



**Economic and Social
Council**

Distr.
GENERAL

ECE/MP.PP/AC.1/2006/2
28 July 2006

Original: ENGLISH

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

Third meeting
Geneva, 17-19 May 2006

REPORT OF THE THIRD MEETING

1. The third meeting of the Working Group on Pollutant Release and Transfer Registers (PRTRs) was held in Geneva from 17 to 19 May 2006.
2. The meeting was attended by delegations from the Governments of Armenia, Austria, Belarus, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Italy, Kazakhstan, Kyrgyzstan, Latvia, the Netherlands, Norway, the Republic of Moldova, Serbia and Montenegro, Slovakia, Spain, Sweden, Switzerland, Tajikistan, The Former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom and Uzbekistan. The Commission of the European Communities and the European Environment Agency were also represented.
3. Also represented at the meeting were: the United Nations Environment Programme (UNEP), the United Nations Institute for Training and Research (UNITAR); the Regional Environmental Center for Central and Eastern Europe (REC); and the following non-governmental organizations: Global Legislators' Organization for a Balanced Environment (GLOBE) Europe and, within the framework of the European ECO Forum, Eco-Accord (Russian Federation), Environmental Management and Law Association (Hungary), Environmental Public Advocacy Center (Armenia), European Environmental Bureau, European Public Health Alliance, Georgian Environmental and Biological Monitoring Association (Georgia), 'Greenwomen' Public Association (Kazakhstan), Journalism to Raise Environmental Awareness (Mexico), Union for

Defense of the Aral Sea and Amudarya (Uzbekistan) and ‘Volgograd-Ecopress’ Information Centre (Russian Federation).

4. The meeting was opened by one of the Vice-Chairpersons of the Working Group, Mr. Michel Amand (Belgium) who informed the meeting that Mr. Karel Blaha, the Chairperson, was unavoidably absent and had sent his apologies. He had asked Mr. Amand to chair the meeting in his absence. (Mr. Amand will be referred to as “Chairperson” for the purposes of this report.)

I. ADOPTION OF THE AGENDA

5. The agenda for the meeting (ECE/MP.PP/AC.1/2006/1) was adopted.

II. RELEVANT DEVELOPMENTS AND ACTIVITIES SINCE THE SECOND MEETING OF THE WORKING GROUP

6. The Chairperson reported on the meeting of the Organisation for Economic Co-operation and Development (OECD) Pollutant Release and Transfer Registers (PRTR) Task Force, which had held its ninth meeting in Ghent, Belgium, in March 2006.

7. Mr. Osmany Pereira Gonzales (UNEP) reported on the first meeting of the International PRTR Coordinating Group, in Ghent, held back-to-back with the OECD PRTR Task Force meeting, on 20 March 2006. The group agreed to continue the work of the former Inter-Organization Programme For The Sound Management of Chemicals (IOMC) PRTR Coordinating Group, while focusing on promoting coordination of capacity building in developing countries and countries with economies in transition. UNECE was providing the secretariat to the group on an interim basis.

III. NATIONAL PREPARATIONS FOR RATIFICATION AND IMPLEMENTATION OF THE PROTOCOL

8. The secretariat informed the Working Group that the European Community had approved the Protocol and Luxembourg had ratified it. The European Commission informed the Working Group about the Regulation establishing the European Pollutant Release and Transfer Register published on 4 February 2006 (Regulation (EC) No 166/2006), enabling the European Community to deposit its instrument of approval of the Protocol on 21 February 2006. The representatives of Austria, Belgium, Denmark, France, Germany, Sweden, Tajikistan and the United Kingdom informed the Working Group that efforts were underway in their respective countries to ratify the Protocol before the end of 2006 or in 2007. Several other delegations reported on activities preparatory to ratification of the Protocol in their countries. The REC reported about project activities supporting preparation of gap analysis in Albania, Bosnia and Herzegovina and Serbia and Montenegro regarding the legislative and institutional changes necessary to establish a register and for ratification of the Protocol.

