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#### Multilateral environmental agreements

## Multilateral environmental agreements: overview of national implementation reporting

### Note by the secretariat

#### *Summary*

At the Seventh Environment for Europe Ministerial Conference (Astana, 2011), ministers of the United Nations Economic Commission for Europe (ECE) invited countries to ratify and implement the ECE multilateral environmental agreements (MEAs), and underlined the role of ECE in assessing the obstacles to ratifying those agreements and in assisting countries to ratify and implement them (ECE/ASTANA.CONF/2011/2/Add.1, para. 5).

To fulfil that mandate, the Bureau of the Committee on Environmental Policy (CEP) discussed the issue of national implementation reporting at its last meeting (Lisbon, 26–27 May 2014) and requested the secretariat to prepare the present paper to facilitate the discussion by CEP on the status and trends in national implementation reporting under MEAs at its twentieth session. The document was prepared by the secretariat following guidance by the CEP Bureau.



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## Introduction

1. The United Nations Economic Commission for Europe (ECE) provides the secretariat for the ECE environmental conventions and protocols — the multilateral environmental agreements (MEAs) — as defined in the texts of the respective MEAs.<sup>1</sup>
2. The current document presents an overview of submission by Parties of their national implementation reports (NIRs) since the first mandatory reporting exercise, as appropriate, under each MEA. The structure and content of the document follows the broad guidance provided by the Bureau of the ECE Committee on Environmental Policy (CEP).
3. The majority of MEAs not only within ECE, but also at the global level, embrace some form of national reporting from Parties. There are multiple benefits that reporting, as a tool, offers for MEA implementation in general. The information included in regular national reports can be useful to evaluate whether Parties meet their obligations, face particular difficulties or there is a common pattern of difficulties that needs to be addressed. National reports can also provide a better understanding for the design and implementation of workplans (e.g., capacity-development activities), point to the need to introduce amendments or interpret particular clauses of an MEA text, etc. Implementation or compliance bodies may also use national reports, or a synthesis of them, as a basis for examining general or country-specific compliance issues or as a source of additional information when considering a particular case.
4. The benefits of reporting are also clear at the national level. The obligation to report to the governing body means that Parties must periodically assess their own national implementation status, identify problems and consider solutions. This process increasingly involves horizontal, inter-ministerial cooperation within Governments as well as procedures for public participation and consultation, thereby facilitating better national awareness and — eventually — implementation of the MEA. Countries, whether Parties or not, also benefit from the exchange of information, good practices and experiences, which can at the same time enrich cooperation.
5. While offering the above benefits, reporting does involve deployment of significant staff time and resources by the Party's national authorities. Usually there is a focal point or institution with the primary responsibility for national reporting. Horizontal cooperation within the Government during the preparation of the NIR is also a common practice for some MEAs in many countries.
6. Accession of a country to multiple MEAs, while indicating a welcome trend towards enhanced environmental governance, also results in increased reporting requirements and the need to allocate additional resources for it; if the time frames for reporting under several MEAs coincide, the responsible institution might suffer from “rush hour” problems. Where a country has other reporting requirements on the same theme —and this is particularly the case for member States of the European Union (EU) with respect to EU legislative acts — this may result in both simplification (where required information has already been gathered) and duplication of effort.
7. Reporting also places a significant burden on the secretariat of an MEA, often requiring the allocation of additional human and financial resources for compiling, synthesizing and summarizing the information received from the Parties and for making the reports publicly available.

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<sup>1</sup> ECE and the World Health Organization Regional Office for Europe jointly provide the secretariat of the Protocol on Water and Health.

8. Analysis of general trends in national reporting across the ECE MEAs might provide a useful background for identifying existing as well as emerging bottlenecks and challenges and for discussing possible responses both at the national and regional level, including potential synergies between MEAs.

9. Based on the guidance from the CEP Bureau, this paper seeks to:

(a) Provide an overview of the reporting requirements under the different ECE MEAs, the status of reporting, the use of the reports and the potential challenges and lessons learned;

(b) Where possible, consider the associated workload by countries and the secretariat and identify potential bottlenecks or rush hours across MEAs, if any;

(c) Reflect the main challenges in providing NIRs in line with the reporting requirements of MEAs;

(d) Identify general trends in the reporting process, e.g., on meeting reporting deadlines.

## **I. Information on the status and trends in national implementation reporting by treaty<sup>2</sup>**

### **A. Convention on Long-range Transboundary Air Pollution**

#### **1. Brief information**

10. The Convention on Long-range Transboundary Air Pollution (Air Convention) was signed by 34 Governments and the European Community in 1979 and entered into force in 1983. Currently, the Convention has 51 Parties. It has been extended by seven substantive protocols.<sup>3</sup>

#### **2. Reporting provisions**

11. Reporting provisions under the Convention and its protocols are found in article 8 of the Convention text; articles 4 and 6 of the 1985 Protocol on the Reduction of Sulphur Emissions or their Transboundary Fluxes by at least 30 per cent; article 8 of the 1988 Protocol concerning the Control of Emissions of Nitrogen Oxides or their Transboundary Fluxes; article 8 of the 1991 Protocol concerning the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes; article 5 of the 1994 Protocol on Further Reduction of Sulphur Emissions; article 7 of the 1998 Protocol on Heavy Metals; article 9 of the 1998 Protocol on Persistent Organic Pollutants; and article 7 of the 1999 Protocol to Abate Acidification, Eutrophication and Ground-level Ozone. The reporting provisions comprise reporting on emission data for the pollutants addressed, as well as provisions for the exchange of information and reporting on the strategies, policies and measures that Parties have taken to implement their obligations under the respective Protocols. The reporting format and intervals are decided by the Convention's Executive Body.

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<sup>2</sup> Only for the ECE MEAs which are in force.

<sup>3</sup> An eighth protocol involves funding of effects-oriented activities and has no reporting requirements. For more information on the protocols see [http://www.unece.org/env/lrtap/status/lrtap\\_s.html](http://www.unece.org/env/lrtap/status/lrtap_s.html).

12. In order to report on national emissions of agreed pollutants, Parties submit data to the Centre on Emission Inventories and Projections in accordance with the emission reporting guidelines in force,<sup>4</sup> which represent the format and set the intervals as decided by the Executive Body.

13. Article 8 of the Convention requires Parties to exchange available information on, inter alia: data on emissions of agreed air pollutants; major changes in national policies and in general industrial development, and their potential impact on long-range transboundary air pollution; control technologies for reducing air pollution; and national, subregional and regional policies and strategies for the control of sulphur compounds and other major air pollutants. Further obligations to report on strategies, policies and measures stem from the individual Protocols to the Convention.

14. A questionnaire on Strategies and Policies for the Abatement of Air Pollution was sent to Parties on a biennial basis until 2010.<sup>5</sup> In addition to the review of compliance with the obligations to report under the seven substantive Protocols, every four years, a general policy review was also undertaken.

