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## 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

#### Sixth meeting

Geneva, 9 November 2018

## Report of the Working Group of the Parties on its sixth meeting

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## **I. Introduction**

1. The sixth meeting of the Working Group 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 (Aarhus Convention) was held on 9 November 2018 in Geneva.<sup>1</sup> The meeting was organized within the framework of “International Pollutant Release and Transfer Registers Week”, an event which also encompassed the third Global Round Table on Pollutant Release and Transfer Registers (7 and 8 November 2018) and the fourteenth meeting of the Protocol’s Bureau (9 November 2018).

### **A. Attendance**

2. The meeting was attended by delegations from the following Parties to the Protocol: Austria, Belgium, Bulgaria, Croatia, Czechia, Denmark, European Union, Finland, France, Germany, Lithuania, Malta, North Macedonia, Norway, Poland, Romania, Serbia, Slovakia, Spain, Sweden, Switzerland and Ukraine.

3. Representatives of Armenia, Georgia and Tajikistan, signatories to the Protocol, attended the meeting.

4. Delegations from Belarus, Brazil, Cambodia, Japan, Kyrgyzstan, Peru and Turkmenistan were also present.

5. Also in attendance were representatives of the Organization for Economic Cooperation and Development (OECD), the United Nations Environment Programme (UNEP) and the United Nations Institute for Training and Research (UNITAR).

6. Representatives of Aarhus centres and professional, research and academic organizations were also present, as were representatives of international, regional and local non-governmental organizations (NGOs), many of whom coordinated their input within the framework of the European ECO-Forum.

### **B. Organizational matters**

7. Ms. Tina Skårman (Sweden), Chair of the Working Group of the Parties to the Protocol, opened the meeting.

8. The Chair informed the Working Group that, with a view to ensuring equal opportunities for English-, French- and Russian-speaking delegations, the meeting would result in a list of decisions and outcomes that would be distributed by email to meeting participants around 40 minutes before the close of the meeting and that would be presented by the Chair verbally for adoption, thereby allowing for interpretation. The adopted list of decisions and outcomes would be distributed to participants by email after the meeting and would be incorporated in the meeting report.

9. The Working Group took note of the information provided by the Chair and adopted the agenda for the meeting as set out in document ECE/MP.PRTR/WG.1/2018/1.

## **II. Status of ratification of the Protocol on Pollutant Release and Transfer Registers**

10. The secretariat reported on the status of ratification of the Protocol. Since its adoption in 2003, 38 States had become signatories to the instrument and there were currently 36

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<sup>1</sup> Documents for the meeting and other information, including a list of participants, are available online at [www.unece.org/index.php?id=47194](http://www.unece.org/index.php?id=47194). Statements delivered at the meeting that were made available to the secretariat by delegates are also accessible from this web page.

Parties thereto. The Protocol on Pollutant Release and Transfer Registers had entered into force on 8 October 2009. Since the third session of the Meeting of the Parties (Budva, Montenegro, 15 September 2017), Montenegro had become a Party to the Protocol, on 11 October 2017.<sup>2</sup>

11. The Working Group took note of the report by the secretariat on the status of ratification of the Protocol, welcomed Montenegro as a new Party thereto and encouraged signatories and other interested States to proceed with accession to the Protocol as soon as possible.

### **III. Designation of national focal points**

12. The secretariat presented information on the status of designation of national focal points.<sup>3</sup> The Working Group took note of the report and called on Parties that had not to date designated a focal point, namely, Finland, Malta and the Republic of Moldova, to proceed to do so without delay.

### **IV. Promotion and capacity-building**

#### **A. Coordination mechanisms and synergies**

13. The Chair brought to the attention of delegations the relevant sections of the report on implementation of the work programmes of the Protocol on Pollutant Release and Transfer Registers for 2015–2017 and 2018–2021 (ECE/MP.PRTR/WG.1/2018/3), specifically chapters B, on technical assistance, and E, on awareness-raising and promotion of the Protocol and its interlinkages with other treaties and processes. The Chair further highlighted several important forums for coordination, including the Group of Friends of the Shared Environmental Information System and the informal meetings between the Chairs of the Economic Commission for Europe (ECE) Committee on Environmental Policy and the governing bodies of the ECE multilateral environmental agreements, where information on priority areas of work was exchanged and possible areas of cooperation were discussed. There then followed an intervention by a representative of UNITAR, who informed the participants about an ongoing study into the potential use of pollutant release and transfer registers as a tool for national reporting for relevant multilateral environmental agreements and initiatives.

14. The Working Group took note of the information provided by the Chair and UNITAR. Recalling pollutant release and transfer register-related activities presented by UNEP, UNITAR and OECD during the third Global Round Table on Pollutant Release and Transfer Registers (Geneva, 7 and 8 November 2018), the Working Group expressed its appreciation to those organizations for the support provided in further implementing pollutant release and transfer register systems, thereby strengthening countries' capacities to accede to the Protocol.

