



Economic and Social Council

Distr.: General
14 September 2016

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

Working Group of the Parties

Fifth meeting

Geneva, 23 and 24 November 2016

Item 5 of the provisional agenda

Compliance and reporting mechanisms

Membership of the Compliance Committee

Note by the secretariat

Summary


The present note on the membership of the Compliance Committee under 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 was prepared pursuant to the decision of the Meeting of the Parties to the Protocol (ECE/MP.PRTR/2010/2/Add.1, decision I/2, annex, para. 8), and further to the election of the members of the Compliance Committee at the second session of the Meeting of the Parties (Maastricht, the Netherlands, 2–4 July 2014) (ECE/MP.PRTR/2014/4, para. 37). It was prepared by the secretariat for the information of the Working Group of the Parties so as to facilitate the election of the members of the Compliance Committee at the third session of the Meeting of the Parties, which is expected to take place back to back with the sixth session of the Meeting of the Parties to the Convention in September 2017.

The note is accompanied by two annexes: annex I presents a table showing the situation of the members of the Committee; annex II contains excerpts from all the relevant decisions and reports of the Meeting of the Parties, the Working Group of the Parties, the Bureau and the Compliance Committee on this subject.

GE.16-15859(E)



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Introduction

1. At its third session, expected to take place in September 2017, the 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 will have to consider the composition of its Compliance Committee. The main rules of procedure are set out in the annex to decision I/2 of the Meeting of the Parties to the Protocol. Accordingly, “a full term of office begins at the end of an ordinary session of the Meeting of the Parties and runs until the second ordinary session of the Meeting of the Parties thereafter” (e.g., a full term of office runs from the first session of the Meeting of the Parties until the end of its third session, or from its second session until the end of its fourth session, etc.) and “outgoing members may be re-elected once for a further term of office, unless in a given case the Meeting of the Parties decides otherwise” (ECE/MP.PRTR/2010/2/Add.1, decision I/2, annex, para. 8).

2. In accordance with those rules, at its first session, the Meeting of the Parties elected four members to serve a half term of office, until the end of the next ordinary session, and five members to serve a full term of office.

3. Outgoing members may be re-elected once for a further full term of office, “*unless in a given case the Meeting of the Parties decides otherwise*” (emphasis added). Decision I/2 does not further elaborate on any criteria that would direct the Parties on the use of this proviso.

I. Situation of the members of the Compliance Committee at the third session the Meeting of the Parties

4. The first full term of office of the following members of the Committee runs until the third session of the Meeting of the Parties: Fritz Kroiss (Austria); Gor Movsisyan (Armenia); and Barbara Rathmer (Germany). Mr. Kroiss, Mr. Movsisyan and Ms. Rathmer may all be re-elected at the third session for a second full term of office, i.e., until the end of the fifth session of the Meeting of the Parties.

5. Nataša Kacic-Bartulovic (Croatia) was elected at the second session of the Meeting of the Parties to serve the remainder of the first term of former member Martina Vazdar (Croatia), i.e., until the third session of the Meeting of the Parties. Ms. Kacic-Bartulovic may be re-elected at the third session for a further full term of office, i.e., until the end of the fifth session.

6. Nicolas Encausse (France) was appointed by the Bureau at its ninth meeting (Madrid, 27 November 2015) to serve the remainder of the first term of former member Ralid Ajabboune (France), i.e., from 27 November 2015 to the third session of the Meeting of the Parties. Mr. Encausse may be re-elected at the third session of the Meeting of the Parties for a further full term of office, i.e., until the end of the fifth session of the Meeting of the Parties.

7. The first full term of office of Dmytro Skrylnikov (Ukraine), who was elected at the second session of the Meeting of the Parties, runs until the end of the fourth session.

8. The second full term of office of Merab Barbakadze (Georgia), Akos Fehervary (Hungary) and Alistair McGlone (United Kingdom of Great Britain and Northern Ireland), who were re-elected at the second session of the Meeting of the Parties, ends at the end of the fourth session of the Meeting of the Parties.

