



Economic and Social Council

Distr.: Limited
8 February 2010

Original: English

Economic Commission for Europe

Meeting of the Parties to the Protocol on Pollutant Release and Transfer Registers to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

First session

Geneva, 20–22 April 2010

Item 9 (d) of the provisional agenda

Draft decision on reporting on implementation of the Protocol

Draft Decision on Reporting on Implementation of the Protocol¹

The Meeting of the Parties,

Recalling article 17, paragraph 2, of the Protocol on Pollutant Release and Transfer Registers, which states, inter alia, that the Meeting of the Parties to the Protocol shall keep under continuous review the implementation and development of the Protocol on the basis of regular reporting by the Parties and, with this purpose in mind, will establish guidelines facilitating reporting by the Parties, taking into account the experience gained under the Convention,

Recognizing that regular reporting by Parties provides important contextual information which facilitates the assessment of compliance under the Protocol and thereby contributes to the work of the Compliance Committee,

Believing that public involvement in the process of reporting is likely to improve the quality and accuracy of reports and to strengthen the credibility of the reporting process,

Taking into account the objective of a simple, concise and not excessively burdensome reporting mechanism,

¹ The present document was prepared by the Working Group on Pollutant Release and Transfer Registers established under the auspices of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters at its sixth meeting for adoption by the Meeting of the Parties at its first session (ECE/MP.PP/AC.1/2008/2, para. 28).

Noting that this decision concerns reporting by Parties on how they have implemented the requirements of the Protocol and is distinct from the reporting required under article 7 of the Protocol,

Emphasizing the importance of timely submission of reports,

1. *Requests* each Party to submit to the secretariat, in advance of the second ordinary session of the Meeting of the Parties or in advance of the first ordinary session of the Meeting of the Parties that takes place following the entry into force of the Protocol for that Party, whichever is the later, a report on:

(a) The necessary legislative, regulatory or other measures that it has taken to implement the provisions of the Protocol;

(b) The practical implementation of these measures at the national or, in the case of regional economic integration organizations, the regional level;

using the format set out in the annex to this decision;

2. *Also requests* each Party in advance of each subsequent ordinary session of the Meeting of the Parties to review the report and to prepare and submit to the secretariat new information and where available a consolidated national implementation report;

3. *Further requests* each Party to prepare its reports on implementation of the Protocol through a transparent and consultative process involving the public in a timely manner, taking account of specific circumstances pertaining to regional economic integration organizations;

4. *Requests* that such reports be submitted to the secretariat, preferably in electronic form, in one of the official languages of the Protocol, as well as in the language(s) of the Party, so as to arrive no later than five months before the session of the Meeting of the Parties for which they are submitted;

5. *Also requests* the secretariat to prepare a synthesis report for each ordinary session of the Meeting of the Parties summarizing the national implementation reports submitted by the Parties and identifying significant trends, challenges and solutions and to circulate it to the Parties and other stakeholders in due time for the Working Group of the Parties to the Protocol to review it and, if appropriate, comment on it immediately prior to its consideration by the Meeting of the Parties to the Protocol;

6. *Invites* Signatories and other States not party to the Protocol, pending their ratification or accession, to submit reports on measures taken to apply the Protocol, in accordance with the aforementioned procedures;

7. *Also invites* international, regional and non-governmental organizations engaged in programmes or activities providing support to Parties and/or other States in the implementation of the Protocol to provide the secretariat with reports on their programmes or activities and lessons learned, as well as on implementation of the Protocol itself;

8. *Requests* the secretariat to:

(a) Circulate the synthesis report and the reports referred to in paragraphs 1 and 2 in the official languages of the Protocol, as well as any reports submitted in accordance with paragraphs 6 and 7, to the Meeting of the Parties;

(b) Post these reports on the UNECE website in the languages in which they are available.

Annex

Format for the Protocol on Pollutant Release and Transfer Registers Implementation Report

CERTIFICATION SHEET

The following report is submitted on behalf of

[name of the Party or the Signatory] in accordance with decision I/...