15. At its thirty-second session in 2013, by decision 2013/2 the Executive Body changed the format for reporting on strategies and policies, stipulating that the Working Group on Strategies and Review would invite Parties to report at its annual sessions on such measures and that the sessions of the Working Group would be considered the format for reporting on them (see ECE/EB.AIR/122/Add.1).

16. This approach was applied for the first time at the fifty-second session of the Working Group (Geneva, 30 June–3 July 2014). A summary of the reports made by Parties and the policy discussions held at the sessions of the Working Group on Strategies and Review will be included in the Working Group's annual report to the Executive Body.

17. Decision 2013/2 also calls for the Executive Body to evaluate the effectiveness of the new reporting format at its thirty-fourth session, in 2015.

### **3. Reporting facts**

18. Generally most Parties report on policies, strategies and measures under the Air Convention and its Protocols. Almost all Parties report emission data in the required format.<sup>6</sup> The compliance by Parties with their reporting obligations concerning emission data under the respective protocols is monitored by the secretariat and matters of possible non-compliance are referred to the Convention's Implementation Committee.

19. In 2014, 44 Parties submitted their inventories for 2012. Of the seven Parties that did not submit data for 2014, two have not reported emission data within the last five years.

### **4. Added value of reporting**

20. Reporting of emission data on the pollutants addressed by the Air Convention and its Protocols is essential, as the data makes it possible to verify whether emissions have been reduced, whether Parties are meeting their commitments and whether the Protocols are fulfilling their objectives.

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<sup>4</sup> The most recent guidelines (until 2015) are contained in document ECE/EB.AIR/125.

<sup>5</sup> The answers received in 2000, 2002, 2004, 2006, 2008, and 2010 are available from <http://apps.unece.org/WebApt/Questionnaire/guestProfile.aspx>.

<sup>6</sup> For the latest data on the status of emission reporting, see document ECE/EB.AIR/GE.1/2014/6, available from <http://www.unece.org/env/clrtap/emep38.html>.

21. The value added of reporting by Parties at the sessions of the Working Group is the sharing of information on policies, strategies and measures to abate air pollution. Following the first experience of such reporting, delegates noted the usefulness of the new format as it provides a venue to learn about a range of instruments, designs and innovative approaches applied by Parties in a more interactive manner, allows for interaction between Parties and possibly leads to follow-up actions (not easily possible using the questionnaire). Furthermore, all presentations made at the session can be easily accessed on the website of the meeting.

22. Another added value of the oral reporting format observed at the Working Group's fifty-second session was that States not yet Parties to the Convention (and which have no obligation to report) or that are not yet Party to any of the Protocols took the opportunity to report on their activities and challenges. The session devoted to countries in Eastern Europe, the Caucasus and Central Asia was especially informative. Furthermore, such reports inform about capacity-building needs and help in the planning of targeted activities. The information presented and the discussions held at the session will be summarized in the report of the Working Group to the Executive Body.

#### **5. Problems, challenges on both national and regional level**

23. For reporting on national emissions of air pollutants, a lack of capacity in some countries has generally been the impeding factor rather than a lack of political will. To address this issue, the secretariat is undertaking a number of capacity-building activities targeting specific technical skills required to develop emission inventories and other aspects of reporting. The incompleteness of information represents a persisting problem in particular in the countries of Eastern and South-Eastern Europe, the Caucasus and Central Asia. However, there are also some Western European countries that fail to submit their data in a timely and complete manner.

#### **6. Responses, possible plans for future**

24. As stipulated in decision 2013/2, the Executive Body will evaluate the effectiveness of the decision to change the format for reporting in 2016. Should the Executive Body positively evaluate the new form of information exchange, future sessions of the Working Group could be focused on one particular theme to facilitate more streamlined discussions.

### **B. Convention on Environmental Impact Assessment in a Transboundary Context and its Protocol on Strategic Environmental Assessment**

#### **1. Brief information**

25. The Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) was adopted in 1991 and is in force since 1997. As at 1 August 2014, the Convention counts 45 Parties. Parties have adopted two amendments to the Convention. The first amendment (decision II/14), adopted in 2001, enters in force on 26 August 2014. It opens the Convention to accession by United Nations Member States that are not members of ECE. The Protocol on Strategic Environmental Assessment (Protocol on SEA), adopted in 2003, is in force since 2010. As at 1 August 2014, the Protocol counts 26 Parties.

#### **2. Reporting provisions**

26. The Espoo Convention text does not include reporting obligations. However, since 2001, by decision II/10 and subsequent decisions of the Meeting of the Parties to the

Convention (MOP) on the review of implementation, Parties have agreed to submit regular reports in the context of periodic reviews of implementation under the Convention.

27. Specifically, the MOP decided at its second meeting (Sofia, 26–27 February 2001) to adopt a workplan (decision II/11) that included an activity on “Reviews of the implementation of the Convention”. It was decided that the secretariat would prepare a draft review based on the information provided by Parties and non-Parties pursuant to the reporting system adopted by the Working Group, for discussion and possible adoption at the MOP. This procedure has been repeated for the subsequent reporting cycles up to 2013.

28. Reporting obligations will be introduced once the second amendment enters into force. New article 14 bis provides that the review of compliance with the provisions of the Convention will be based on, but not limited to, regular reporting and that the MOP will decide on the frequency of regular reporting required by the Parties and the information to be included in those regular reports.

29. The Protocol on SEA provides for reporting obligations under article 13, paragraph 4, and under article 14, paragraph 4.

30. By decision V/7–I/7 on reporting and the review of implementation, the MOP and the Meeting of the Parties to the Convention serving as the Meeting of Parties to the Protocol (MOP/MOP) recognized “that regular reporting by Parties provides important information that facilitates the review of compliance under the Convention and thereby contributes to the work of the Implementation Committee”.<sup>7</sup> The Implementation Committee reviews compliance under both the Convention and the Protocol.

31. Countries report through responding to separate questionnaires for the Convention and the Protocol. The questionnaires seek information on the legal and administrative framework (part I) and information on practical application during the reporting period (part II). The questionnaires have been developed/revised over time by the Implementation Committee, and approved by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment, at the request of the MOP.

32. The secretariat makes the questionnaires and the associated guidance available in English, French and Russian. The MOP and the MOP/MOP request the secretariat to circulate them to the Parties and Parties to report by the deadlines agreed by the Working Group.

33. Parties may report in English, French or Russian. Reports must be submitted within a deadline to allow the secretariat to prepare the draft reviews of implementation. The draft reviews are then submitted for consideration and adoption by the MOP and MOP/MOP at their next sessions.