15. Furthermore, the Working Group called upon partner organizations and multilateral environmental agreements to cooperate closely and, where possible, to create synergies to further the implementation of projects and programmes related to pollutant release and transfer registers. The Working Group also called on Parties, other interested countries and organizations to promote pollutant release and transfer registers as a reporting tool for multilateral environmental agreements dealing with chemicals and climate matters and for other relevant multilateral environmental agreements, including at meetings of their respective governing bodies.

16. In addition, the Working Group reiterated its call upon:

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<sup>2</sup> Information on the status of ratifications is available at [www.unepce.org/env/pp/ratification.html](http://www.unepce.org/env/pp/ratification.html).

<sup>3</sup> A list of national focal points is available at [www.unepce.org/env/pp/nfp.html](http://www.unepce.org/env/pp/nfp.html).

(a) Governments to strengthen cooperation between experts dealing with the Protocol on Pollutant Release and Transfer Registers and those dealing with the Convention on Long-range Transboundary Air Pollution (Air Convention), the Convention on the Transboundary Effects of Industrial Accidents, the Convention on the Protection and Use of Transboundary Watercourses and International Lakes, the UNEP chemicals conventions, namely, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Stockholm Convention on Persistent Organic Pollutants and the Minamata Convention on Mercury, the United Nations Framework Convention on Climate Change and other relevant agreements and programmes, and also those involved in pollutant release and transfer register projects carried out by international organizations, so as to ensure coordination and synergy at the national level;

(b) Parties and stakeholders to consider implementation of the Protocol and the pan-European Shared Environmental Information System in synergy.

## **B. Subregional and national activities**

17. Representatives of Armenia, Belarus, North Macedonia and Ukraine provided information on the main issues related to the development of national pollutant release and transfer registers, including on applying an integrated approach to establishing pollutant release and transfer registers and the intended use of pollutant release and transfer register systems for reporting to different multilateral environmental agreements or initiatives.

18. A representative of the Association of Environmental Law of Central and Eastern Europe, an NGO, reported on the progress made in establishing pollutant release and transfer register systems in countries in South-Eastern Europe and the Republic of Moldova since the third session of the Meeting of the Parties (Budva, Montenegro, 15 September 2017).

19. The Working Group took note of the information provided by the delegations and welcomed efforts by countries and organizations to promote the establishment of pollutant release and transfer register systems and steps taken towards accession to the Protocol.

## **C. Global promotion of the Protocol**

20. In a discussion on the global promotion of the Protocol, the Working Group welcomed the joint efforts of ECE and OECD in organizing the third Global Round Table on Pollutant Release and Transfer Registers (Geneva, 7 and 8 November 2018) and also welcomed the cooperation with UNEP and UNITAR in that regard. Acknowledging that the event had been successful, the Working Group took note of its outcomes and requested the secretariat to prepare, in cooperation with OECD, a formal report on the Global Round Table in the three ECE languages for submission to the Working Group's next meeting.

21. The Working Group:

(a) Mandated the Bureau and the secretariat to explore opportunities for organizing a fourth global event in the future;

(b) Recalling the presentation by the representative of the Economic Commission for Latin America and the Caribbean (ECLAC) on the adoption of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) at the third Global Round Table on Pollutant Release and Transfer Registers, congratulated countries and civil society of that region and ECLAC and welcomed the inclusion of the issue of pollutant release and transfer registers in the Escazú Agreement;

(c) Called upon Parties, other interested States and organizations to continue the global promotion of the Protocol;

(d) Encouraged Parties to promote the Protocol at the upcoming Regional Forum on Sustainable Development for the ECE region (Geneva, 21 and 22 March 2019) and in other processes related to sustainable development matters.

## V. Compliance and reporting mechanism

22. The Working Group took note of the information provided by the Chair on the status of submission of national implementation reports since the third session of the Meeting of the Parties and urged Malta and Slovenia to submit their national implementation reports for the 2017 reporting cycle without delay.

## VI. Development of the Protocol

23. A Vice-Chair of the Bureau introduced the item by providing a summary of the Bureau's deliberations on the topic of the development of the Protocol. The Working Group considered and took note of the two related documents: Progress in implementing the strategic plan for 2015–2020 (ECE/MP.PRTR/WG.1/2018/5); and Development of the Protocol on Pollutant Release and Transfer Registers (ECE/MP.PRTR/WG.1/2018/6), in particular the Bureau's proposal outlining a process going forward with the development of the Protocol (ECE/MP.PRTR/WG.1/2018/6, para. 12).

