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**ECONOMIC COMMISSION FOR EUROPE
COMMITTEE ON ENVIRONMENTAL POLICY**

Meeting of the Parties to the
Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters

Working Group on Pollutant Release and Transfer Registers

REPORT OF THE FIRST MEETING

1. The first meeting of the Working Group on Pollutant Release and Transfer Registers (PRTRs) was held in Geneva, Switzerland, from 16 to 18 February 2004.
2. The meeting was attended by delegations from the Governments of Albania, Armenia, Austria, Belarus, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Georgia, Germany, Hungary, Ireland, Italy, Kyrgyzstan, Netherlands, Norway, Portugal, Serbia and Montenegro, Spain, Sweden, Switzerland, Tajikistan, United Kingdom, United States of America and Uzbekistan. The Commission of the European Communities was also represented.
3. Also represented at the meeting were: the United Nations Environment Programme (UNEP) and the United Nations Institute for Training and Research (UNITAR); the Organisation for Economic Co-operation and Development (OECD); the Regional Environmental Center for Central and Eastern Europe (REC); and the following non-governmental organizations: GLOBE Europe, and, within the framework of the European ECO Forum, Eco-Accord (Russian Federation), Environmental Partnership (Czech Republic), Friends of the Earth (England, Wales and Northern Ireland), GEBMA Georgian Environmental and Biological Monitoring Association (Georgia), GREENWOMEN Public Association (Kazakhstan), NGOs Association For Civil Society (Kyrgyzstan) and RUZGAR Ecological Society (Azerbaijan).

4. The meeting was opened by Mr. Kaj Bärlund, Director of the UNECE Environment and Human Settlements Division. He emphasized that while the negotiation of the Protocol had been difficult, the end result was a major achievement: the adoption of the Protocol in Kiev represented a major step forward in international environmental law which would eventually bring transparency and shed light on polluting activities. He reminded the Working Group of its mandate to pave the way for the entry into force of the Protocol and prepare for the first meeting of its Parties. This mandate was set out in the resolution of the Signatories that had been approved at the extraordinary meeting of the Parties to the Aarhus Convention in May 2003. The two main tasks flowing from this mandate were, first, to facilitate the process of ratification, which implied the establishment of registers, supported through capacity-building, the sharing of know-how, the transfer of technology and financial assistance, and second, to prepare the first meeting of the Parties by developing operational mechanisms such as rules of procedure and a compliance mechanism.

I. ELECTION OF OFFICERS

5. Mr. Karel Blaha (Czech Republic) was elected as Chairman, and Mr. Michel Amand (Belgium) and Mr. Muzafar Isobaev (Tajikistan) were elected as Vice-Chairmen, Mr. Isobaev for a term of office up to the second meeting of the Working Group.

II. ADOPTION OF THE AGENDA

6. The agenda for the meeting (MP.PP/AC.1/2004/1) was adopted.

III. RELEVANT DEVELOPMENTS AND ACTIVITIES SINCE THE ADOPTION OF THE PROTOCOL

7. The secretariat informed the Working Group that between the Kiev Conference and the end of 2003, when the Protocol had ceased to be open for signature, no additional States had signed it. This meant that there were 37 Signatories, including 36 States and one regional economic integration organization. No instrument of ratification had so far been deposited.

8. The Chairman informed the Working Group about the outcome of the 4th plenary session of the Intergovernmental Forum on Chemical Safety (IFCS), known as Forum IV, which had taken place in Bangkok on 1-7 November 2003. A report about the development of national PRTRs had been presented at the meeting. Further developments would be reported at IFCS Forum V in Budapest in 2006.

