

**Tina Skårman**

**Chairperson of 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**

Ms. Aneta Willems  
Head of Unit  
European Commission, Directorate-General  
Environment/Directorate C - Quality of Life  
ENV.C.4 – Industrial Emissions & Safety

Re: Formal protest regarding the consultation on development of the UNECE Protocol on Pollutant Release and Transfer Registers (PRTRs). Ref. Ares(2019)3260444 – 17/05/2019

23 May 2019

Dear Ms. Willems,

I am writing to you on behalf of the Bureau of 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 (Protocol on PRTRs).

The Bureau considered your letter of 17 May 2019 at its fifteenth meeting (22-23 May 2019) and decided to provide its response to the letter with the following clarifications:

(a) The Bureau is working currently on a report on development of the Protocol pursuant to the request of the Working Group of the Parties made at its sixth meeting (9 November 2018).<sup>1</sup> In accordance with this request, the report will address the key relevant issues and will put forward suggestions for consideration by the Working Group at its next meeting (28-29 November 2019).

(b) In line with the long-standing practice under the Protocol to prepare documents in a transparent and inclusive manner, the Bureau launched a consultation in March 2019. The consultation aimed at gathering views of Parties, other interested countries and stakeholders as to ensure that the report is prepared through a participatory process.

(c) The consultation launched by the Bureau did not exceed the mandate provided by the Working Group:

- The invitation to hold the consultation on Annexes to the Protocol is in line with the request of the Working Group made through paragraph 27 (a) of the report on the sixth meeting of the Working Group, namely “*Reviewing the reporting requirements under the Protocol as*

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<sup>1</sup> See report of the Working Group of the Parties (paras 27-29):

[https://www.unece.org/fileadmin/DAM/env/pp/prtr/WGP-6/AEC/ECE.MP.PRTR.WG.1.2018.2\\_aec.pdf](https://www.unece.org/fileadmin/DAM/env/pp/prtr/WGP-6/AEC/ECE.MP.PRTR.WG.1.2018.2_aec.pdf)

*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;”.*

- The invitation to hold the consultation on other provisions of the Protocol is in line with the request of the Working Group made through paragraph 27 (b) of the report, namely *“Identifying possible gaps and examples of imprecise wording of other provisions of the Protocol, with regard to which Parties faced implementation challenges.”*

(d) The Bureau was holding the consultation, not negotiations, and this was clearly communicated through the message inviting Parties and stakeholders to the consultation and through the webpage with the information on the consultation<sup>2</sup>.

(e) To prepare an objective report the Bureau requires to hold a broad consultation as to gather different experiences of Parties and stakeholders. It is an established practice under the Protocol that all substantive documents, subject to consideration by the Working Group, are prepared through a transparent and participatory process (for example, such recent documents as Strategic Plan for 2015-2020<sup>3</sup> or document on Systemic issues concerning the implementation of the Protocol and recommendations on how to address them<sup>4</sup>).

(f) The format in which documents were asked to be consulted (excel files and track changes in word document) is an established long-standing practice to gather information and comments under a large number of international instruments, including both the Aarhus Convention and the Protocol on PRTRs. Such approach proved to be a transparent and efficient method to gather a large amount of information.

The Bureau is looking forward to receive clear information about procedural steps that the European Union planned to take in order to obtain the required mandate for negotiating possible amendments to the Protocol as was requested by the Working Group of the Parties at its sixth meeting.

The Bureau sincerely regrets that the EU and its Member States did not participate in the consultation and is looking forward to the future opportunities for the EU and its Member States to engage in discussions on possible development of the Protocol at the upcoming seventh meeting of the Working Group of the Parties (28-29 November 2019).

Yours sincerely,



Tina Skårman

*Note: Correspondence of the Bureau of the Protocol on PRTRs is available at:  
<https://www.unece.org/env/pp/prtr-bureau.html>*

<sup>2</sup> See: <https://www.unece.org/environmental-policy/conventions/public-participation/meetings-and-events/public-participation/2019/seventh-meeting-of-the-working-group-of-the-parties-to-the-protocol-on-prtrs/seventh-meeting-of-the-working-group-of-the-parties-to-the-protocol-on-prtrs.html>

<sup>3</sup> See: <https://www.unece.org/environmental-policy/conventions/public-participation/protocol-on-prtrs/areas-of-work/current-work-programme-and-strategic-plan/strategic-plan-2015-2020.html>

<sup>4</sup> See: [https://www.unece.org/fileadmin/DAM/env/pp/prtr/MOPP3/English/ECE\\_MP.PRTR\\_2017\\_6\\_Add.2\\_E.pdf](https://www.unece.org/fileadmin/DAM/env/pp/prtr/MOPP3/English/ECE_MP.PRTR_2017_6_Add.2_E.pdf)