### **3. Reporting facts**

34. The reporting exercise is periodic, i.e., there are two-to-three-year reporting cycles, the outcomes of which are submitted to the MOP.<sup>8</sup> To date, there have been four reporting cycles for the Convention (up to 2003; 2003–2005; 2006–2009; and 2010–2012) and one reporting cycle for the Protocol (2010–2012) (see table 1). Reporting cycles for the Convention and the Protocol typically coincide, but reports are separate for each

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<sup>7</sup> The fifth session of the MOP and the first session of the MOP/MOP were held simultaneously in Geneva in 2011, with joint and individual meetings convened throughout the sessional period. Some decisions were adopted jointly, such as decisions V/7 and I/7.

<sup>8</sup> All reports are available from [http://www.unece.org/env/eia/implementation/review\\_implementation.html](http://www.unece.org/env/eia/implementation/review_implementation.html).

instrument. The fifth reporting cycle under the Convention and the second reporting cycle under the Protocol are due to start in 2015, after the review of the questionnaire by the Implementation Committee.

35. In general, there has been an increasing trend in reporting rates over the years on Convention matters, with, however, a drop in the last review for the Convention. The responses received vary considerably both in quality and in terms of the amount of experience reported. The secretariat contributes significantly in the preparation of the reviews.

Table 1  
**Reporting under the Espoo Convention and its Protocol**

<i>Treaty</i>	<i>Categories</i>	<i>Last year of reporting cycle<sup>a</sup></i>			
		<i>2003 (I)</i>	<i>2005 (II)</i>	<i>2009 (III)</i>	<i>2012 (IV and I)</i>
Espoo Convention	Parties with reporting obligations	39	39	43	44
	Reported on time	25	33	42	38
	Reported late	—	5	1	2
	Did not report	14	1	—	4
	Non-parties reporting	—	2	—	—
Protocol on SEA	Parties with reporting obligations				24
	Reported on time				19
	Reported late				3
	Did not report				2
	Non-parties reporting				1

<sup>a</sup> Reporting cycles are indicated with Roman numerals (I, II, etc.). The fourth reporting cycle of the Convention corresponds to the first under the Protocol.

#### 4. Added value of reporting

36. The secretariat is requested to prepare the draft reviews of implementation based on the national reports and present them for adoption by the MOPs (subsequent to their consideration by the Working Group). This is usually done by a consultant, but the secretariat has to be substantially involved in the process. The final review of implementation document provides a valuable synthesis and analysis of the strengths and weaknesses of Parties in implementing the Convention. Parties take the review of implementation into account in preparing the workplan under the Convention and the Protocol, targeting identified implementation challenges for capacity-building activities.

37. For instance, at the most recent sessions of the two governing bodies (2–5 June 2014), the MOP adopted decision VI/1 on review of implementation of the Convention and the MOP/MOP adopted decision II/1 on review of implementation of the Protocol, with both bodies taking note of the main challenges and the areas of improvement. Also by those decisions, the secretariat is requested to bring to the attention of the Implementation Committee general and specific compliance issues identified in the reviews of implementation, and the Committee is requested to take them into account in its work.



## **C. Convention on the Protection and Use of Transboundary Watercourses and International Lakes**

### **1. Brief information**

38. The Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) was adopted in Helsinki on 17 March 1992. The Convention entered into force in 1996 and now has 40 Parties. Amendments to the Water Convention were adopted in 2003 and entered into force 2013. The amendments allow Member States of the United Nations not members of ECE to accede to the Convention. The Water Convention has been supplemented by two protocols: the Protocol on Water and Health (in force); and the Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters (not in force).<sup>9</sup>

### **2. Reporting provisions**

39. The Water Convention does not include a provision on reporting. At its sixth session (Rome, 28–30 November 2012), the MOP mandated the Convention's Working Group on Integrated Water Resources Management, in consultation with the Implementation Committee, to carry out an analysis on the needs for reporting under the Convention. The Working Group was to take into account the capacity of countries and other relevant reporting mechanisms. The analysis will serve as a basis for the possible elaboration of the scope and modalities of a reporting mechanism to be submitted for possible adoption by the MOP at its seventh session (autumn 2015). The MOP asked the Convention's Bureau to lead this activity with the support of the secretariat.

40. At its ninth meeting (Geneva, 25–26 June 2014), the Working Group decided to establish a core group to develop a proposal on a reporting mechanism and invited members of the Implementation Committee to join the core group.

## **D. Protocol on Water and Health**

### **1. Brief information**

41. The Protocol on Water and Health to the Water Convention was adopted in London in 1999. It entered into force 2005 and now has 26 States Parties.

### **2. Reporting provisions**

42. Articles 6 (paragraph 2), 7 and 16 of the Protocol provide for a comprehensive and mandatory reporting mechanism.

### **3. Reporting facts**

43. The MOP to the Protocol, at its first session (Geneva, 17–19 January 2007), requested the Parties to prepare and submit national summary reports. Informal guidelines and an informal template were produced.

44. The first reporting cycle demonstrated that remarkable progress had been achieved by Parties and substantial experience was available. At the same time, several challenges remained, in particular relating to difficulties with cross-sectoral cooperation and coordination of activities among different authorities responsible for the management of

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<sup>9</sup> A joint instrument also under the Convention on the Transboundary Effects of Industrial Accidents.

water resources, water supply, sanitation and health, as well as the prioritization of activities and the involvement of the public in the implementation of the Protocol.<sup>10</sup>

45. For the second cycle of reporting, the reporting guidelines and template were revised. The guidelines on the setting of targets, evaluation of progress and reporting (ECE/MP.WH/5) were adopted by the MOP at its second session (Bucharest, 23–25 November 2010).

46. At its third session (Oslo, 25–27 November 2013), the MOP evaluated progress in implementing the Protocol on the basis of the summary reports provided by Parties. The outcomes of the reporting cycle demonstrated increased compliance with the guidelines and template for summary reports and improved overall quality of the reports as compared with the pilot reporting exercise.<sup>11</sup>

47. The third cycle of reporting will be conducted in 2015–2016 and its outcomes will be reviewed at the fourth session of the MOP at the end of 2016.

Table 2

**Reporting under the Protocol on Water and Health**

<i>Categories</i>	<i>Last year of reporting cycle<sup>a</sup></i>	
	<i>2010 (I)</i>	<i>2013 (II)</i>
Parties with reporting obligations	24	26
Reported on time	8	12
Reported late	13	11
Did not report	3	3
Non-Parties reporting	4	3

<sup>a</sup> Reporting cycles are indicated by Roman numerals (I, II, etc.).

#### 4. Added value of reporting

48. There are two primary uses of the summary reports at the international level. First, they are used by the secretariat to produce a regional report on the status of implementation of the Protocol, which aims to assist Parties in assessing implementation of the Protocol and facilitate preparation and adoption by the MOP of a number of decisions, in particular the programme of work. Second, in accordance with its mandate, the Protocol's Compliance Committee reviews the implementation of and compliance with the reporting requirements under the Protocol. Specifically, it looks into whether and how the Parties prepare their NIRs, whether reports are submitted in a timely manner, the quality and the accuracy of the data and information provided and the quality of the consultations undertaken in preparing the reports.