9. Mr. Charles Corbishley (United Kingdom), in his capacity as Chairman of the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) PRTR Coordinating Group, reported on its meeting in Paris at the beginning of February 2004. The Coordinating Group had discussed several issues related to the work of IFCS Forum V, including the possibility of organizing a side event on PRTRs at that meeting. The Coordinating Group had also discussed other activities such as the development of a clearing-house mechanism and other uses of the Internet. Finally, it had identified the need for a high-level entry portal that would provide user-friendly and easy access to various PRTR resources. The representative of OECD

informed the Working Group that such a high-level entry portal would most probably be set up with the address www.prtr.net and maintained by OECD on behalf of the Coordination Group.

10. The representative of REC informed the Working Group about the progress in two capacity-building projects that it was implementing with the financial support of the Governments of Norway and the Netherlands in several of the EU accession countries as well as two projects in Eastern Europe, the Caucasus and Central Asia (EECCA) and South East Europe focused on PRTR awareness raising and capacity-building. One, implemented together with the Government of the Czech Republic and with financial support of the Netherlands, would provide capacity-building and assistance for the actual development of a PRTR system, including guidance materials for the users. Another project, implemented in five accession countries and funded by Norway, aimed at developing strategies for setting up national registers in line with the requirements of the Protocol and the EU decision on the European pollution emission register (EPER), creating a multi-stakeholder network and holding a series of capacity-building workshops. Within the project, a survey on PRTR projects in accession countries had been made and was available on a CD-Rom. A general Aarhus Convention implementation project implemented in six EECCA countries and funded by EuropeAid included information on the Protocol in the regional and national user guides as well as several training sessions on PRTR. In particular, further priorities identified in the Aarhus Convention's implementation strategies in Bulgaria, Serbia and Montenegro and the former Yugoslav Republic of Macedonia included work on practical projects to set up national registers.

11. The representative of OECD reported on the outcome of the 36th Joint Meeting on Chemicals, which had been held in Paris earlier in February 2004, where the future direction of the OECD work with PRTRs had been discussed. The Meeting had discussed several issues including indicators, the sharing and comparing of PRTR data, the inclusion of social and economic factors, the wider inclusion of small- and medium-sized enterprises (SMEs), the inclusion of information on transfers through products and the development of a cross-walk between the pollutant-specific and waste-specific approaches. While some of these issues were found to be useful as a focus of future work, others, notably concerning the inclusion of information on transfers through products and social and economic factors, had raised more concern among some of the delegates. The Joint Meeting had, however, left all the options open for the time being. The next meeting of the OECD Task Force on PRTRs would take place in June 2004 in the United Kingdom.

12. The European ECO Forum's representatives informed the Working Group about a booklet on PRTR prepared with the financial support of Germany. The European ECO Forum's representatives from Kazakhstan and Azerbaijan also reported on the development of national registers in their countries.

IV. NATIONAL PREPARATIONS FOR THE RATIFICATION AND IMPLEMENTATION OF THE PROTOCOL

13. The Chairman invited Signatories and other States to inform the Working Group of activities undertaken to prepare for ratification and implementation of the Protocol. He also invited delegations to address the list of issues indicated in the explanatory notes on item 4 of the agenda.

14. The representative of the European Commission presented its plans to extend its EPER to a fully-fledged European PRTR conforming to the requirements of the Protocol by 2006, at which point the European Community would be in a position to ratify the Protocol. The first reporting year under the 'E-PRTR' would be 2007. This timetable would involve the Commission finalizing a proposal for a Community regulation by approximately July 2004 and submitting the draft regulation to the co-decision procedure. It was pointed out that ratification by the Community was distinct from ratification by the individual member States, some of which might ratify before the Community, others after. Several countries indicated that their ratification would follow the process of the European Community.

15. Most other delegations were not in a position to indicate even an approximate date of ratification or accession to the Protocol.

16. Most delegations could not, for the time being, indicate whether reporting under article 7 of the Protocol would be integrated with other systems (e.g. licensing or permitting systems). Several delegations referred to the possibility of integrating reporting under the Protocol with current reporting on emissions and information submitted to the waste registers as well as information on emissions submitted for statistical purposes. One delegation noted that, if many data were collected and submitted to statistics authorities, significant legal changes might be required to resolve the issue of confidentiality. Another delegation reported that its PRTR was integrated with 'green account' reporting as well as with permits. A majority of the intervening delegations felt that linking a PRTR to other existing relevant databases was useful. Registers of emissions to air and water and registers of waste were mentioned in this regard.

