



International PRTR Coordinating Group

REPORTING OBLIGATIONS UNDER THE AARHUS CONVENTION AND THE DEVELOPMENT OF A REPORTING MECHANISM UNDER THE KIEV PROTOCOL ON POLLUTANT RELEASE AND TRANSFER REGISTERS

A note by the secretariat prepared for the third meeting of the International PRTR Coordinating Group, Paris, France, 11 March 2008

This note on the reporting obligations under the Aarhus Convention and the development of a reporting mechanism under the Kiev Protocol on PRTRs follows the outline of the "thought starter" on "Reporting obligations under the Basel, Rotterdam and Stockholm Conventions" (UNEP/FAO/CHW/RC/POPS/JWG.2/6). The latter note by the secretariats was submitted to the ad-hoc joint working group on enhancing cooperation and coordination (30 October 2007). The present note has not been formally edited.

I. INTRODUCTION

1. Article 10, paragraph 2, of the Aarhus Convention¹ requires the Parties, at their meetings, to 'keep under continuous review the implementation of [the] Convention on the basis of regular reporting by the Parties'. Through decision I/8, the Meeting of the Parties established a reporting mechanism whereby each Party is requested to submit a report to each meeting of the Parties on the legislative, regulatory and other measures taken to implement the Convention, and their practical implementation, according to a reporting format annexed to the decision (ECE/MP.PP/2/Add.9). For each meeting, the secretariat is requested to prepare a synthesis report summarizing the progress made and identifying any significant trends, challenges and solutions. The national implementation reports and the synthesis report are to be circulated by the secretariat to the Meeting of the Parties in the official languages of the Convention.² The Convention's reporting mechanism was further developed through decision II/10, which addressed, inter alia, the issue of how to deal with the preparation of second and subsequent reports (ECE/MP.PP/2005/2/Add.14).
2. During the first reporting cycle, thirty-one national implementation reports were submitted by Parties. No reports were submitted by Signatories and other States not Party to the Convention pursuant to paragraph 6 of decision I/8.³
3. At its sixth meeting, the Working Group of the Parties endorsed guidance prepared by the Compliance Committee on the implementation of the reporting requirements

¹ UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, adopted in Aarhus, Denmark, in June 1998. The Aarhus Convention had 41 Parties as of 4 March 2008.

² English, French and Russian.

³ One member State (Netherlands) was not yet a Party by the time of the deadline for submission of national implementation reports and did not submit its report by that deadline, but was a Party by the time of the second meeting of the Parties, having deposited its instrument of acceptance of the Convention on 29 December 2004. Its report was submitted for processing to the Conference Services Division after the second meeting of the Parties. Four Parties submitted their report after the deadline for submission pursuant to paragraph 4 of decision II/10.

(ECE/MP.PP/WG.1/2007/L.4 and ECE/MP.PP/WG.1/2007/2, para. 55). It invited the Parties, in subsequent reporting cycles, to provide more information on the practical implementation of each of the Convention's provisions, pursuant to paragraph 1 (b) of decision I/8.

II. REPORTING ON IMPLEMENTATION OF THE PROTOCOL ON PRTRs

4. Pursuant to article 5, paragraph 9, of the Convention, Parties are required to

"take steps to establish progressively, taking into account international processes where appropriate, a coherent, nationwide system of pollution inventories or registers on a structured, computerized and publicly accessible database compiled through standardized reporting. Such a system may include inputs, releases and transfers of a specified range of substances and products, including water, energy and resource use, from a specified range of activities to environmental media and to on-site and offsite treatment and disposal sites."

5. In the guidance on reporting requirements, Parties were asked to provide or answer the following

- Describe briefly your progress towards ratification of the *Kiev Protocol*.
- If a PRTR system is already in place, what are its *outstanding features* (unique to the given Party, elements additional to those of the Protocol or the EC Regulation)?
- Have the PRTR reporting obligations been *harmonized* with the other existing environmental and related reporting obligations (e.g. CO₂ reporting, chemical safety, accident prevention) to reduce parallel reporting?

III. CURRENT STATUS

6. As of 4 March 2008, 30 Parties had submitted national implementation reports to the secretariat. The secretariat is in the process of preparing a synthesis report summarizing the progress made and identifying any significant trends, challenges and solutions.

7. The Meeting of the Parties to the Convention will review the national implementation reports and the synthesis report prepared by the secretariat at its third session in Riga, Latvia, on 11-13 June 2008.

IV. FUTURE REPORTING UNDER THE KIEV PROTOCOL ON PRTRs

8. The fifth meeting of the Working Group on Pollutant Release and Transfer Registers (PRTRs), held from 22 to 24 October 2007 in Geneva, had considered a proposal from its Bureau on reporting requirements for the Protocol.⁴ In preparing the document, the Bureau had taken into account the experience under the Convention with national implementation reporting and the guidance provided to the Parties by the Compliance Committee.

⁴ See the "Format for the Protocol on Pollutant Release and Transfer Registers Implementation Report", in the annex to the draft decision on reporting requirements under the Protocol on Pollutant Release and Transfer Registers (ECE/MP.PP/AC.1/2007/L.13):
http://www.unece.org/env/documents/2007/pp/ece_mp_pp_ac_1_2007_L_13_e.pdf.

9. The annex to the draft decision presents a proposed reporting format with 13 questions on implementation of the Protocol. Inter alia, it asks Parties to list legislative, regulatory and other measures that implement article 7 (reporting requirements).

10. The Working Group on PRTRs had noted that there was potential for confusion between the reporting on implementation of the Protocol, which was the subject of the draft decision under discussion, and the reporting on releases and transfers required under article 7, and amended the draft decision and reporting format to clarify the scope of the reporting requirements.

11. The Working Group had agreed to establish a written commenting process through which delegations could provide input to the further development of the draft decision on reporting requirements. It was agreed that comments should be submitted to the secretariat by 30 April 2008 and would be made available on the Convention's website.

V. SPECIAL SESSION ON THE PROTOCOL ON PRTRs

12. The Working Group of the Parties at its ninth meeting had reviewed a draft of a statement on the Protocol on PRTRs (ECE/MP.PP/WG.1/2008/L.3) and approved the text of the revised draft statement and agreed to present it to the Meeting of the Parties for adoption at its third session in Riga.

13. A special session on the Protocol on PRTRs will be held during the High-level segment at the third Meeting of the Parties to the Aarhus Convention, on 13 June 2008. Ministers and Heads of delegation of Parties, Signatories and other States, as well as international, regional and non-governmental organizations and other representatives of civil society will be invited to consider, revise as necessary and adopt the statement.