article 5, paragraph 3, in document CEP/WG.5/AC.2/2001/3.

5/ The Working Group may wish to consider whether States or regional economic integration organizations becoming Party to the protocol after certain amendments have already entered into force (in the sense of the 'three-fourths' target having been met and 90 days having elapsed for each such amendment) would have the choice to ratify, accept or approve the amendment, as provided for in the present text, or whether becoming a Party to the protocol at that stage would imply being bound by any amendments which have already entered into force (again, in the sense of the 'three-fourths' target having been met and 90 days having elapsed for each such amendment).

## Annex I

### ACTIVITIES

#### **1. Energy sector**

- (a) Mineral oil and gas refineries;
- (b) Installations for gasification and liquefaction;
- (c) Thermal power stations and other combustion installations with a heat input of 50 megawatts (MW) or more;
- (d) Coke ovens;
- (e) Coal rolling mills and installations for the manufacture of coal products and solid smokeless fuel.

#### **2. Production and processing of metals**

- (a) Metal ore (including sulphide ore) roasting or sintering installations;
- (b) Installations for the production of pig iron or steel (primary or secondary melting) including continuous casting, with a capacity exceeding 2.5 tons per hour;
- (c) Installations for the processing of ferrous metals:
  - (i) Hot-rolling mills with a capacity exceeding 20 tons of crude steel per hour;
  - (ii) Smitheries with hammers the energy of which exceeds 50 kilojoules per hammer, where the calorific power used exceeds 20 MW;
  - (iii) Application of protective fused metal coats with an input exceeding 2 tons of crude steel per hour;
- (d) Ferrous metal foundries with a production capacity exceeding 20 tons per day;
- (e) Installations:
  - (i) For the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes;

- (ii) For the smelting, including the alloying, of non-ferrous metals, including recovered products (refining, foundry casting, etc.), with a melting capacity exceeding 4 tons per day for lead and cadmium or 20 tons per day for all other metals;
- (f) Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process where the volume of the treatment vats exceeds 30 m<sup>3</sup>.

### **3. Mineral industry**

- (a) Underground mining and related operations, and opencast mining where the surface of the area being mined exceeds 25 hectares;
- (b) Installations for the production of cement clinker in rotary kilns with a production capacity exceeding 500 tons per day or lime in rotary kilns with a production capacity exceeding 50 tons per day or in other furnaces with a production capacity exceeding 50 tons per day;
- (c) Installations for the production of asbestos and the manufacture of asbestos-based products;
- (d) Installations for the manufacture of glass including glass fibre with a melting capacity exceeding 20 tons per day;
- (e) Installations for melting mineral substances including the production of mineral fibres with a melting capacity exceeding 20 tons per day;
- (f) Installations for the manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 75 tons per day, or with a kiln capacity exceeding 4 m<sup>3</sup> and with a setting density per kiln exceeding 300 kg/m<sup>3</sup>.

### **4. Chemical industry**

- (a) Chemical installations for the production on an industrial scale of basic organic chemicals, such as:
  - (i) Simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic);
  - (ii) Oxygen-containing hydrocarbons such as alcohols, aldehydes, ketones, carboxylic acids, esters, acetates, ethers, peroxides, epoxy resins;

- (iii) Sulphurous hydrocarbons;
  - (iv) Nitrogenous hydrocarbons such as amines, amides, nitrous compounds, nitro compounds or nitrate compounds, nitriles, cyanates, isocyanates;
  - (v) Phosphorus-containing hydrocarbons;
  - (vi) Halogenic hydrocarbons;
  - (vii) Organometallic compounds;
  - (viii) Basic plastic materials (polymers, synthetic fibres and cellulose-based fibres);
  - (ix) Synthetic rubbers;
  - (x) Dyes and pigments;
  - (xi) Surface-active agents and surfactants;
- (b) Chemical installations for the production on an industrial scale of basic inorganic chemicals, such as:
- (i) Gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, sulphur dioxide, carbonyl chloride;
  - (iii) Acids, such as chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acids;
  - (iv) Bases, such as ammonium hydroxide, potassium hydroxide, sodium hydroxide;
  - (v) Salts, such as ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate;
  - (vi) Non-metals, metal oxides or other inorganic compounds such as calcium carbide, silicon, silicon carbide;
- (c) Chemical installations for the production on an industrial scale of phosphorous-, nitrogen- or potassium-based fertilizers (simple or compound fertilizers);
- (d) Chemical installations for the production on an industrial scale of basic plant health products and of biocides;

(e) Installations using a chemical or biological process for the production on an industrial scale of basic pharmaceutical products;

(f) Installations for the production on an industrial scale of explosives and pyrotechnic products.

