

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

Bureau

Fifteenth meeting

Geneva, 22–23 May 2019

Report on the fifteenth meeting of the Bureau¹

I. Attendance

Bureau members: Ms. Tina Skårman (Sweden, Chair), Ms. Marie-Rose Van den Hende (Belgium, Vice-Chair), Ms. Ulrike Schüler (Germany, Vice-Chair), Mr. Alex Radway (European Union), Mr. Nebojsa Redzic (Serbia), Mr. Roland Ritter (Switzerland) and Ms. Lesya Karnaukh (Ukraine).

Observer: Ms. Mara Silina (European ECO-Forum).

II. Opening and adoption of the agenda

1. The Chair opened the meeting. The Bureau adopted the provisional agenda.

III. Status of ratification of the Protocol

2. The Bureau took note of the report by the secretariat that there were no new ratifications since Montenegro had ratified the Protocol on 11 October 2017. The Bureau discussed possible linkage between the interest in ratifying the Protocol and the current work on development of the Protocol, notably whether revision of its provisions could create any barrier for countries to accede to the Protocol. In this regard, the Bureau noted that national implementation reports and outcomes of the Global Round Tables² demonstrated that in most countries that had ratified the Protocol recently and those showed interest in its ratification, design of PRTR systems already exceed the requirements of the Protocol. Countries are willing to use PRTRs for reporting to other multilateral environmental agreements and for making other data related to pollution and sustainable development accessible to the public. Such approach increases efficiency in using PRTRs and enhances synergy among different reporting obligations. Thus, development of the Protocol aimed at adapting the treaty to modern international requirements in the area of chemical management would rather encourage new ratifications than create obstacles.

IV. Designation of national focal points

3. The Bureau took note of the report by the secretariat and information provided by the Bureau members. Missing nominations of focal points, including from Parties, which are members of the European Union, were noted with concern by the Bureau. The Bureau requested the secretariat to follow up with those Parties and to report at the next meeting of the Working Group accordingly.

¹ This document was not formally edited.

² See: <https://www.unece.org/environmental-policy/conventions/public-participation/protocol-on-prtrs/areas-of-work/global-round-tables-on-prtrs.html>

V. Development of the Protocol

(a) correspondence with the European Union and its Member States

4. The Bureau considered a letter from the European Union and its Member States of 17 May 2019 and prepared its response to the letter, including 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).³ 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 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 consultation⁴.

(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 the Strategic Plan for 2015-2020 (ECE/MP.PRTR/2014/4/Add.1)⁵ or document on Systemic issues concerning the implementation of the Protocol and recommendations on how to address them (ECE/MP.PRTR/2017/6/Add.2)⁶).

(f) The format in which documents were asked to be consulted (Excel files and track changes in Word document) is an established long-standing practise 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.

5. The Bureau also expressed its serious concerns about an extraordinary situation when the request of the Working Group of the Parties was not fulfilled, notably the European Union was requested to inform the Bureau, prior to March 2019, about procedural steps that the European Union planned to take in order to obtain the required mandate for negotiating possible amendments to the Protocol. In this regard, the Bureau requested the European Union and its Member States to provide a clear information about procedural steps they planned to take in order to obtain the required mandate as was requested by the Working Group of the Parties at its sixth meeting.

³ 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

⁴ 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>

⁵ 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>

⁶ See: https://www.unece.org/fileadmin/DAM/env/pp/prtr/MOPP3/English/ECE_MP.PRTR_2017_6_Add.2_E.pdf

6. Finally, the Bureau requested the secretariat to send the letter of the Bureau to the European Union and its Member States and publish the related correspondence on the webpage dedicated to the work of the Bureau⁷.

(b) Draft report on development of the Protocol

7. The Bureau considered and revised the draft report on development of the Protocol. The Bureau requested the secretariat to review the draft report in the light of the discussions and send it to the Bureau for final comments and approval prior to its submissions to the Working Group of the Parties at its seventh meeting.