<sup>10</sup> Summary reports are available from [www.unece.org/environmental-policy/treaties/water/protocol-on-water-and-health/about-the-protocol/envwaterprotocol-bodies/envwatermeetingsprotocol-mop/envwaterwhmop2-documents/envwaterprotocol-implementation-reports/docs.html](http://www.unece.org/environmental-policy/treaties/water/protocol-on-water-and-health/about-the-protocol/envwaterprotocol-bodies/envwatermeetingsprotocol-mop/envwaterwhmop2-documents/envwaterprotocol-implementation-reports/docs.html). The regional report on the status of implementation of the Protocol (ECE/MP.WH/2010/2–EUDHP1003944/4.2/1/8) is available from [www.unece.org/env/water/whmop2\\_documents.html](http://www.unece.org/env/water/whmop2_documents.html).

<sup>11</sup> Summary reports are available at [www.unece.org/env/water/protocol\\_second\\_reporting\\_cycle.html](http://www.unece.org/env/water/protocol_second_reporting_cycle.html). The Regional report on the status of implementation of the Protocol is available at [http://www.unece.org/env/water/3rd\\_mop\\_protocol\\_water\\_and\\_health\\_2013.html](http://www.unece.org/env/water/3rd_mop_protocol_water_and_health_2013.html).

49. Ultimately, this information contributes to the design of the programme of work under the Protocol, the review of compliance and the refinement of guidance (e.g., the *Guidelines on the Setting of Targets, Evaluation of Progress and Reporting*)<sup>12</sup> and may be used to target technical assistance. The information gathered is used for other purposes too, at the international level, e.g., for country missions and studies.

50. At the national level, reporting supports the implementation of targets through monitoring and review, fosters intersectoral coordination, strengthens public participation and raises awareness of the Protocol.

51. Nonetheless, the handling and analysis of the reports is a significant burden on the secretariat, requiring extrabudgetary resources that are difficult to mobilize.

## **E. Convention on the Transboundary Effects of Industrial Accidents**

### **1. Brief information**

52. The Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention) was adopted in Helsinki in 1992 and entered into force in 2000. The Conference of the Parties (COP) is the Convention's governing body. Currently, there are 41 Parties to the Convention.

### **2. Reporting provisions**

53. In accordance with the Convention, Parties have an obligation to report on implementation (art. 23) and the COP to review the state of implementation (art. 18, para. 2 (a)). To assist in the review process, the COP at its first meeting established the Working Group on Implementation and adopted its terms of reference.

54. In addition, ECE member States that are not Party to the Convention but have adopted the commitment declaration at the High-level Commitment Meeting (Geneva, 14–15 December 2005) are requested to submit their implementation reports. This applies currently to Georgia, Kyrgyzstan, Tajikistan, Ukraine and Uzbekistan.

55. The Working Group on Implementation prepares for each meeting of the COP a synthesis report on the overall implementation of the Convention, including conclusions, on the basis of the individual country reports received. The Working Group can also make draft recommendations to strengthen the implementation of the Convention and submit these, in consultation with the Bureau, to COP for adoption. Findings from the Working Group from its review of NIRs are also used to identify activities for the biannual workplan.

56. The reporting is initiated by the secretariat through official letters<sup>13</sup> to be sent in September of the year in which the previous reporting cycle ends, and setting a deadline for the submission of reports (generally, in five months' time). The Working Group on Implementation meets within two to three months after the deadline to discuss the report. This time frame allows for the translation of implementation reports submitted in Russian and French into English, the working language of the Working Group on Implementation.

<sup>12</sup> United Nations publication, Sales No. E. 10.II.E.12.

<sup>13</sup> The letters are sent in English, French and Russian. They are accompanied by the reporting format and guidelines in one of the before-mentioned languages.

### 3. Reporting facts

57. There have been seven reporting cycles since the entry into force of the Convention. The number of Parties that have not reported is generally at a low level since the third reporting round (2004–2005). In the first two reporting cycles (2000–2001 and 2002–2003) the number of Parties that did not report was higher (see table 3).

Table 3  
**Reporting under the Industrial Accidents Convention**

Categories	Last year of reporting cycle <sup>a</sup>						
	2001 (I)	2003 (II)	2005 (III)	2007 (IV)	2009 (V)	2011 (VI)	2013 (VII)
Parties with reporting obligations	24	31	34	37	40	40	41
Reported on time	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	18
Reported late	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	18
Did not report	7	7	1	1	2	2	5

*Abbreviations:* n.a. = not applicable

<sup>a</sup> Reporting cycles are indicated by Roman numerals (I, II, etc.).

58. In each reporting round, the overwhelming majority of Parties submitted their report before the meeting of the Working Group on Implementation at which the reports were reviewed. This does not necessarily imply that the reports were submitted by the agreed deadline. Information on the timelines for reporting has been collected only since the 2012–2013 reporting cycle.

59. A number of Parties have not reported for each reporting round and some countries have not provided their reports in time for the meeting of the Working Group on Implementation to review the reports. In the current (seventh) reporting round, out of the seven Parties that did not submit a report until the Working Group meeting, two have since submitted their reports (i.e., as of 1 August 2014).

### 4. Added value of reporting

60. The Working Group on Implementation prepares and submits to the COP for adoption a synthesis report that analyses the overall implementation of the Convention among Parties and other reporting countries. As such, it helps to identify areas for improvement indicated by reporting countries that will serve as the basis for the implementation of specific assistance activities to facilitate the exchange of information among Parties. As mentioned, the results of the report are also taken into consideration for the design of the upcoming workplan.

61. Through the NIRs, countries also indicate good practice examples, such as national guidelines, weblinks to guidance developed, etc.

### 5. Problems, challenges on both the national and regional levels

62. There is a problem of late reporting by Parties and other reporting countries under the Industrial Accidents Convention. Often NIRs are submitted only shortly before the meeting of the Working Group on Implementation, which does not always allow for their thorough analysis, in particular if reports still need to be translated into English upon submission to the secretariat. This usually does not leave time to clarify unclear responses.

63. Until recently, there was an issue with one country that did not submit an implementation report in four reporting cycles, of which three were consecutive reporting rounds. The means used by the secretariat to encourage the country to report (official letters, mentioning the issue at meetings of the COP or during other high-level meetings with the ECE Executive Secretary, etc.) did not produce results for a long time. However, during the 2012–2013 reporting period, the Party submitted its report.

64. The quality of reporting often differs significantly among the reporting countries. Parties with an advanced level of implementation of the Convention, e.g., EU countries, seem reluctant to report for each reporting round, while a continuous review of the mechanisms in place is crucial.