## **5. Waste and waste-water management**

(a) Installations receiving more than 10 tons of hazardous wastes per day for incineration, pyrolysis, recovery, chemical treatment or landfilling;

(b) Installations for the incineration of municipal waste with a capacity exceeding 3 tons per hour;

(c) Installations for the disposal of non-hazardous waste with a capacity exceeding 50 tons per day;

(d) Landfills receiving more than 10 tons per day or with a total capacity exceeding 25,000 tons, excluding landfills of inert waste;

(e) Installations for the disposal or recycling of animal carcasses and animal waste with a treatment capacity exceeding 10 tons per day;

(f) Municipal waste-water treatment plants with a capacity exceeding 100,000 population equivalents;

(g) Independently operated industrial waste-water treatment plants which serve one or more activities of this annex with a capacity exceeding 10,000 m<sup>3</sup>/day.

## **6. Paper and wood production and processing**

Industrial plants for:

(a) The production of pulp from timber or similar fibrous materials;

(b) The production of paper and board and other primary wood products (such as chipboard, fibreboard and plywood) with a production capacity exceeding 20 tons per day;

(c) Preservation of wood and wood products with chemicals with a production capacity exceeding 50 m<sup>3</sup> per day.

## **7. Agriculture and aquaculture**

- (a) Installations for the intensive rearing of poultry or pigs with more than:
  - (i) 40,000 places for poultry;
  - (ii) 2,000 places for production pigs (over 30 kg);
  - (iii) 750 places for sows;
- (b) Intensive aquaculture exceeding 1,000 tons of fish and shellfish per year.

## **8. Animal and vegetable products from the food and beverage sector**

- (a) Slaughterhouses with a carcass production capacity greater than 50 tons per day;
- (b) Treatment and processing intended for the production of food and beverage products from:
  - (i) Animal raw materials (other than milk) with a finished product production capacity greater than 75 tons per day;
  - (ii) Vegetable raw materials with a finished product production capacity greater than 300 tons per day (average value on a quarterly basis);
- (c) Treatment and processing of milk with a capacity for the quantity of milk received greater than 200 tons per day (average value on an annual basis).

## **9. Other activities**

- (a) Plants for the pretreatment (operations such as washing, bleaching, mercerization) or dyeing of fibres or textiles where the treatment capacity exceeds 10 tons per day;
- (b) Plants for the tanning of hides and skins where the treatment capacity exceeds 12 tons of finished products per day;
- (c) Installations for the surface treatment of substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, with a consumption capacity of more than 150 kg per hour or more than 200 tons per year;
- (d) Installations for the production of carbon (hard-burnt coal) or electrographite by means of incineration or graphitization;
- (e) Installations for the building of, or the painting of or removal of paint from, ships, with a capacity for ships more than 100 m long.