17. All delegations that intervened indicated their intention to apply capacity-based thresholds in accordance with article 7, paragraph 1 (a), of the Protocol. Most intended to impose the reporting obligation on the operators, rather than the owners, of the facilities. One delegation believed that the reports should be submitted by or at least countersigned by the owners of the facilities.

18. While many of those intervening felt that at this stage they would prefer to limit reporting on transfers to waste-specific reporting (with the exception of waste water destined for treatment), a number of delegations indicated that they intended to carry out or were already carrying out to a certain extent pollutant-specific reporting on transfers in addition to waste-specific reporting. Several delegations indicated that further consultation on the national level would be needed before one of the approaches was chosen.

19. Several countries were using measurement, calculation and estimation as methodologies for gathering information on the amounts of pollutants or waste released or transferred. One delegation stated that its reporting required an indication of the methodology chosen to gather the information. The Intergovernmental Panel on Climate Change's Guidance methodology was mentioned as useful. At the same time, several delegations, in particular from countries in transition, indicated that they lacked methodological guidance and needed assistance in this area. A need for the harmonization of methodologies was noted and in this regard monitoring guidelines developed under the negotiations on emissions trading and the International Organization for Standardization's ISO 14064 guidance on reporting were mentioned as a useful framework and potential guidance for quality assurance, data validation and the certification of reporting.

20. A need for further guidance on collecting data on releases from diffuse sources as well as a need to consider similar obligations under other international agreements were strongly emphasized by many delegations. One country indicated that it was not yet in a position to include information on diffuse sources, while another identified transport as a possible category of diffuse source on which it would initiate reporting in accordance with article 7, paragraph 7, of the Protocol. The representative of OECD drew the attention of the Working Group to the OECD Release Estimation Techniques document, available from its web site www.oecd.org, which contained guidance on the estimation of releases from diffuse sources.

21. Most delegations felt that they did not have enough information at this stage to indicate whether they intended to make the second reporting year the year immediately following the first reporting year or to have a one-year gap (art. 8, para. 1, of the Protocol).

22. Several Signatories and other States either envisaged or had already established multi-stakeholder working groups or other forms of stakeholder consultation for the development of their national registers. Some also planned awareness-raising workshops and materials for various stakeholders. Several delegates from countries in transition emphasized the importance of proper capacity-building and awareness-raising programmes to enable such participation.

23. A majority of the intervening delegations felt that it was premature to go beyond the provisions of the Protocol at this stage and that the work should concentrate on implementing the Protocol's current requirements. Some also felt that sharing national experience on other items to which the scope of the Protocol might be extended in the future could be useful.

24. The Working Group invited each country to prepare and submit to the secretariat in accordance with the presented format information related to the status of ratification and implementation of the Protocol. The secretariat was requested to circulate a template for summary information, compile such information on the basis of any submissions made by the countries, post it on the web site and regularly update it.

V. CAPACITY-BUILDING

25. The secretariat reported on its efforts to review the capacity-building activities of international, regional and non-governmental organizations relevant to the Convention and pollutant release and transfer registers (decision I/10 of the Meeting of the Parties on the establishment of the clearing-house mechanism and capacity-building service). In preparation for the present meeting, it had held meetings with UNITAR and UNEP Chemicals (9 and 13 February 2004) to explore potential cooperation between the organizations on capacity-building in support of the implementation of the Protocol on PRTRs and discuss the development of more specific proposals. It presented an informal paper on the needs and prospects for capacity-building, technical support and information exchange in PRTR development, that it had prepared in consultation with UNEP and UNITAR.