9. The Chairperson noted that several delegations not currently present had reported to the Working Group of the Parties at its sixth meeting (5-7 April 2006) on their countries’

preparations for ratification of the Protocol. He expressed the view that entry into force by the end of 2007 appeared likely.

IV. PREPARATIONS FOR THE ENTRY INTO FORCE OF THE PROTOCOL AND THE FIRST SESSION OF ITS MEETING OF THE PARTIES

10. At its second meeting, the Working Group had agreed on a process for development of draft decisions on rules of procedure and a compliance review mechanism for the Protocol. It had agreed to establish a contact group and had appointed a facilitator of the contact group to develop first drafts on the basis of the rules of procedure and compliance review mechanism of the Convention, taking into account the issues raised in written submissions as well as other relevant information.

11. Introducing the topics of rules of procedure and a compliance review mechanism, the Chairperson recalled the resolution of the Signatories where it was stated that, with respect to Parties to the Convention, no provision of the Protocol should be construed as diminishing in any way the rights and obligations established under the Convention (MP.PP/2003/1/Add.1/Rev.1, para. 12). He read a text which had been adopted by the Working Group of the Parties at its sixth meeting representing the outcome of its discussion on the development of draft decisions on a compliance review mechanism and rules of procedure for the Protocol (ECE/MP.PP/WG.1/2006/2, para. 13).

12. The secretariat reported on a letter sent by Prof. Veit Koester, Chairperson of the Compliance Committee, to the Chairperson of the Working Group on PRTRs, relating the Committee's first-hand experience with the Convention's compliance review mechanism, copies of which had been circulated to the Working Group. The letter recommended that the Working Group consider whether, in designing the compliance review mechanism of the Protocol, some lessons could be drawn from the experience with the Compliance Committee. The Chairman of the Committee expressed his view that it would be desirable if the structure and design of the two mechanisms were as close to each other as possible in order to enhance the synergies between them (cf. decision I/7, annex, chapter XIV).

13. Mr. Jolyon Thomson (United Kingdom), facilitator of the Contact Group, presented three documents (ECE/MP.PP/AC.1/2006/3-5) containing the draft decisions and an explanatory note. The latter document identified issues which might call for extensive discussions, such as agreeing on the composition of the Bureau and Compliance Committee and whether members of the public would be able to trigger the compliance review procedure.

14. The Working Group had a first exchange of views upon the draft decisions (ECE/MP.PP/AC.1/2006/3 and 4), which were considered useful starting points for discussion. Some delegations maintained that the Protocol should have a strong compliance regime similar to that adopted under the Convention and enabling communications from the public to trigger the compliance review process.

15. The Working Group then requested the Contact Group to further elaborate the draft decisions on rules of procedure and the compliance review mechanism. The following delegations were

included in the Contact Group: Austria, Belgium, Denmark, Germany, Italy, Kazakhstan, Kyrgyzstan, the Netherlands, Norway, Spain, Sweden, the United Kingdom and European ECO Forum. The following other delegations expressed interest in participating in the work of the Contact Group and were included in it, although they were not in a position to attend the meeting of the Contact Group that took place in parallel with the session of the Working Group: Armenia, France, Hungary, Switzerland, Tajikistan, the European Community and the REC.

16. Meeting in parallel with the plenary, the Contact Group reviewed in detail the draft decision on rules of procedure and amended the text, leaving in several instances alternative options for rules in square brackets. It then reported back to the plenary.

17. The Working Group agreed that the Contact Group would meet intersessionally to continue and, if possible, conclude the first round of discussion on the draft decision on a compliance review mechanism. The revised draft decisions on a compliance review mechanism and rules of procedure would be produced as official documents to form the basis for discussion at the next meeting of the Working Group. The intersessional meeting of the Contact Group would take place on 13-15 September 2006 in Geneva. Delegations were invited to submit comments in writing through the secretariat for use by the Contact Group by 14 July 2006.