**Annex II**  
**POLLUTANTS**

No	CAS numbers	Pollutant	Release thresholds [x]* 2/			Manufacture, Process or Use thresholds [y] (kg/year)
			Air Threshold kg/year	Water Threshold kg/year	Land Threshold kg/year	
1	74828	Methane (CH <sub>4</sub> )	100 000 <u>1/</u>	-	-	**
2	630080	Carbon monoxide (CO)	500 000	-	-	**
3	124389	Carbon dioxide (CO <sub>2</sub> )	100 000 000	-	-	**
4		Hydro-fluorocarbons (HFCs)	100 <u>1/</u>	-	-	**
5	10024972	Nitrous oxide (N <sub>2</sub> O)	10 000 <u>1/</u>	-	-	**
6	7664-41-7	Ammonia (NH <sub>3</sub> )	10 000	-	-	10 000
7		Non-methane volatile organic compounds (NMVOC)	100 000	-	-	**
8		Nitrogen oxides (NO <sub>x</sub> /NO <sub>2</sub> )	100 000	-	-	**
9		Perfluorocarbons (PFCs)	100 <u>1/</u>	-	-	**
10	2551624	Sulphur hexafluoride (SF <sub>6</sub> )	50 <u>1/</u>	-	-	**
11		Sulphur oxides (SO <sub>x</sub> /SO <sub>2</sub> )	150.000	-	-	**
12		Total nitrogen	-	50 000	50 000	
13		Total phosphorus	-	5 000	5 000	10 000
14		Hydrochlorofluorocarbons (HCFCs)	1	-	-	10 000
15		Chlorofluorocarbons (CFCs)]	1	-	-	10 000
16		Halons	1	-	-	10 000
17	7440-38-2	Arsenic and compounds (as As)	20	5	5	50
18	7440-43-9	Cadmium and compounds (as Cd)	10	5	5	5
19	7440-47-3	Chromium and compounds (as Cr)	100	50	50	10 000
20	7440-50-8	Copper and compounds (as Cu)	100	50	50	10 000
21	7439-97-6	Mercury and compounds (as Hg)	10	1	1	5
22	7440-02-0	Nickel and compounds (as Ni)	50	20	20	10 000
23	7439-92-1	Lead and compounds (as Pb)	200	20	20	50
24	7440-66-6	Zinc and compounds (as Zn)	200	100	100	10 000
25	15972-60-8	Alachlor	-	1	1	
26	309-00-2	Aldrin	1	1	1	
27	1912-24-9	Atrazine	-	1	1	
28	57-74-9	Chlordane	1	1	1	
29	143-50-0	Chlordecone	1	1	1	
30	470-90-6	Chlorfenvinphos	-	1	1	
31	855-358-48	Chloro-alkanes (C10-13)	-	1	1	10 000
32	2921-88-2	Chlorpyrifos	-	1	1	
33	50-29-3	DDT	1	1	1	
34	107-06-2	1,2-dichloroethane (EDC)	1 000	10	10	10 000
35	75-09-2	Dichloromethane (DCM)	1 000	10	10	10 000
36	60-57-1	Dieldrin	1	1	1	
37	330-54-1	Diuron	-	1	1	
38	115-29-7	Endosulphan	-	1	1	
39	72-20-8	Endrin	1	1	1	
40		Halogenated organic compounds (as AOX)	-	1 000	1 000	
41	76-44-8	Heptachlor	1	1	1	

No	CAS numbers	Pollutant	Release thresholds [x]* 2/			Manufacture, Process or Use thresholds [y] (kg/year)
			Air Threshold kg/year	Water Threshold kg/year	Land Threshold kg/year	
42	118-74-1	Hexachlorobenzene (HCB)	10	1	1	
43	87-68-3	Hexachlorobutadiene (HCBD)	-	1	1	
44	608-73-1	1,2,3,4,5,6-hexachlorocyclohexane (HCH)	10	1	1	
45	58-89-9	Lindane	-	1	1	
46	2385-85-5	Mirex	1	1	1	
47		PCDD +PCDF (dioxins +furans) (as Teq)	0.001	[0.001]	[0.001]	
48	608-93-5	Pentachlorobenzene	1	1	1	
49	87-86-5	Pentachlorophenol (PCP)	10	1	1	
50	1336-36-3	Polychlorinated biphenyls (PCBs)	0,1	0,1	0,1	
51	122-34-9	Simazine	-	1	1	
52	127-18-4	Tetrachloroethylene (PER)	2 000	-	-	10 000
53	56-23-5	Tetrachloromethane (TCM)	100	-	-	10 000
54	87-61-6	Trichlorobenzenes (TCBs) 120-82-1	10	-	-	
55	71-55-6	1,1,1-trichloroethane	100	-	-	
56	79-34-5	1,1,2-tetrachloroethane	50	-	-	10 000
57	79-01-6	Trichloroethylene (TRI)	2 000	-	-	10 000
58	67-66-3	Trichloromethane	500	-	-	10 000
59	8001-35-2	Toxaphene	-	1	1	
60	75-01-4	Vinyl chloride	1 000	10	10	10 000
61	120-12-7	Anthracene	50	1	1	50
62	71-43-2	Benzene	1 000	200 (as BTEX)***	200 (as BTEX)***	10 000
63		Brominated diphenylethers (PBDE)	-	1	1	
64		Nonylphenol ethoxylates (NP/NPEs) and related substances	-	1	1	10 000
65	100-41-4	Ethyl benzene	-	200 (as BTEX)***	200 (as BTEX)***	10 000
66	75-21-8	Ethylene oxide	1 000	10	10	10 000
67	34123-59-6	Isoproturon	-	1	1	
68	91-20-3	Naphthalene	100	10	10	10 000
69		Organotin compounds (as total Sn)	-	50	50	
70	117-81-7	Di-(2-ethyl hexyl)phthalate (DEHP)	10	1	1	10 000
71	108-95-2	Phenols (as total C)	-	20	20	10 000
72		Polycyclic aromatic hydrocarbons (PAHs) ****	50	5	5	50
73	108-88-3	Toluene	-	200 (as BTEX)***	200 (as BTEX)***	10 000
74		Tributyltin and compounds	-	1	1	
75		Triphenyltin and compounds	-	1	1	
76		Total organic carbon (TOC) (as total C or COD/3)	-	50 000	-	
77	1582-09-8	Trifluralin	-	1	1	
78	1330-20-7	Xylenes	-	200 (as BTEX)***	200 (as BTEX)***	10,000
79		Chlorides (as total Cl)	-	2 000 000	2 000 000	
80		Chlorine and inorganic compounds (as HCl)	10 000	-	-	
81	1332-21-4	Asbestos	1	1	1	10 000
82		Cyanides (as total CN)	-	50	50	10 000
83		Fluorides (as total F)	-	2 000	2 000	
84		Fluorine and inorganic compounds (as	5 000	-	-	10 000