Name of officer responsible for submitting the national report:	
Signature:	
Date:	

IMPLEMENTATION REPORT

Please provide the following details on the origin of this report.

<i>Party/Signatory</i>	
<i>NATIONAL FOCAL POINT</i>	
Full name of the institution:	
Name and title of officer:	
Postal address:	
Telephone:	
Fax:	
E-mail:	

<i>Contact officer for national report (if different):</i>	
Full name of the institution:	
Name and title of officer:	
Postal address:	
Telephone:	
Fax:	
E-mail:	

Designated competent authority responsible for managing the national or regional register (if different):	
Full name of the institution:	
Name and title of officer:	
Postal address:	
Telephone:	
Fax:	
E-mail:	

Provide brief information on the process by which this report has been prepared, including information on which types of public authorities were consulted or contributed to its preparation, on how the public was consulted and how the outcome of the public consultation was taken into account and on the material which was used as a basis for preparing the report.

Answer:

Articles 3, 4 and 5

List legislative, regulatory and other measures that implement the general provisions in articles 3 (general provisions), 4 (core elements of a pollutant release and transfer register system) and 5 (design and structure).

In particular, describe:

- (a) With respect to **article 3, paragraph 1**, measures taken to ensure the implementation of the provisions of the Protocol, including enforcement measures;
- (b) With respect to **article 3, paragraph 2**, measures taken to introduce a more extensive or more publicly accessible PRTR than required by the Protocol;
- (c) With respect to **article 3, paragraph 3**, measures taken 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 for their actions in reporting the violation;
- (d) With respect to **article 3, paragraph 5**, whether the PRTR system has been integrated into other reporting mechanisms and, if such integration has been undertaken, into which systems. Did such integration lead to elimination of duplicative reporting? Were any special challenges encountered or overcome in undertaking the integration, and how?
- (e) With respect to **article 5, paragraph 1**, how releases and transfers can be searched and identified according to the parameters listed in subparagraphs (a) to (f);
- (f) With respect to **article 5, paragraph 4**, provide the Universal Resource Locator (url) or Internet address where the register can be continuously and immediately accessed, or other electronic means with equivalent effect;

(g) With respect to **article 5, paragraphs 5 and 6**, provide information on links from the Party's register to relevant existing, publicly accessible databases on subject matters related to environmental protection, if any, and a link to PRTRs of other Parties.

Answer:

Article 7

List legislative, regulatory and other measures that implement article 7 (reporting requirements).

Describe or identify as appropriate:

(a) With respect to **paragraph 1**, whether the reporting requirements of paragraph 1 (a) are required by the national system, or whether those of paragraph 1 (b) are required by the national system;

(b) With respect to **paragraphs 1, 2 and 5**, whether it is the owner of each individual facility that is required to fulfil the reporting requirements or whether it is the operator;

(c) With respect to **paragraph 1 and annex I**, any difference between the list of activities for which reporting is required under the Protocol, or their associated thresholds, and the list of activities and associated thresholds for which reporting is required under the national PRTR system;

(d) With respect to **paragraph 1 and annex II**, any difference between the list of pollutants for which reporting is required under the Protocol, or their associated thresholds, and the list of pollutants and associated thresholds for which reporting is required under the national PRTR system;

(e) With respect to **paragraph 3 and annex II**, whether for any particular pollutant or pollutants listed in annex II of the Protocol, the Party applies a type of threshold other than the one referred to in the responses to paragraph (a) above and, if so, why;

(f) With respect to **paragraph 4**, the competent authority designated to collect the information on releases of pollutants from diffuse sources specified in paragraphs 7 and 8;

(g) With respect to **paragraphs 5 and 6**, any differences between the scope of information to be provided by owners or operators under the Protocol and the information required under the national PRTR system, and whether the national system is based on pollutant-specific (paragraph 5 (d) (i)) or waste-specific (paragraph 5 (d) (ii)) reporting of transfers;

(h) With respect to **paragraphs 4 and 7**, where diffuse sources have been included in the register, which diffuse sources have been included and how these can be searched and identified by users, in an adequate spatial disaggregation; or where they have not been included, provide information on measures to initiate reporting on diffuse sources;

(i) With respect to **paragraph 8**, the types of methodology used to derive the information on diffuse sources.