18. The secretariat presented a paper providing an analysis of options for financial arrangements under the Protocol, prepared at the request of the Working Group (ECE/MP.PP/AC.1/2006/6). The Working Group reviewed and commented upon the analysis. Austria, on behalf of the European Union, expressed a preference for a system of voluntary contributions to a trust fund, at least on an interim basis. This would allow a more flexible approach which, on the basis of the experience with the Convention, in no way seemed to discourage States from contributing. The main objective of such a financial mechanism under the Protocol would be to cover the costs of those activities of the work programme that had been identified as priorities by the Meeting of the Parties.

19. Other delegations also supported adoption of a scheme of voluntary contributions. Some found merit in allowing in-kind contributions to be counted within a State's overall contribution, for example, by including in calculations of a State's contribution funding contributed for projects undertaken within the context of the framework programme on capacity building. It was suggested that this could encourage States which had not so far contributed to the Aarhus Convention to make contributions. Establishing a scale of assessment to guide the amount of voluntary contributions was also considered useful by one State.

20. The Working Group agreed on a process for the development of a draft decision on financial arrangements. It mandated the Bureau, with the assistance of the secretariat and in consultation with the Bureau of the Meeting of the Parties to the Convention, to prepare a draft decision on financial arrangements for consideration by the Working Group at its next meeting, taking into consideration the work on financial arrangements being undertaken by the Working Group of the Parties.

21. The secretariat introduced a paper providing an analysis of options for the establishment of subsidiary bodies to the Protocol (ECE/MP.PP/AC.1/2006/7). Austria on behalf of the European Union welcomed the comprehensive analysis of options prepared by the secretariat. The

European Union shared the secretariat's view that any unnecessary increase of subsidiary bodies should be avoided. It found merit in considering the establishment of subsidiary bodies on an ad hoc basis. Several other delegations supported the establishment of a subsidiary body dealing with technical issues.

22. The Working Group agreed to proceed in the following way. It invited delegations to respond in writing to the secretariat by 10 October 2006 to three questions:

(a) Which issues would need to be dealt with on the international level in the periods between sessions of the Meeting of the Parties?

(b) On the basis of the answer to question (a), is there any need for the first session of the Meeting of the Parties to establish a subsidiary body, and if so, on which basis, standing or ad hoc?

(c) On the basis of the answer to question (a), is there a need for a separate technical subsidiary body or bodies, and if so, on which basis, standing or ad hoc?

It requested that the Bureau with the assistance of the secretariat summarize the answers and, on the basis of them, prepare a further analysis on the topic, including alternative options as necessary.

V. NEEDS AND PROSPECTS FOR CAPACITY-BUILDING, TECHNICAL SUPPORT, GUIDANCE AND INFORMATION EXCHANGE

23. The secretariat circulated the document "Invitation for Financial Support: Proposal for Framework Programme on Capacity Building in preparation for the implementation of the Kiev Protocol on Pollutant Release and Transfer Registers" which it had prepared in partnership with UNEP, UNITAR and the REC in response to the request of the Working Group to further elaborate the informal document on the Framework Programme presented at its second meeting. The Working Group encouraged countries to indicate their specific needs, inter alia through the Clearinghouse. It was agreed that the document would be amended to include a reference to the PRTR capacity building activities matrix. The secretariat will feature the invitation on the web page of the Working Group as well as include it among donor outreach materials, where it could usefully serve as an introduction to the Framework Programme and help attract donor resources. The revised version of the matrix would be made available on the web site from the first week of June 2006.

24. Mr. Matthew Gubb (UNEP) reported on the Strategic Approach to International Chemicals Management (SAICM) Overarching Policy Strategy and Global Plan of Action adopted at the International Conference on Chemicals Management, held in Dubai in February 2006. SAICM recognizes the importance of all stakeholders taking cooperative action on global priorities, including among others "Encouraging implementation of existing internationally recognized standards, tools and approaches...such as...pollutant release and transfer registers". To promote implementation of SAICM in developing countries and countries with economies in transition, the ICCM had resolved to launch the Quick Start Programme with support from donor Governments for an initial period of five years. The SAICM Executive Board and Trust Fund

Implementation Committee had separately met in April 2006 and provided operational guidance to establish the Quick Start Programme process. A total of 4.5m USD had been made available for first round projects ranging from 50,000 to 250,000 USD for two-year long projects. Application forms and guidelines would be published in May 2006 for applicant countries, with an application deadline of 18 August 2006. Exceptionally, civil society networks could apply for funding. He encouraged countries to work with Intergovernmental organizations on developing project proposals.