No	CAS numbers	Pollutant	Release thresholds [x]* <u>2/</u>			Manufacture, Process or Use thresholds [y] (kg/year)
			Air Threshold kg/year	Water Threshold kg/year	Land Threshold kg/year	
		HF)				
85		HCN	200	-	-	10 000
86		PM10 (particulate matters)	50 000	-	-	**

\* Where the release threshold column contains a '-', no reporting is required for releases of the pollutant in question into the medium in question.

\*\* A manufacture, process or use threshold is not applicable for this substance.

\*\*\* Single pollutants are to be reported if the threshold of 200 for BTEX (the sumparameter for benzene, ethylbenzenes, toluene, xylenes) is exceeded.

\*\*\*\* PAHs includes benzo(a)pyrene (50328), benzo(b)fluoranthene (205992), benzo(k)fluoranthene (207089), indeno(1,2,3-cd)pyrene (193395)

#### Notes

1/ A footnote might be added here providing for flexibility in the application of the thresholds in question (see MP.PP/AC.1/2002/2, paras.75-76).

2/ In article 7, paragraph 1 (a) (ii) and (iv), reference is made to 'the applicable thresholds' for offsite transfers of pollutants and waste water respectively, 'as specified in annex II, column [x]'. However, annex II does not at the moment include transfer thresholds. The reference to column [x] suggests that there may have been an assumption in the Working Group that the thresholds in that column might also apply to transfers but the fact that different thresholds apply to releases to the different media leaves some ambiguity as to how the thresholds would be applied to transfers. The Working Group may wish to address this issue at its next meeting, with a view to ensuring compatibility between these provisions. This question may also have a bearing on article 7, paragraph 3, which at present makes no reference to transfer thresholds.

### **Annex III**

#### **PART A.**

#### **DISPOSAL OPERATIONS ('D')**

- Deposit into or onto land (e.g. landfill).
- Land treatment (e.g. biodegradation of liquid or sludgy discards in soils).
- Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories).
- Surface impoundment (e.g. placement of liquid or sludge discards into pits, ponds or lagoons).
- Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment).
- Release into a water body except seas/oceans.
- Release into seas/oceans including sea-bed insertion.
- Biological treatment not specified elsewhere in this annex which results in final compounds or mixtures which are discarded by means of any of the operations specified in this part.
- Physico-chemical treatment not specified elsewhere in this annex which results in final compounds or mixtures which are discarded by means of any of the operations specified in this part (e.g. evaporation, drying, calcination, neutralization, precipitation).
- Incineration on land.
- Incineration at sea.
- Permanent storage (e.g. emplacement of containers in a mine).
- Blending or mixing prior to submission to any of the operations specified in this part.
- Repackaging prior to submission to any of the operations specified in this part.
- Storage pending any of the operations specified in this part.

#### **PART B.**

#### **RECOVERY OPERATIONS ('R')**

- Use as a fuel (other than in direct incineration) or other means to generate energy.
- Solvent reclamation/regeneration.
- Recycling/reclamation of organic substances which are not used as solvents.
- Recycling/reclamation of metals and metal compounds.
- Recycling/reclamation of other inorganic materials.
- Regeneration of acids or bases.
- Recovery of components used for pollution abatement.
- Recovery of components from catalysts.
- Used oil re-refining or other reuses of previously used oil.
- Land treatment resulting in benefit to agriculture or ecological improvement.
- Uses of residual materials obtained from any of the recovery operations specified in this part.
- Exchange of wastes for submission to any of the recovery operations specified in this part.
- Accumulation of material intended for any operation specified in this part.

**Other annexes**

Annex IV Arbitration 1/

**Notes**

1/ The reference to an annex on arbitration remains from a previous draft of the protocol, there having been no decision to delete it. In the current drafting of article 25, there is no reference to an annex on arbitration.