24. Many delegations made statements in relation to the above-mentioned documents and in support of the Bureau's proposals set out therein. A representative of the European Union and its Member States made an alternative proposal, providing explanations in that regard, referring to the specificity of European Union procedures and explaining that the Bureau's proposal was perceived as an entry into negotiations on possible amendments. The representative specifically pointed out that the European Union did not have a mandate to enter into negotiations on possible amendments at the current time.

25. A number of interventions were made by Parties and by representatives of NGOs. Delegations considered that the European Union proposal and the accompanying explanations had not been substantiated. Furthermore, all the speakers supported the proposal as set out by the Bureau and voiced concern about the European Union's alternative proposal, which could lead to a substantial delay in work related to the implementation of article 6 (2) of the Protocol and its strategic plan for 2015–2020 (ECE/MP.PRTR/2014/4/Add.1, decision II/2).

26. Following discussions, the Working Group of the Parties reached a consensus regarding the decision on the development of the Protocol based on a new proposal put forward by the European Union. Nevertheless, a number of delegations from Parties and representatives of NGOs expressed reluctance to deviate from the Bureau's recommendations, voiced concerns about the lack of transparency regarding the process that had led to the European Union's inability to support the Bureau's proposal and emphasized the need not to delay the development of the Protocol any further.

27. In a spirit of consensus, Parties agreed that the new proposal should take into account the relevant concerns. Thus, with a view to preparing for the next session of the Meeting of the Parties, the Working Group requested the Bureau, in consideration of further development of the Protocol, to draw up a report with the support of the Compliance Committee:

(a) 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;

(b) Identifying possible gaps and examples of imprecise wording of other provisions of the Protocol, with regard to which Parties faced implementation challenges.

28. The Working Group requested the Bureau to submit the report to its next meeting for consideration and as a basis for discussions on possible revisions of the Protocol.

29. The Working Group also requested the European Union 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.

## **VII. Implementation of the work programmes for 2015–2017 and 2018–2021, including financial matters**

30. Regarding the implementation of the work programmes for 2015–2017 and 2018–2021 (respectively, ECE/MP.PRTR/2014/4/Add.1, decision II/3, annex, and ECE/MP.PRTR/2017/6/Add.1, decision III/2, annex), the Working Group took note of:

(a) The report on implementation of the work programmes of the Protocol on Pollutant Release and Transfer Registers for 2015–2017 and 2018–2021 (ECE/MP.PRTR/WG.1/2018/3);

(b) The report on contributions and expenditures in relation to implementation of the Protocol's work programmes for 2015–2017 and 2018–2021 (ECE/MP.PRTR/WG.1/2018/4), and information on contributions received between 23 July and 22 October 2018 (PRTR/WG.1/2018/Inf.4);

(c) Information provided by delegations on financial matters and by the secretariat on its situation in terms of financial resources.

31. The Working Group expressed its appreciation for the work done by the secretariat and recognized the difficulties posed by limited and unpredictable funding.

32. The Working Group also expressed its concern regarding the low number of pledges. Moreover, the Working Group urged Parties to strive not to earmark large contributions for specific purpose, in order to facilitate the management of funds for implementation of the work programme in a balanced way.

## **VIII. Preparations for the fourth session of the Meeting of the Parties to the Protocol**

33. The Working Group took note of the information provided by the secretariat regarding the related outcomes of the twenty-second meeting of the Working Group of the Parties to the Aarhus Convention (Geneva, 19–21 June 2018) and of possible dates for the fourth session, to be held towards the end of June 2021.

34. The Working Group called on Parties potentially open to hosting the fourth session to inform the secretariat of their interest in that regard, by January 2019, taking into consideration the fact that the fourth session would be organized back-to-back with the seventh session of the Meeting of the Parties to the Aarhus Convention, and mandated the secretariat to liaise with potentially interested Parties in that regard.

35. Finally, the Working Group mandated the Bureau to take the decision on the hosting and timing of the fourth session prior to the next meeting of the Working Group, as appropriate, and to report to the Working Group on the issue at its next meeting.

## **IX. Calendar of meetings**

36. The Working Group took note of the meetings planned for 2019.<sup>4</sup>

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<sup>4</sup> A calendar of meetings for 2019 is available at [www.unece.org/environmental-policy/conventions/public-participation/meetings-and-events.html](http://www.unece.org/environmental-policy/conventions/public-participation/meetings-and-events.html).

## **X. Adoption of the decisions and outcomes of the meeting**

37. The Working Group adopted the decisions and major outcomes presented by the Chair at the meeting (PRTR/WG.1/2018/Inf.5) and requested the secretariat, in consultation with the Chair, to finalize the report incorporating the outcomes and decisions adopted.

38. The Chair then thanked the participants for their contributions and the interpreters and the secretariat for their support and closed the meeting.

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