26. Together with the other two organizations, the secretariat had developed a tentative proposal for a framework programme on regional, subregional and national PRTR capacity-building, which would be open to other interested organizations. The framework programme would address:

- (a) At the regional level:
 - Development of guidance on technical issues related to compliance and implementation of the Protocol on PRTRs; and
 - Further development of the 'virtual classroom';
- (b) At the subregional level:
 - Workshops on legal, institutional and/or technical themes related to the Protocol's implementation, along the model of the workshops that had been conducted in preparation for the coming into force of the Aarhus Convention, in partnership with the Regional Environmental Centers (RECs);
- (c) At the national level:
 - A training programme on the legal, institutional and/or technical aspects of the development of a pilot PRTR.

27. With regard to the national level, the project partners had envisaged including three or four national partners during a pilot phase that would be selected from EECCA and South Eastern Europe, giving due consideration to subregional balance, political commitment to implement PRTRs (expressed, for instance, through having signed the Protocol), and the prospects for successful national implementation of PRTR pilot projects. The draft proposal would be circulated among potential project partners and donors.

28. UNEP reported upon its experience in organizing national PRTR capacity-building workshops involving industry, government and NGOs in the Russian Federation, Ukraine and Uzbekistan. UNEP had further organized municipal PRTR workshops in the Russian Federation and Ukraine and work plans for the development of such local PRTRs had been prepared as a result. OECD and UNITAR materials on PRTR development had been translated into Russian. UNEP had planned a national PRTR workshop in Kazakhstan and municipal workshops in Uzbekistan, but these workshops had not been held due to a lack of funding. Under its specific work on chemical management, and as the future secretariat of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants, UNEP reported limited opportunities for undertaking work on PRTRs in those contexts. UNEP expressed the need for more support for capacity-building.

29. UNITAR reported on various capacity-building projects which it had carried out in seven countries, including, in the UNECE region, the Czech Republic. The following countries had sent requests for support for a national PRTR to UNITAR:

- In 2002: Paraguay
- In 2003: Armenia, Cuba, the former Yugoslav Republic of Macedonia
- In 2004: Peru.

UNITAR further reported on the phases of PRTR development according to the UNITAR methodology:

1. National workshop
2. Feasibility study
3. Design of the main PRTR characteristics
4. Pilot trial
5. National executive proposal development.

30. REC reported on various capacity-building projects which it had carried out or was carrying out (see para. 10). It also informed the Working Group that, together with the regional environmental centres from EECCA, it had developed and submitted project proposals to support the implementation of the EECCA Environment Strategy, which included a component on PRTR capacity-building. REC also suggested expanding the scope of the capacity-building framework proposal presented by the secretariat to include other subregional, national and local activities, such as those in the framework of the EECCA Strategy's objective 6.2 and activities providing assistance with the ratification of the Protocol, which could be integrated into the proposal.

31. The Working Group welcomed the efforts that UNITAR, UNEP and UNECE were making to coordinate their PRTR work and invited them to refine and further develop the proposal following the meeting, taking into account its comments. It also welcomed the work being undertaken by REC and encouraged the United Nations bodies to explore the possibilities for a coordinated approach with the activities on PRTRs planned by RECs within the framework of the EECCA Environment Strategy. The secretariat confirmed that this was indeed the intention. Many delegations stressed the importance of providing local, national-language guidance and training materials to reach out to both governmental and non-governmental sectors.

32. UNITAR reported on its plans to develop and relaunch the 'virtual classroom'. The virtual classroom had initially been developed by Geodan IT consultants through the generous support of the Government of the Netherlands. Its main objectives were:

- To give technical assistance to the implementation of the Protocol pending its entry into force;
- To provide support to countries wanting to develop a PRTR.