## **6. Responses, possible plans for future**

65. In the 2012–2013 reporting cycle, the collection of good practice examples through the NIRs was begun. The good practices highlighted in the synthesis report will provide the basis for an exchange of selected experience and good practices at the eighth meeting of the COP (Geneva, 3–5 December 2014).

66. The NIRs have so far only been shared among Parties through a password protected page, but not with non-Parties that submitted an implementation report. The COP is expected to change the current practice at its next meeting, so as to share NIRs with all reporting countries on the basis of the principle of reciprocity. The results of the review of the NIRs will continue to be used for the preparation of the upcoming workplan, the implementation of capacity-building activities and other events facilitating the exchange of information among countries.

## **F. Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters**

### **1. Brief information**

67. The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) was signed in 1998 in Aarhus, Denmark and entered into force 2001. The Convention has 47 Parties.

### **2. Reporting provisions**

68. Reporting under the Convention is obligatory for Parties (article 10, para. 2). Signatories and other States not Parties to the Convention are also invited to submit reports on measures taken to apply the Convention. In addition, international, regional and non-governmental organizations engaged in programmes or activities providing support to Parties and/or other States in the implementation of the Convention are also invited to provide the secretariat with reports on their programmes or activities and lessons learned.

69. The reporting mechanism under the Aarhus Convention was established by decision I/8 of the MOP, which requires Parties to submit their NIRs to the secretariat in advance of each ordinary session of the MOP. Each Party has to report on the necessary legislative, regulatory or other measures that it has taken to implement the provisions of the Convention, and their practical implementation, in accordance with the format set out in the annex to decision I/8. Parties have to prepare updated versions of their reports in advance of each subsequent session of the MOP. The reports must be prepared through a transparent and consultative process involving the public.

70. By decision II/10 the MOP invited Parties to provide more information with regard to the practical implementation of each of the Convention's provisions in its NIRs,<sup>14</sup> and to indicate any major differences of opinion emerging from the consultation process. In decision III/5 the MOP reviewed the experience with preparation of NIRs and established additional requirements concerning their preparation (regarding the word limit, format and public participation). By decision IV/4 a revised reporting format in the form of a questionnaire was introduced to incorporate reporting on the implementation of article 3, paragraph 7, and article 6 bis and the follow-up regarding possible specific cases of non-compliance in future reporting cycles. By decision II/10 Parties are obliged to submit their reports to the secretariat no later than 180 days before the next session of the MOP.<sup>15</sup>

### 3. Reporting facts

71. There have been four reporting cycles under the Aarhus Convention (see table 4).

Table 4  
**Reporting under the Aarhus Convention**

	<i>Last year of reporting cycle<sup>a</sup></i>			
	<i>2005 (I)</i>	<i>2008 (II)</i>	<i>2011 (III)</i>	<i>2014 (IV)</i>
Parties with reporting obligations	30	41	44	46
Reported on time	16	8	26	29
Reported late	14	33	17	14
Did not report	—	—	1	3

<sup>a</sup> Reporting cycles are indicated by Roman numerals (I, II, etc.).

### 4. Added value of reporting

72. NIRs give valuable insight into the status of implementation of the Aarhus Convention. For example, in accordance with decision I/8 (para. 5), the secretariat has to prepare a synthesis report for each ordinary MOP session summarizing the progress made and identifying significant trends, challenges and solutions. Synthesis reports are based on the submitted NIRs. The secretariat also uses the synthesis report and NIRs as an input guiding work under the task forces, capacity-building activities and thematic areas for the intersessional period (e.g., NIRs as used for preparation of background reports, and for pinpointing issues to be addressed). Furthermore, the status of implementation by Parties can be viewed by other Parties and stakeholders. In addition, Parties are asked in NIRs to give concrete examples on implementation of Convention provisions and those that are considered as good practice are being used to expand an Aarhus good practice database. Finally, the Aarhus Convention Compliance Committee uses the NIRs as background information when considering a Party's compliance.

### 5. Problems, challenges on both national and regional level

73. The biggest hurdle for the Aarhus secretariat is that NIRs are not being submitted on time, even though the majority of reporting Parties prepare an updated version of their previous NIR. Late submissions lead to time constraints in the preparation of the synthesis report for MOP. An additional problem is that the quality of the information and the level

<sup>14</sup> NIRs to the Aarhus Convention are available from <http://www.unece.org/env/pp/reports.html>.

<sup>15</sup> Under decision I/8 the deadline was 120 days before the next session of the MOP.

of details in the reports varies greatly, especially in relation to practical implementation of the Convention, which makes it difficult to provide a complete and accurate overview of the state of implementation. Another challenge is the availability of reports in only one of the ECE languages, which may limit their usefulness for Parties and other stakeholders.

## **6. Responses, possible plans for future**

74. NIRs and synthesis reports will continue to be used for the implementation of capacity-building activities and task force meetings facilitating the exchange of information among countries.

## **G. Protocol on Pollutant Release and Transfer Registers**

### **1. Brief information**

75. The Protocol on Pollutant Release and Transfer Registers (Protocol on PRTRs) to the Aarhus Convention was adopted in 2003 and entered into force in 2009. There are currently 33 Parties.

### **2. Reporting provisions**

76. Reporting under the Protocol on PRTRs is obligatory for Parties. Article 17, paragraph 2, of the Protocol requires the MOP to keep the implementation and development of the Protocol under continuous review on the basis of regular reporting by the Parties. Through decision I/5, the MOP at its first session elaborated this requirement and agreed upon procedures for reporting and the reporting format.

77. Each Party must prepare every three years, for each ordinary session of the MOP, a report on both the necessary legislative, regulatory or other measures taken to implement the Protocol's provisions as well as their practical implementation at the national or, in the case of regional integration organizations, the regional level, using the format set out in the annex to decision I/5.

78. Reports submitted by Parties should be prepared through a transparent and consultative process involving the public in a timely manner, taking account of specific circumstances pertaining to regional economic integration organizations.

79. The secretariat is required to prepare a synthesis report based on the NIRs for each session of the MOP, summarizing the progress made and identifying significant trends, challenges and solutions.

80. Signatories and other States not Party to the Protocol, pending their ratification or accession, may also submit reports on measures taken to apply the Protocol.

81. 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 may submit reports on their programmes or activities and lessons learned, as well as on implementation of the Protocol itself.

### **3. Reporting facts**

82. The first reporting cycle for the Protocol on PRTRs was in 2014 (see table 5).

Table 5  
**Reporting under the Protocol on PRTRs**

<i>Categories</i>	<i>Last year of reporting cycle,<sup>a</sup> 2014 (I)</i>
Parties with reporting obligations	32
Reported on time	24
Reported late	5
Did not report	3

<sup>a</sup> Reporting cycles are indicated by Roman numerals (I, II, etc.).