II. Nominations for the election of new members at the third session the Meeting of the Parties¹

9. Nominations for five members, all of whom may be re-elected (see paras. 4 to 6 above), may be submitted by Parties, taking due account of any proposal for candidates made by signatories or by non-governmental organizations qualified or having an interest in the fields to which the Protocol relates. Nominations should be sent to the secretariat in at least one of the official languages of the Protocol **by not later than 22 June 2017** if the third session of the Meeting of the Parties opens on 14 September 2017. Each nomination should include the curriculum vitae of the candidate (not exceeding 600 words) and may include supporting material. According to rule 10 of the rules of procedure (ECE/MP.PRTR/2010/2/Add.1, decision I/1, annex), the secretariat will distribute the nominations and the curricula vitae with the supporting material, if any, to the Parties and to the other States, organizations and bodies referred to in rule 6² at least six weeks before the opening of the session.

10. The Meeting of the Parties elects Compliance Committee members by consensus or, failing consensus, by secret ballot. The Committee elects its own Chair and Vice-Chair at its next meeting following the session of the Meeting of the Parties.

11. The Committee may not include more than one national of the same State and its composition should reflect the need for adequate geographical distribution of membership and diversity of experience (ibid., decision I/2, annex, para. 3).

III. Situation of the members of the Compliance Committee at the fourth session the Meeting of the Parties

12. By the fourth session of the Meeting of the Parties, Mr. Skrylnikov will have completed his first term of office (from the second to fourth session) and may be re-elected at the fourth session for a further full term of office, i.e., until the end of the sixth session.

13. Mr. Barbakadze, Mr. Fehervary and Mr. McGlone will have completed a second full term of office by the fourth session and should be replaced, unless in a given case the Meeting of the Parties decides otherwise (see para. 3 above).

14. The terms of office of the five remaining members elected or re-elected at the third session of the Meeting of the Parties will end at the fifth session.

¹ See procedure for the nomination of candidates for the Committee set out in paragraph 5 of the annex to decision I/2.

² States and regional economic integration organizations that are signatories to the Protocol but have yet to become Parties; the United Nations, its specialized agencies and the International Atomic Energy Agency; relevant intergovernmental organizations, qualified or having an interest in the fields to which the Protocol relates, that have requested to be so notified; and relevant non-governmental organizations, qualified or having an interest in the fields to which the Protocol relates, that have requested to be so notified.

Annex I

Situation of the members of the Compliance Committee

<i>MOP-1 (2010)</i>	<i>MOP-2 (2014)</i>	<i>November 2015</i>	<i>MOP-3 (2017)</i>	<i>MOP-4</i>
Merab Barbakadze (MB) elected through MOP-2	MB re-elected (through MOP-4)			MB should be replaced, unless in a given case the Meeting of the Parties decides otherwise
Akos Fehervary (AF) elected through MOP-2	AF re-elected (through MOP-4)			AF should be replaced, unless in a given case the Meeting of the Parties decides otherwise
Sveto Vasileski (SV) elected through MOP-2	Dmytro Skrylnikov (DS) elected (through MOP-4)			DS may be re-elected until MOP-6
Alistair McGlone (AM) elected through MOP-2	AM re-elected (through MOP-4)			AM should be replaced, unless in a given case the Meeting of the Parties decides otherwise
Gor Movsisyan (GM) elected through MOP-3			GM may be re-elected through MOP-5	
Fritz Kroiss (FK) elected through MOP-3			FK may be re-elected through MOP-5	
Martina Vazdar (MS) elected through MOP-3	Nataša Kacic-Bartulovic (NKB) elected for the remainder of the term (through MOP-3)		NKB may be re-elected through MOP-5	
Didier Guiffault (DG) elected through MOP-3	Ralid Ajabboune elected for the remainder of the term (through MOP-3)	As of 27 November 2015 Nicolas Encausse (NE) appointed for the remainder of the term (through MOP-3)	NE may be re-elected through MOP-5	

<i>MOP-1 (2010)</i>	<i>MOP-2 (2014)</i>	<i>November 2015</i>	<i>MOP-3 (2017)</i>	<i>MOP-4</i>
Barbara Rathmer (BR) elected through MOP-3			BR may be re-elected through MOP-5	

Note: MOP stands for Meeting of the Parties. Sessions of the MOP are indicated by placing the numeral for the session after “MOP-”. For example, MOP-1 stands for the first session of the Meeting of the Parties.