Geodan had recently indicated that it would cease to maintain the virtual classroom since its contract had expired. This task had now been taken up by UNITAR following conclusion of an agreement in early 2004 between the Government of the Netherlands and UNITAR for support of the virtual classroom for one year. The new work programme was as follows:

- (a) In phase 1 (February – March 2004) virtual classroom development activities would include:
 - Notifying Parties of the establishment of the UNITAR pilot virtual classroom
 - Coordination of PRTR experts participating in the virtual classroom
 - Solicitation of participants' feedback
 - Defining main topics of the virtual classroom
 - Identification of financial mechanisms
- (b) In the second, pilot test phase (April – September 2004) activities would include:
 - Official launch of the virtual classroom
 - Uploading of documents to the web site
 - Starting to facilitate discussion
- (c) In the third, evaluation and assessment phase (October–December 2004) activities would include:
 - Solicitation of comments to improve the virtual classroom
 - Assessment of lessons learned
 - Identification of financial mechanisms
 - Feasibility of E-learning component

33. Certain delegations had provided information on their needs for information and made suggestions regarding the further development of the virtual classroom as a tool facilitating communication, education and capacity-building. Some expressed concern over the transparency of the information concerning ongoing capacity-building projects. The Working Group requested UNITAR, UNEP, OECD, REC and any other organizations involved in PRTR capacity-building to provide the secretariat with a list of their PRTR projects. The secretariat was requested to prepare a consolidated list from this information, to circulate it by electronic mail and to update it for each meeting of the Working Group. The list would also be posted on the virtual classroom's web site.

34. ECO Forum expressed concern about the way that public participation had been addressed in the secretariat's informal paper, which it viewed as focused on government-to-government needs and not on government-to-public needs. ECO Forum presented further ideas of how public information users were best to be served by the activities outlined in the framework proposal and by the virtual classroom. In the "European ECO Forum Declaration on Necessary Steps for Improving Public Participation in the Implementation of the Kiev Protocol on PRTR" it suggested additional activities for improving of public participation.

35. At the regional level, ECO Forum asked UNITAR to allocate a special part of the virtual classroom's web site to the topic of public participation and further recommended that an NGO moderator should be appointed and funded. ECO Forum asked UNECE to help it organize a regional PRTR conference or seminar on public participation and data use as a side event at the second meeting of the Parties to the Aarhus Convention in Kazakhstan, in 2005, and to help it make a survey of current public participation practices in the development of national PRTRs in each of the Protocol's 36 Signatories.

36. At the subregional level, ECO Forum asked the European Commission to help it prepare a project consisting of a brochure "How to use EPER data?" and analysis and interpretation of the first EPER data. ECO Forum further asked the EU to ensure full public participation in the preparation of the European PRTR. ECO Forum requested UNEP and UNITAR to help it prepare a cross-regional pilot project to explain how to use currently existing PRTR or PRTR-like data, based on good practices in the United Kingdom, the United States, the Netherlands, the Czech Republic and the Russian Federation. ECO Forum further asked UNECE, UNEP and UNITAR to assist it and Eco-Accord with the implementation of a special EECCA subregional project "Broadening EECCA dialogue on the development of PRTR Systems and of the Implementation of the PRTR Protocol to the Aarhus Convention."

37. At the national level, ECO Forum asked UNECE in cooperation with the 36 Signatories to the Protocol to facilitate and provide financial support to national NGOs to enable them to: organize workshops and training on how PRTR data could be used by citizens, communities, NGOs and other public organizations; organize training to improve public participation in the development of national PRTRs; and prepare and publish brochures, leaflets and other awareness-raising materials to facilitate the use of PRTR data by different stakeholders and improve public participation in the design and implementation of national PRTRs.

38. Recipient countries were also invited to present ideas and proposals focused on the Protocol to the secretariat for compilation. The Working Group noted that a substantial amount of relevant materials had already been developed, including the OECD and UNITAR guidance

materials and many national documents. The electronic activities summarized by UNITAR and OECD would be helpful.