#### **4. Added value of reporting**

83. NIRs provide concrete examples, which are used to illustrate good practices. In addition, NIRs are used to prepare a synthesis report for each reporting cycle in which challenges and trends in the implementation of the Protocol are highlighted. This synthesis report and NIRs are used as an input for capacity-building activities for the next intersessional period (e.g., background reports). Furthermore, the status of implementation by Parties can be viewed by other Parties and stakeholders. Finally, the Protocol's Compliance Committee can use NIRs as background information when considering a Party's compliance.

#### **5. Problems and challenges on both the national and regional levels**

84. Late submissions of NIRs lead to time constraints in the preparation of the synthesis report for the MOP. In addition, varying levels of detail and the insufficient quality of the information provided in some NIRs make it difficult to provide a complete and accurate overview on the state of implementation of the Protocol. Furthermore, the availability of NIRs in only one of the ECE languages may limit the usefulness of the reports for Parties and other stakeholders.

#### **6. Responses, possible plans for the future**

85. NIRs and the synthesis report will be used for the implementation of capacity-building facilitating the exchange of information among countries. The synthesis report will also be used for identifying systemic issues in the implementation of the Protocol.

## **II. Aggregated information: status and trends**

86. To understand the scale and the dynamics of ECE MEA membership,<sup>16</sup> figures 1 and 2 below show the development of ratifications across MEAs by year, starting from 1979 when the Air Convention text was adopted.

<sup>16</sup> For MEAs in force as at 1 August 2014.



Figure 1  
**Number of new ratifications of the ECE MEAs by year (as at 1 August 2014)**

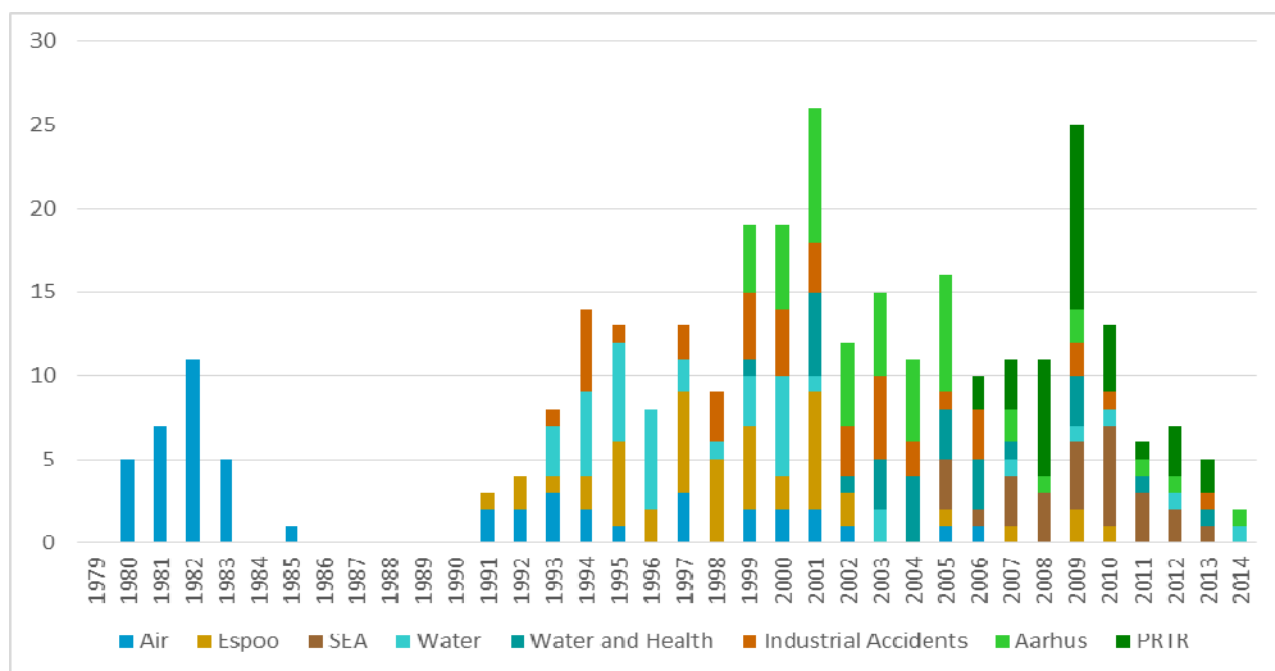
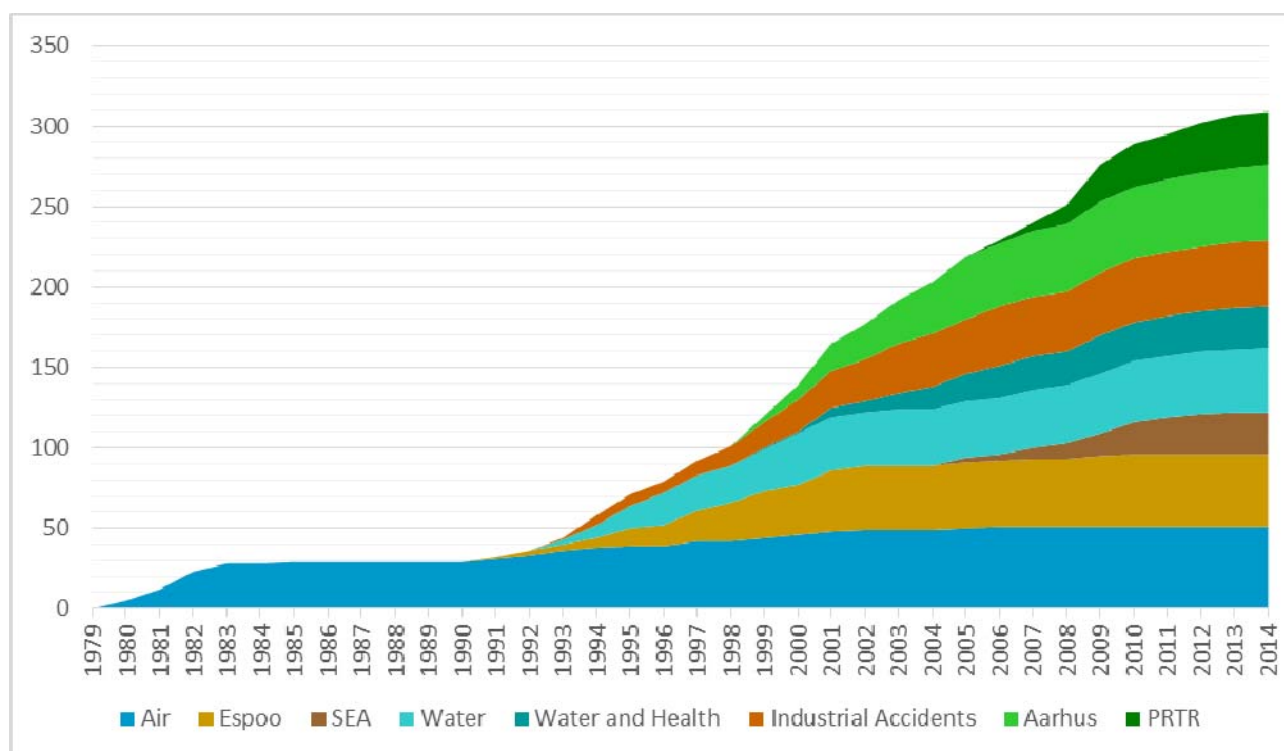
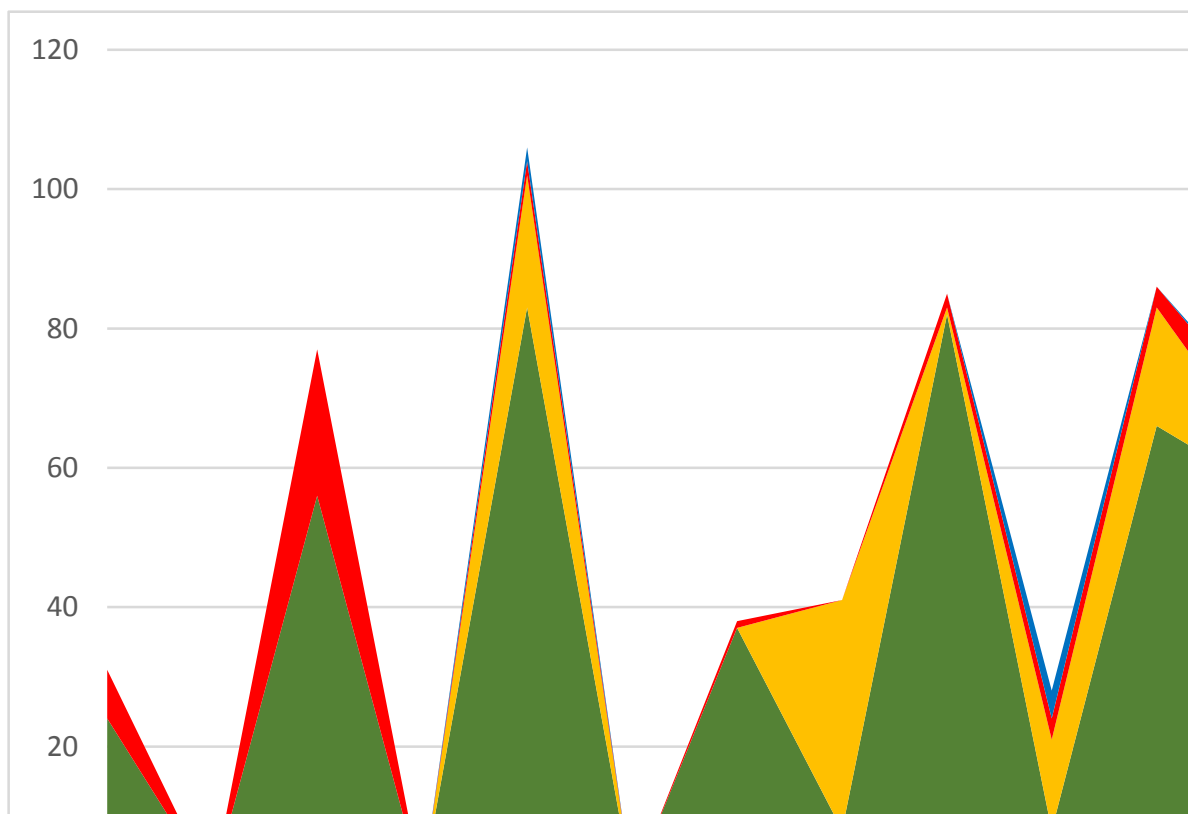