25. The secretariat updated the Working Group on the UNECE project, undertaken with input from the former Economic Analysis Division and in partnership with the University of Geneva with the support of a grant from the Geneva International Academic Network, to model the cost of implementation of the Protocol. Initial field investigations of the model had been carried out with the voluntary cooperation of facilities in Norway and Sweden. Some delegations expressed concern that, although the project may provide interesting results, its results should be transparently available to enable appropriate analysis. The secretariat reported that interest had been expressed in conducting an independent review of the model by individual members of the OECD PRTR Task Force.

26. UNITAR reported that, beginning in September 2006, it would support national SAICM programmes in three developing countries and one country with an economy in transition with funds provided by the Government of Switzerland. A competition had been announced with a deadline for submission of project proposals by 31 May 2006.

VI. PRTR GUIDANCE DOCUMENT FOR THE IMPLEMENTATION OF THE PROTOCOL

27. The secretariat reported on the preparation for publication of the guidance document. The Working Group reviewed the draft guidance prepared by the secretariat which was based on the 10 documents submitted to its second meeting (ECE/MP.PP/AC.1/2005/5-14) and subsequent comments received and incorporated into the draft by the secretariat. It made a number of amendments to the draft document. It invited delegations to submit to the secretariat comments on the amended parts of the text by 3 July 2006. It further requested the secretariat to prepare a revised version of the guidance incorporating the comments received during the present session and the written comments, and to circulate it electronically by the end of July for final review by the end of September. The secretariat and Bureau would then finalize the guidance document and send the final version for approval to the participants prior to publication.

28. It was agreed that the comments received on the draft guidance document would be annexed to the report of the meeting.¹

VII. FURTHER ELABORATION OF THE WORK PLAN

29. The secretariat presented a proposal for a revised indicative work plan, including a calendar of meetings and key documents forecast, in preparation for the first Meeting of the Parties. The work plan was premised upon the entry into force in 2008. It envisaged that, in addition to the topics already under discussion, analytical papers would be prepared on a programme of work, a reporting mechanism and a technical assistance mechanism, which would provide the basis for the development of draft decisions on these topics.

30. The following revised indicative work plan was adopted.

Table 1: Calendar of meetings and key documents in preparation for the first session of the Meeting of the Parties

Meeting	Date	Analysis	Draft decision 1st reading	Draft decision 2nd reading	MOP review and adoption
WG-3	May 2006	Financial arrangements (FA), subsidiary bodies (SB)	Rules of procedure (ROP), compliance review mechanism (CM)		
WG-4	February 14-16 2007	SB ³ , programme of work (POW), reporting mechanism (RM), technical assistance mechanism (TM)	FA,	ROP, CM	
WG-5	Autumn 2007		POW, RM, TM, [SB ³]	FA,	
[WG-6]	Spring 2008		[SB ³]	[POW, RM, TM], [SB ³]	
MOP-1	2008				ROP ¹ , CM ² , FA, [SB ³], POW, RM, TM

Notes to Table 1:

¹Article 17, paragraph 2 (g)

²Article 22

³Further analysis on the establishment of subsidiary bodies prepared by the Bureau with the assistance of the secretariat (see para. 22) may or may not lead to a draft decision.

¹ Taking into account the resource constraints of the secretariat and because of procedural problems arising from the fact that the comments refer to an informal document which is available only in English, the Bureau, in consultation with the secretariat, subsequently agreed instead to circulate these comments separately from the report, together with an informal Russian translation, so as to expedite the review process.

VIII. ADOPTION OF THE REPORT AND CLOSURE OF THE MEETING

31. The Working Group adopted its report on the understanding that the Chairperson and the secretariat would finalize the text and that the French and Russian-speaking delegations would reserve their positions until the report was available in French and Russian as well.

32. The Chairperson thanked the delegates for the constructive progress they had made and then closed the meeting.