VI. Implementation of the work programme 2018-2021, including financial matters

8. The Bureau took note of the reports by the secretariat on the implementation of the Protocol's work programme and on financial matters, and requested the secretariat to update the reports as required and submit them to the Working Group of the Parties at its seventh meeting.

VII. Preparations for the seventh meeting of the Working Group of the Parties

9. The Bureau considered and provided comments on a provisional agenda for the seventh meeting of the Working Group of the Parties and on a note on the future financial arrangements under the Protocol. The Bureau requested the secretariat to revise the two documents in the light of the discussions and send them to the Bureau for final comments and approval prior to their submissions to the Working Group of the Parties at its seventh meeting.

10. The Bureau also considered and approved a note on the Protocol's future work programme and requested the secretariat to finalise it and submit it to the Working Group of the Parties at its seventh meeting.

11. Finally, the Bureau took note of the report of the seventh meeting of the Compliance Committee (ECE/MP.PRTR/C.1/2019/2) and of an initial draft report on the third Global Round Table on PRTRs (Geneva, 7-8 November 2018).

VIII. Preparations for the fourth session of the Meeting of the Parties

(a) Hosting of the session and dates

12. The secretariat reported that at the present time no candidate country expressed its interest to host the fourth session of the Meeting of the Parties. The Bureau took note of the information provided and asked the secretariat to continue liaising with interested Parties on the hosting matter. The secretariat also reported on the recommendation of the Bureau of the Aarhus Convention to hold the next session of the Convention's Meeting of the Parties in October 2021. The Bureau took note of these preliminary dates that are also relevant for the Protocol's fourth session of the Meeting of the Parties.

(b) Substantive preparations

13. The Bureau considered several aspects related to the preparation of documents for decision-making for the next fourth session of the Meeting of the Parties and the role of the Bureau members in this regard. These considerations were based on the long-standing experience of working methods of the Bureau, which has been proved effective.

⁷ See tab "Correspondence": <https://www.unece.org/environmental-policy/conventions/public-participation/protocol-on-prtrs/protocol-bodies/envppprtr-bureau/bureau.html>

14. In this regard the Bureau noted its responsibility to prepare draft documents that will be submitted to the Meeting of the Parties for decision-making, including draft decisions, provisional agenda for the fourth session and a possible declaration. Such draft documents were prepared in the past mostly through electronic consultations and during its regular meetings. At the same time, if need be, the Bureau may decide to hold an additional ad hoc meeting to work on the documents.

15. Further, the Bureau has been playing an important role in promoting the Protocol, including, through preparing proposals to pursue important systemic issues, strategic plans and now – development of the Protocol. Such forward-looking and responding-to-challenges documents make the Protocol a truly living treaty, and the Bureau has been key to promote this understanding among Parties and stakeholders. The Bureau also noted its responsibility to discuss and address any issues of concern that may have a negative effect on procedures or implementation of the Protocol and put forward its view to the Working Group of the Parties and/or the Meeting of the Parties, as relevant.

16. The Bureau also noted that the position of its members was always neutral and guided by their expertise. In this regard, it was reiterated that members of the Bureau do not represent formal positions of individual Parties in the Bureau's work, but rather work together for the interest of the Protocol's implementation for the region and beyond. Furthermore, the Bureau has no mandate to negotiate documents. The Bureau prepares suggestions for the Working Group of the Parties and/or Meeting of the Parties, as appropriate, where negotiations are taking place. Such suggestions aim to serve the interest of the Protocol and benefit all Parties.

17. Finally, the Bureau underlined that it is not a body of selected Parties that push for their self-interest. Otherwise there will be no value added of this body (why would other Parties vote for limited number of countries, which will promote their self-interest). The above was an established practice since the Bureau was set under the Protocol.

IX. Calendar of meetings

18. The Bureau took note of the calendar of meetings for 2019.