Figure 2  
**Cumulative number of ratifications of the ECE MEAs by year (as at 1 August 2014)**



87. Figure 3 visualizes the number of NIRs submitted yearly across MEAs<sup>17</sup> to reveal general trends (data on reporting under the Air Convention and its Protocols is not included due to the different and complex nature of reporting). The graph is spiky because of the different reporting cycles of ECE MEAs, with some of the cycles coinciding.

Figure 3  
National implementation reports submitted by year for six ECE MEAs with reporting schemes in place



### III. Analysis and conclusions

#### A. Benefits of reporting and challenges from the secretariat's point of view

88. All MEAs except one (the Water Convention) for which ECE provides secretariat functions use periodic mandatory national reporting. Six of those have reporting requirements set out in the treaty text, in varying degrees of detail, and have been refined through subsequent decisions of their governing bodies. The Espoo Convention, which did not have any national reporting requirements in its original text, has been amended to do so, although that amendment has not yet entered into force. The Water Convention is at present considering the option to introduce NIR requirements at some stage.

<sup>17</sup> For the first six of the seven reporting cycles so far under the Industrial Accidents Convention, Parties that submitted their report before the meeting of the Working Group on Implementation are shown as "reported on time" (see paras. 58–59).

89. All MEA secretariats unequivocally confirm the added value of the reporting. They point out that NIRs at the regional level contribute, inter alia, to the design of the programme of work; the review of compliance and the refinement of guidance; the targeting of technical assistance, country missions and studies; the implementation of capacity-building activities; and the facilitation of the exchange of information among Parties, including on good practice examples, etc.

90. At the national level, reporting supports the implementation of targets through monitoring and review, fosters intersectoral coordination, strengthens public participation and raises awareness of MEAs.

91. Nonetheless, the secretariats also state that the handling and analysis of the reports is a significant burden on the secretariat, sometimes requiring extrabudgetary resources that are difficult to mobilize. The increase in the number of NIRs to be handled (given the steady increase in membership of ECE MEAs for the past 10 to 15 years, see figure 2) and the unchanging core resources of the secretariats add to the relevance of the discussions on the need for more stable and predictable funding that are ongoing under several MEAs at present.

## **B. Level of compliance with the reporting requirements**

92. For the past three years (2012–2014) all MEAs with reporting schemes in place have had their latest reporting cycles assessed. For six MEAs,<sup>18</sup> 213 NIRs had to be submitted.

93. General trends are rather difficult to assess due to the changing nature and uneven yearly distribution of reporting obligations. Still, it can be seen that compared with earlier periods, the rate of both late submissions and non-submissions of NIRs has not decreased.

94. During 2012–2014 only two out of three NIRs (66 per cent) were submitted on time. One in four (25 per cent) arrived after the deadlines, some even after the meetings of the governing bodies at which the reports were to be considered. About 1 in 10 (9 per cent) were never submitted. There is an interesting fraction of NIRs coming from non-Parties, as a result of either a voluntary input, or agreed self-commitment.

95. While the failure to report is a very serious concern, the widespread problem with late reporting is no less troublesome. Late reporting is associated with last-minute changes in related documentation (e.g., synthesis reports), which puts additional stress on secretariat resources and means the information may not be included. Therefore late reports may fail to fulfil some of their primary functions on the international level.