Answer:

Article 8

<p>For each reporting cycle since the last national implementation report (or date of entry into force of the Protocol), please indicate:</p> <p>(a) The reporting year (the calendar year to which the reported information relates);</p> <p>(b) The deadline(s) by which the owners or operators of facilities were required to report to the competent authority;</p> <p>(c) The date by which the information was required to be publicly accessible on the register, having regard to the requirements of article 8 (reporting cycle);</p> <p>(d) Whether the various deadlines for reporting by facilities and for having the information publicly accessible on the register were met in practice; and if they were delayed, the reasons for this;</p> <p>(e) Whether methods of electronic reporting were used to facilitate the incorporation of the information required in the national register, and if such methods were used, the proportion of electronic reporting by facilities and any software applications used to support such reporting.</p>
<p><i>Answer:</i></p>

Article 9

<p>Describe the legislative, regulatory and other measures ensuring the collection of data and the keeping of records, and establishing the types of methodologies used in gathering the information on releases and transfers, in accordance with article 9 (data collection and record-keeping).</p>
<p><i>Answer:</i></p>

Article 10

<p>Describe the rules, procedures and mechanisms ensuring the quality of the data contained in the national PRTR and what these revealed about the quality of data reported, having regard to the requirements of article 10 (quality assessment).</p>
<p><i>Answer:</i></p>

Article 11

<p>Describe the way(s) in which public access to the information contained in the register is facilitated, having regard to the requirements of article 11 (public access to information).</p>
<p><i>Answer:</i></p>

Article 12

Where any information on the register is kept confidential, give an indication of the types of information that may be withheld and the frequency with which it is withheld, having regard to the requirements of article 12 (confidentiality). Please provide comments on practical experience and challenges encountered with respect to dealing with confidentiality claims, in particular with respect to the requirements set out in paragraph 2.

Answer:

Article 13

Describe the opportunities for public participation in the development of the national PRTR system, in accordance with article 13 (public participation in the development of national pollutant release and transfer registers) and any relevant experience with public participation in the development of the system.

Answer:

Article 14

Describe the review procedure established by law to which all individuals have access if they consider that their request for information has been ignored, wrongfully refused or otherwise not dealt with in accordance with the provisions of article 14 (access to justice), and any use made of it.

Answer:

Article 15

Describe how the Party has promoted public awareness of its PRTR and provide detail, in accordance with article 15 (capacity-building), on:

- (a) Efforts to provide adequate capacity-building for and guidance to public authorities and bodies to assist them in carrying out their duties under the Protocol;
- (b) Assistance and guidance to the public in accessing the national register and in understanding the use of the information contained in it.

Answer:

Article 16

Describe how the Party has cooperated and assisted other Parties and encouraged cooperation among relevant international organizations, as appropriate, in particular:

- (a) In international actions in support of the objectives of this Protocol, in accordance with **paragraph 1 (a)**;
- (b) On the basis of mutual agreements between the Parties concerned, in implementing national systems in pursuance of this Protocol, in accordance with **paragraph 1 (b)**;
- (c) In sharing information under this Protocol on releases and transfers within border areas, in accordance with **paragraph 1 (c)**;

(d) In sharing information under this Protocol concerning transfers among Parties, in accordance with **paragraph 1 (d)**;

(e) Through the provision of technical assistance to Parties that are developing countries and Parties with economies in transition in matters relating to this Protocol, in accordance with **paragraph 2 (c)**.

Answer:

Provide any further comments relevant to the Party's implementation, or in the case of Signatories, preparation for implementation, of the Protocol. Parties and Signatories are invited to identify any challenges or obstacles encountered in setting up, gathering data for and filling in the register.

Answer: