



THE REGIONAL ENVIRONMENTAL CENTER

for Central and Eastern Europe

Comments On the Elements for a Draft PRTR Instrument under the Aarhus Convention

In connection with the decision taken at the first meeting of the Aarhus Convention Working Group on Pollutant Release and Transfer Registers (PRTR), the Regional Environmental Center for Central and Eastern Europe (REC) hereby submits to the Aarhus Convention Secretariat preliminary comments on the elements for a draft instrument (CEP/WG.5/AC.2/2001/3), as follows:

1. We welcome the text of the elements for a draft instrument on Pollutant Release and Transfer Register prepared by the Secretariat and we believe that it is an excellent basis for developing the final text.
2. We support the formulation of the elements in a structure of a protocol and believe it to be the most feasible and appropriate form for the future instrument. The final form of the text should reflect all the details of the issues needed to be discussed in order to have an efficient instrument. To this end, we believe that some further additions to some of the articles might be needed, and it is of particular importance that the step-by-step approach is clearly explained and various phases are established in an agreed time-frame.
3. While in the development of the future instrument compatibility with various existing reporting requirements should be ensured and duplication of efforts should be avoided, the instrument can and should go beyond and be more forward-looking than such existing requirements.
4. The instrument should be developed in a step by step approach gradually phasing in the different requirements, however it should determine clearly concrete deadlines for various phases. The instrument should aim at establishing over an agreed time-frame a full-fledged PRTR including all the elements indicated in the current draft of the Art. 5.

At the same time, the crucial elements vital for achieving the goals of the Aarhus Convention and the instrument should be already ensured in the first phase. These, in our opinion, should include at least:

- integrated multi-media approach covering all media including air, water, land and underground injection
- facility specific and substance-specific approach
- releases



THE REGIONAL ENVIRONMENTAL CENTER *for Central and Eastern Europe*

- on-site and off-site transfers
 - both point and diffuse sources
 - annual reporting and timing
 - public accessibility, dissemination of the data
 - public participation in the development and operation of the national PRTR
1. It is possible to develop and establish different time-frames for a few elements which seem to be more difficult to be covered at the time of the agreement on the instrument, for example: products, reduction targets, water, energy and resource use, radioactive substances, radiation, noise and GMOs. In case such approach is taken, the Art. 5.1 and Art. 8.5 should explicitly require that the registers established in the first phase provide links to the existing national level registers and databases on radioactive substances, radiation and GMOs.

 6. We believe the reporting should be done on an annual basis starting from the phase one. The inclusion of the reported data in the register should be required in as short time as possible. An upper time limit of 5 months following the reporting year should be fixed in the document to ensure timeliness of information. It could be left to each party to set a time limit for facilities or other reporting bodies to submit their reports. There should be an obligation to make the data publicly accessible as soon as is it in the register (Article 4.4).

 7. We strongly support inclusion of specific provisions on access to information, public participation and access to justice in the text of the instrument in separate articles (Art. 10, 11, 12) Such approach would allow for a greater elaboration of certain details, more narrowly focused on the needs of establishing and operating an efficient PRTR. These articles also should reflect that the PRTR is basically a public right to know instrument and should guarantee rights for the public to access the PRTR data, participate in the development and operation of the national PRTRs and have rights of access to justice if their respective rights have been infringed as foreseen in the current draft of Art. 12. Since the instrument will be opened for signature by the non-Parties of the Convention the spelling out of these provisions will have an additional value.