Annex II

Relevant paragraphs from decision I/2 and relevant reports

Decision I/2 (2010),^a annex, paragraphs 8–9

8. The Meeting of the Parties shall, at its first ordinary session, elect four members to the Committee to serve until the end of the next ordinary session and five members to serve a full term of office. At each ordinary session thereafter, the Meeting of the Parties shall elect for a full term of office four or five members as appropriate in order to achieve the full complement of the Committee. Outgoing members may be re-elected once for a further full term of office, *unless in a given case the Meeting of the Parties decides otherwise* (emphasis added). A full term of office begins at the end of an ordinary session of the Meeting of the Parties and runs until the second ordinary session of the Meeting of the Parties thereafter. The Committee shall elect its own Chair and Vice-Chair.

9. If a member of the Committee can no longer perform his or her duties as a member of the Committee for any reason, the Bureau of the Meeting of the Parties shall appoint another member fulfilling the criteria in this section to serve the remainder of the term, subject to the approval of the Committee.

Report of the first session of the Meeting of the Parties (2010),^b paragraph 65

65. On the basis of consultations (see para. 21 above), the Meeting elected by consensus the following candidates to the Compliance Committee to serve until the end of the second session of the Meeting: Mr. Merab Barbakadze (Georgia); Mr. Akos Fehervary (Hungary); Mr. Sveto Vasileski (the former Yugoslav Republic of Macedonia); and Mr. Alistair McGlone (United Kingdom). The following candidates were elected by consensus to serve on the Committee until the end of the third session of the Meeting: Mr. Gor Movsisyan (Armenia); Mr. Fritz Kroiss (Austria); Ms. Martina Sorsa^c (Croatia); Mr. Didier Guiffault (France); and Ms. Barbara Rathmer (Germany).

Report of the second session of the Meeting of the Parties (2014),^d paragraph 37

37. The Meeting of the Parties re-elected by consensus the following Compliance Committee members: Mr. Alistair McGlone, nominated by the United Kingdom; Mr. Akos Fehervary, nominated by Hungary; and Mr. Merab Barbakadze, proposed by Georgia and nominated by Spain. It elected by consensus the following new members to the Committee: Mr. Ralid Ajabboune, nominated by France; Ms. Nataša Kacic-Bartulovic, nominated by Croatia; and Mr. Dmytro Skrylnikov, proposed by the European ECO Forum and Environment People Law and nominated by Norway.

^a ECE/MP.PRTR/2010/2/Add.1.

^b ECE/MP.PRTR/2010/2.

^c Ms. Sorsa's family name changed to Ms. Vazdar in 2010.

^d ECE/MP.PRTR/2014/4

Report of the ninth meeting of the Bureau of the Meeting of the Parties,^e section 3

3. Membership of the Compliance Committee

Pursuant to the decision I/1 (Rules of Procedure, see rule 22 paragraph 5 and rule 23 paragraph 2) and decision I/2 (Structure and functions of the Compliance Committee and procedures for the review of compliance, see chapter I paragraph 9 of the Annex) (ECE/MP.PRTR/2010/2/Add.1) of the Meeting of the Parties to the Protocol on Pollutant Release and Transfer Registers (PRTRs), the Bureau appointed Mr. Nicolas Encausse as new member of the Compliance Committee. Mr. Encausse had been nominated by France as a replacement for Mr. Ralid Ajabboune. Mr. Ajabboune had been elected member of the Committee at the second session of the Meeting of the Parties (3-4 July 2014, Maastricht), but had not been in a position to fulfil his duty due to other commitments.

^e The report is available from <http://www.unece.org/index.php?id=39756#/> (English only).