VI. GUIDANCE MATERIALS

39. The Working Group recognized the need to develop guidance documentation as provided for under its mandate (ECE/MP.PP/4, para. 23 (c) and MP.PP/2003/1/Add.1/Rev.1, para. 1 (a) (i)). The secretariat presented the informal paper, "Guidance on issues related to the establishment and maintenance of PRTRs." The European Commission held that its paragraphs 1 to 6 contained very valuable information. The delegation of Ireland, as holder of the Presidency of the European Union and on behalf of the EU and accession countries, presented a more structured outline, which following some amendments was agreed upon by the Working Group.

Format for guidance document for the implementation of the Protocol on PRTRs

1. Introduction
2. Legislative implementation, including public participation and access
3. Identification of facilities (two approaches)
4. Determination of data
 - a. Release estimation techniques
 - b. Methodology (measurement, calculation, estimation)
 - c. Release thresholds (one approach)
 - d. Manufacture, process or use thresholds (one approach)
 - e. Different releases
 - f. Off-site transfers (two approaches)
5. Data validation and quality assessment
6. Data management
7. Data transfer
8. Timetable
9. Data dissemination and public access
10. Links to other databases
11. Diffuse sources
12. Capacity-building and public awareness raising
13. Table of definitions

Annexes

1. Analytical procedures for 86 substances
2. Indicative list of pollutants for different activities
3. References

40. Some delegations felt that the format should also include a chapter 9 bis on public participation in the design of the national PRTR and the implementation of the Protocol. Others felt that this theme was already sufficiently covered by chapter 2.

41. Some delegations asked about the legal status of the guidance document. It was the opinion of the Working Group that such guidance would not be legally binding but would serve as a guide to the implementation of the Protocol on PRTRs.

42. The European Commission indicated that it was expecting to be able to make a contribution of €40,000 - €50,000 to the UNECE Trust Fund for the purpose of hiring a consultant to develop the proposed guidance document. The guidance document format agreed by the Working Group would serve as a technical annex to the consultancy contract. The Working Group requested that, subject to funding, a first draft of the guidance document should be ready in time for its next meeting and translated in time for distribution at least four weeks before the meeting.

43. The possibility of continuing the discussions on the guidance document within the framework of a technical group was discussed, but it was decided to continue dealing with the matter within the Working Group itself.

VII. PREPARATIONS FOR THE ENTRY INTO FORCE OF THE PROTOCOL AND THE FIRST SESSION OF ITS MEETING OF THE PARTIES

44. The Working Group noted that the first meeting of the Parties would probably not take place for a number of years, and that there was therefore no urgent need to prepare it. However, the adoption of rules of procedure and the adoption of a compliance mechanism would be addressed by the Parties at their first meeting. The Working Group consequently requested the secretariat to prepare two papers setting out various options for the rules of procedure and the compliance mechanism respectively, which could be used as a basis for further discussion at its second meeting. The options could include directly applying the Convention's rules of procedure and compliance mechanism, and the institutions created under them (e.g. Bureau, Compliance Committee), to the Protocol; using the Convention's rules of procedure and compliance mechanism as a model for developing similar rules of procedure and a similar compliance mechanism for the Protocol (implying a separate bureau and separate compliance body); or developing separate rules of procedure and a separate compliance mechanism for the Protocol without any particular reference to those developed under the Convention. Delegations were invited to submit comments on possible options to the secretariat by the end of November 2004, and the secretariat undertook to remind delegations of the deadline nearer the time.

VIII. FUTURE PROCESS

45. The Working Group agreed to meet again in late March or April 2005. The precise date would be fixed by the secretariat in consultation with the Bureau of the Working Group, and notified to delegations well in advance.

IX. ADOPTION OF THE REPORT AND CLOSURE OF THE MEETING

46. The Working Group adopted its report on the understanding that the Chairman and the secretariat would finalize the text and that the French- and Russian-speaking delegations would reserve their positions until the report was available in French and Russian as well.

47. The Chairman thanked the delegates for their constructive discussions and substantive contributions. He then closed the meeting.