

## **Key issues highlighted by the Compliance Committee in relation to the development of the Protocol on PRTRs<sup>1</sup>**

This document outlines key issues derived from the discussion of the Compliance Committee on the development of the Protocol.

### **General issues**

The Committee noted that the following two issues should be taken into consideration in the work on the development of the Protocol: (a) new technological and other relevant advancements within the lengthy time frame foreseen for completing the work; and (b) ensuring high standards, but at the same time, sufficient flexibility, so that the Protocol's provisions could be implemented by countries with different national circumstances, such as, for example, specificity of institutional frameworks and technical systems. The Committee also agreed that the work on the development of the Protocol, initiated by the Working Group of the Parties, constituted a necessary and timely approach to the implementation of article 6 (2) of the Protocol.

### **Preamble and articles of the Protocol**

#### *Storage*

A reporting requirement that would specify exactly which of the disposal or recovery operations was executed, would help fulfil the aim to differentiate between (temporary) storage and (final) disposal activities to increase the transparency for PRTR users.

#### *Integration of reporting on resources and clarifying the Protocol's scope in general*

When addressing the reporting requirements for diffuse sources, a key challenge will be to combine the Protocol's registry approach, with its current annex I related to mainly industrial emissions and to cover some 90% of total releases, with the inventory approach (to cover 100% of emissions from all sectors, as applied e.g. with the United Nations Framework Convention on Climate Change (UNFCCC) and Convention on Long Range Transboundary Air Pollution). It is important to clarify what kind of pollutants and resources should be reported through PRTR (pollutants (heavy metals, pesticides, hazardous substances (of high concern)), GHGs, resources) and why. For example, greenhouse gases, and thus climate change related data, are part of reporting under PRTRs but the Protocol's current text does not reflect that in a way that is obvious to those not familiar with the Protocol. This makes it difficult for interested countries and stakeholders to grasp the potential of implementing the Protocol and adapting it to national needs.

#### *Reporting on diffuse sources*

Assign reporting requirements to government authorities that deal with sectors that are key to diffuse sources of pollutant emissions (e.g. Ministry for Transport to report on emissions from transport sector, Ministry for Agriculture to report on releases of pollutants from farming, etc.) through revising Art 7 paras. 4,7 and 8.

---

<sup>1</sup> This document was not formally edited.

### *Criteria to include or remove pollutants*

Criteria could be defined based on the Protocol's (up-dated, as appropriate) objective: The link or relevance of a substance to the Protocol's objective is the criteria to include or remove a substance from a reporting obligation under the Protocol. The criteria could therefore be based on the relevance of the substance in question to impacts on health, environment and sustainability.

## **Annexes**

### *Annex I*

To add activities in the annex I that cover a significant part of those releases that have their origin in diffuse sources (small point sources) such as e.g. transport and agriculture. These can cover e.g. operators and owners of airports, railways, harbours, highways, or companies that sell pesticides, tires or other products that produce significant releases of pollutants listed under annex II to environmental media). The relevant sectors and activities can be added to annex I, and owners of companies that sell relevant products can be requested to report on quantities of listed substances, as sold per year – a threshold to be specified in the threshold column of the annex.

### *Annex II*

To clarify what kind of pollutants and resources should be reported through PRTR (pollutants (heavy metals, pesticides, hazardous substances (of high concern)), GHGs, resources) and why. For example, greenhouse gases, and thus climate change related data, are part of reporting under PRTRs. The Protocol's current text does not reflect that in a way that is obvious to those not familiar with the Protocol. This makes it difficult for interested countries and stakeholders to grasp the potential of implementing the Protocol and adapting it to national needs. The annex can include categories that reflect the above issue.

Regarding the issue of the heavily regulated vs. not so heavily regulated substances:

- Substances may be prohibited in some but not all Parties. If a Party has prohibited substances, they can easily argue that there is no need to report on that substance as it is prohibited in the country;
- If substances are listed to phase out, PRTR can help to track progress;
- In terms of coordination between instruments it would be useful to have substances listed under different Conventions and other instruments in a single database that applies the smallest threshold under any of the relevant instruments and that includes the activities listed in the relevant Conventions and other instruments.

### *Annex III*

It would be important to differentiate between (temporary) storage and (final) disposal activities to increase the transparency for PRTR users.

## **Other issues**

### *Quality and completeness of reported information*

The issue of quality of the PRTR data should be addressed substantially in the revision of the Protocol. In this respect, it is worth to consider expanding the scope of application of Article 10 of the Protocol. It may include a non-exhaustive list of criteria for completeness, consistency and credibility of PRTR data, the stages at which quality of the data needs to be controlled and the requirement concerning consistent improvement of the methodologies. Countries have long-standing experience in this field, and analysis of that experiences may provide a solid ground for including in the future Protocol provisions that promote higher standards of quality assurance than the ones currently in place. Also, quality standards under other

relevant Conventions, including the Convention on Long Range Transboundary Air Pollution can be taken into account in that context.

*Regional pollutant release and transfer registers*

Given the current consideration by the Committee of the issue of regional PRTRs, it might seem reasonable to amend the respective provisions of the Protocol. Such amendments should exclude legal ambiguity in the Protocol in terms of when it considers valid 'replacement' of national PRTRs with a regional one, and where such replacement is possible, what features the regional PRTR should meet to ensure its national utility<sup>2</sup>.

---

---

<sup>2</sup> See the document on Systemic issues concerning the implementation of the Protocol on Pollutant Release and Transfer Registers and recommendations on how to address them (e.g. para 32, ECE/MP.PRTR/2017/6/Add.2).