96. A separate problem is the very uneven quality of the reports, which is far more difficult to quantify.

## **C. Non-submission: facts, trends, and possible factors**

97. Analysis of non-submission figures for six MEAs<sup>19</sup> reveals an interesting situation. There were 20 cases of non-submission of reports for the latest reporting cycles: 19 relating

<sup>18</sup> The Air Convention, which has reporting requirements of a complex, technical nature, is not included in the analysis under this section.

<sup>19</sup> *Idem*.

to States Parties and one to the EU.<sup>20</sup> Fourteen of the cases are from EU countries, four from South-Eastern European countries and one from a Central Asian country.

98. Efforts of several MEA secretariats are at present concentrated on capacity-development in Eastern Europe, the Caucasus and Central Asian to support countries in becoming Parties; therefore, reporting as such is not yet showing up as a problem for these subregions. Still, the secretariats have enough evidence to point to the relative difficulties in national reporting from some subregions, in particular, regarding the quality of the reports.

99. The analysis suggests that factors affecting the ability of the Parties to report in a timely and adequate fashion are not limited to the general availability of resources (several industrialized countries are among the non- and late reporters). Specific national circumstances (e.g., allocation of responsibilities to particular organizations and individuals) may also play a major role. Therefore, the need to mainstream national procedures for reporting is one of the remedies to be considered.

100. The format of the data on NIR submissions is not suitable to either confirm or deny a “rush hour” factor, which possibly should be addressed via discussions.

#### **IV. Questions for discussion**

101. CEP may wish to consider the following questions:

- (a) Is the situation with the reporting obligations across ECE MEAs satisfactory? Challenging? Critical?;
- (b) Are some MEAs facing more problems than others? Why?;
- (c) What are major obstacles to reporting from the perspective of the Parties? On the regional level? At the national level (e.g., is there a “rush hour”)? How can these obstacles be addressed?;
- (d) What can be done to increase the unsatisfactory quality of some NIRs?
- (e) What could be the role of CEP in addressing non-reporting in general and systematic non-reporting in particular?

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<sup>20</sup> In some cases the reporting obligation for the EU is affected by the fact that its members already report individually; however, the formal obligation might still remain, as noted in the reports and decisions of the respective governing bodies.

## Annex

**Parties to the multilateral environmental agreements with  
year of joining (as of 1 August 2014)**

	<i>Air</i>	<i>Espoo</i>	<i>SEA</i>	<i>Water</i>	<i>Water and Health</i>	<i>Industrial Accidents</i>	<i>Aarhus</i>	<i>PRTR</i>
Albania	2005	1991	2005	1994	2002	1994	2001	2009
Andorra	—	—	—	—	—	—	—	—
Armenia	1997	1997	2011	—	—	1997	2001	—
Austria	1982	1994	2010	1996	—	1999	2005	2010
Azerbaijan	2002	1999	—	2000	2003	2004	2000	—
Belarus	1980	2005	—	2003	2009	2003	2000	—
Belgium	1982	1999	—	2000	2004	2006	2003	2009
Bosnia and Herzegovina	1993	2009	—	2009	2011	2013	2008	—
Bulgaria	1981	1995	2007	2003	—	1995	2003	2010
Canada	1981	1998	—	—	—	—	—	—
Croatia	1992	1996	2009	1996	2006	2000	2007	2008
Cyprus	1991	2000	—	—	—	2005	2003	2012
Czech Republic	1993	2001	2005	2000	2001	2000	2004	2009
Denmark	1982	1997	2012	1997	—	2001	2000	2008
Estonia	2000	2001	2010	1995	2003	2000	2001	2007
Finland	1981	1995	2005	1996	2005	1999	2004	2009
France	1981	2001	—	1998	2005	2003	2002	2009
Georgia	1999	—	—	—	—	—	2000	—
Germany	1982	2002	2007	1995	2007	1998	2007	2007
Greece	1983	1998	—	1996	—	1998	2005	—
Holy See <sup>d</sup>	—	—	—	—	—	—	—	—
Hungary	1980	1997	2010	1994	2001	1994	2001	2009
Iceland	1983	—	—	—	—	—	2011	—
Ireland	1982	2002	—	—	—	—	2012	2012
Israel	—	—	—	—	—	—	—	2013
Italy	1982	1995	—	1996	—	2002	2001	—
Kazakhstan	2001	2001	—	2001	—	2001	2001	—
Kyrgyzstan	2000	2001	—	—	—	—	2001	—
Latvia	1994	1998	—	1996	2004	2004	2002	2008
Liechtenstein	1983	1998	—	1997	2004	—	—	—
Lithuania	1994	2001	2011	2000	—	2000	2002	2009
Luxembourg	1982	1995	2008	1994	2001	1994	2005	2006
Malta	1997	2010	—	—	—	—	2002	—
Monaco	2006	—	—	—	—	2001	—	—
Montenegro	1982	2009	2009	2014	—	2009	2009	—
Netherlands	1981	1995	2009	1995	2009	2006	2004	2008
Norway	1985	1993	2007	1993	2004	1993	2003	2008

	<i>Air</i>	<i>Espoo</i>	<i>SEA</i>	<i>Water</i>	<i>Water and Health</i>	<i>Industrial Accidents</i>	<i>Aarhus</i>	<i>PRTR</i>
Poland	1980	1997	2011	2000	—	2003	2002	2012
Portugal	1995	2000	2012	1994	2006	2006	2003	2009
Republic of Moldova	1999	1994	—	1994	2005	1994	1999	2013
Romania	1991	2001	2010	1995	2001	2003	2000	2009
Russian Federation	1980	—	—	1993	1999	1994	—	—
San Marino	—	—	—	—	—	—	—	—
Serbia	2001	2007	2010	2010	2013	2009	2009	2011
Slovakia	1993	1999	2008	1999	2001	2003	2005	2008
Slovenia	1992	1998	2010	1999	—	2002	2004	2010
Spain	1982	1992	2009	2000	2009	1997	2004	2009
Sweden	1981	1992	2006	1993	—	1999	2005	2008
Switzerland	1983	1996	—	1995	2006	1999	2014	2007
Tajikistan	—	—	—	—	—	—	2001	—
The former Yugoslav Republic of Macedonia	1997	1999	2013	—	—	2010	1999	2010
Turkey	1983	—	—	—	—	—	—	—
Turkmenistan	—	—	—	2012	—	—	1999	—
Ukraine	1980	1999	—	1999	2003	—	1999	—
United Kingdom	1982	1997	—	—	—	2002	2005	2009
United States of America	1981	—	—	—	—	—	—	—
Uzbekistan	—	—	—	2007	—	—	—	—
European Union	1982	1997	2008	1995	—	1998	2005	2006

*Source:* United Nations Treaty Collection (<https://treaties.un.org>).

*Note:* Signatories are indicated with grey shading.

<sup>a</sup> Not an ECE member State.