



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate C - Quality of Life
ENV.C.4 - Industrial Emissions & Safety

Brussels,

Ms Ella Behlyarova
Secretary to the Protocol on Pollutant Release and
Transfer Registers
Environment Division
United Nations Economic Commission for Europe
Palais des Nations
8-14 avenue de la Paix
CH - 1211 Geneva 10, Switzerland

Subject: Formal protest regarding the consultation on development of the UNECE Protocol on Pollutant Release and Transfer Registers (PRTRs)

Dear Ms Behlyarova,

At the 6th Working Group of the Parties to the Protocol on Pollutant Release and Transfer Registers (WGP), held on 9 November 2018 in Geneva, the Parties requested the Bureau as follows¹:

"Item 6. Development of the Protocol

ii) With a view to preparing for the next session of the Meeting of the Parties, the Working Group requested the Bureau:

- a) *in consideration of further development of the Protocol to draw up a report with the support of the Compliance Committee:*
 - (i) *reviewing the reporting requirements under the Protocol as referred to in Article 6(2) of the Protocol, including possible revisions of Annexes I and II taking into account recent developments in relevant international processes;*
 - (ii) *identifying possible gaps and examples of imprecise wording or other provisions of the Protocol, for which Parties face implementation challenges.*
- b) *to submit this report to the WGP at its next meeting for consideration and as a basis for discussions on possible revisions of the Protocol."*

The text was agreed by the Parties in these terms, after well-informed discussions, to make clear that the work entrusted upon the Bureau was to review annexes and implementation issues but not to support a negotiation process to amend the Protocol or its annexes.

¹ PRTR/WG.1/2018/Inf.5.

As the EU and its Member States stated in our interventions during that meeting of the WGP², the consideration of amendments to a legally binding instrument by a body set-up under this instrument constitutes negotiations preparing a draft amendment of the instrument.

We would like to also recall that, according to Article 20 of the Protocol, it is up to the Parties to propose amendments to the Protocol and for the Meeting of the Parties (MoP) to consider any such proposal. Furthermore, the WGP is not competent for deciding to initiate formal or informal negotiations on potential amendments of the Protocol or its annexes.

Unfortunately, the consultation on the development of the Protocol launched by the Secretariat on 1 March 2019 is designed similarly to an informal negotiation process. In particular, the consultation asks representatives of Parties to: (1) determine a position in favour or against specific amendments of the annexes to the Convention and (2) propose track change revision on the provisions of the Protocol.

For these reasons, the EU and its Member States did not answer the consultation and we would also not be in a position to discuss the outcome of this consultation in meetings of the WGP or the MoP.

The EU and its Member States are however committed to the implementation of the Decision of the WGP.

We expect that the report presented to the WGP would inform Parties on issues related to Annexes I and II and on implementation challenges that Parties are facing. This information would facilitate the assessment by the Parties of what issues (if any) might, or not, require consideration by the Parties of possible options for improving the Protocol or its implementation, including whether a Party would wish to make proposals for amending the Protocol, in accordance with Article 20.

We recognise that to fulfil its mandate under this Decision, the Bureau may wish to consult the Parties, as appropriate. The EU and its Member States would therefore welcome a new opportunity of providing relevant information.

We would like to express again the commitment of the EU and its Member States to the aims and provisions of the PRTR Protocol and to the rules governing work under its Meeting of the Parties and subsidiary bodies.

Yours sincerely,



Aneta WILLEMS
Head of Unit

cc: Marco KEINER, Director, Environment, Housing and Land Management Division at UNECE

²https://www.unece.org/fileadmin/DAM/env/pp/prtr/WGP6/Statements/PRTR_WGP_6_Agreed_contributions_6.11_2018.pdf.