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

Meeting of the Signatories 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  
(Third meeting, Geneva, 5-7 December 2001)

**REPORT ON THE THIRD MEETING**

1. The third meeting of the Working Group on Pollutant Release and Transfer Registers was held in Geneva from 5 to 7 December 2001.
2. The meeting was attended by delegations from the Governments of Albania, Armenia, Austria, Belgium, Bulgaria, Canada, Czech Republic, Denmark, France, Georgia, Germany, Italy, Netherlands, Norway, Poland, Republic of Moldova, Russian Federation, Slovenia, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom, United States of America, Uzbekistan and Yugoslavia.
3. The United Nations Environment Programme (UNEP) was represented, as were the Commission for Environmental Cooperation of North America (CEC) and the Organisation for Economic Co-operation and Development (OECD).

4. The following organizations were represented: the European Chemical Industry Council (CEFIC); European ECO Forum; GLOBE Europe; Interactive Health Ecology Access Links (IHEAL); the Natural Resources Defense Council (NRDC); and the Regional Environmental Center for Central and Eastern Europe (REC).

5. The secretariat introduced the formal documents required for the meeting, notably CEP/WG.5/AC.2/2001/3, 5, 6, 7 and 10, as well as informal documents, including the papers on transfers, diffuse sources, fundamental principles and industrial classification, the compilation of delegations' comments and a paper from the European Commission on 'The transition of EPER into a PRTR'.

### **I. ADOPTION OF AGENDA**

6. The provisional agenda for the meeting (CEP/WG.5/AC.2/2001/8) was adopted.

### **II. REPORT FROM THE TECHNICAL GROUP**

7. The technical group had held its second meeting immediately before the Working Group meeting (3-4 December 2001). In the absence of the Chairperson of the technical group, Mr. Geert van Grootveld (Netherlands), the report of the technical group's meeting was presented by Mr. Harald Sørby (Norway), who had chaired the meeting on the second day, and Mr. Pieter van der Most (Netherlands). The Working Group discussed the report, made a number of amendments and adopted it. The report is included in the annex to this report.

### **III. PREPARATION OF A DRAFT PROTOCOL**

8. The Chairperson informed the Working Group that the Committee on Environmental Policy at its eighth session had agreed that the instrument should be drafted in the form of a protocol to the Aarhus Convention, open to non-ECE countries and non-Parties to the Convention.

9. The purpose of the discussion on the documents prepared by the secretariat was to provide an opportunity for delegations to present their positions so that a new text could be drafted as a basis for negotiations at the fourth and subsequent sessions of the Working Group. The new text would contain options where appropriate and would be prepared taking into account the various positions expressed within the Working Group or in the written comments, including views put forward by a minority of delegations. The fact that a majority of delegations had expressed support for a particular position was not to be construed as resulting in the elimination of other options at this stage. The process was not at a stage where firm decisions should be taken.

10. The Working Group resumed its discussion of documents CEP/WG.5/AC.2/2001/3 and 6, taking into account the written comments which had been compiled by the secretariat in advance of the meeting.

## Definitions (article 2)

11. The Working Group discussed the definitions included in article 2, paragraphs 1-10. There were no comments on paragraphs 1, 2 and 5.

12. Concerning the definitions in paragraph 3, some delegations were concerned about the direct reference to the Convention, in particular in relation to the *definition of 'environmental information'*. Others wanted to stick closely to the language of the Convention even if the cross reference to the Convention were removed.

13. In the discussions on paragraph 4, a number of delegations felt that the *definition of 'facility'* should refer to the list of activities foreseen in an annex to the protocol. Other delegations preferred a more generic definition, arguing that the limitation to those facilities carrying out the activities listed in the annex could be done in the operative paragraphs later in the text to avoid problems of logic. This was seen as principally a drafting issue. However, a related substantive issue raised was the question as to whether a facility required to report would also be required to report on releases and transfers from all its activities (i.e. not just those triggering the reporting requirement). There was a general understanding that this should be the case.

14. Some delegations preferred that the *definition of 'facility'* should refer to the owner as well as the operator, on the grounds that several activities carried out on contiguous sites by different operators but having a common owner might otherwise fall below the reporting threshold. Others felt that the reference to owners was not necessary and that there might be less legal clarity as to who the owner was, whereas the operator would always be identifiable.

15. When addressing paragraph 6 on the *definition of 'pollutant'*, some delegations were in favour of linking the definition to the relevant annex containing a list of substances, whereas others preferred that it should be universal or generic, with the limitation to specific substances being dealt with in the operative provisions. Some delegations considered the definition to be too narrow and proposed that it should refer to *'harmful'* and not only to *'potentially harmful'* substances. Some delegations were in favour of keeping some wording referring to the precautionary approach, as lack of full scientific evidence should not be a reason to exclude specific chemicals or substances from the scope of the protocol. Some delegations proposed that the hazardous properties of substances should be reflected in the definition or that a reference to some criteria for including substances on the list should be included in the definition. A number of delegations suggested that *'the environment'* should be read to include human health or, alternatively, that the definition should include an explicit reference to human health. Some delegations suggested adding *'concentration'* before *'physical'* and ending the definition by *'that is introduced into the environment by man'*. One delegation put forward the following proposal for a definition: "*'Pollutant' means a substance that is harmful or potentially harmful to the environment and has one or several of the properties listed in annex IV, part 1.*" Some delegations expressed the view that the definition of *'pollutant'* should be explicitly linked to the term *'chemical'*, and one proposed the following definition: "*A pollutant is an individual chemical, a category of chemicals or an individual chemical within a chemical category listed in annex IV.*" It was agreed to come back to the definition when addressing the operative provisions in the instrument.

16. When discussing paragraph 7 on the *definition of 'release'*, several delegations were in favour of deleting the reference to *'off-site use of products'*, whereas others favoured keeping this text, at least in square brackets. Several delegations opted for the deletion of the whole text in parentheses whereas others supported keeping it. It was proposed to add the word *'directly'* before the word *'disposing'*, citing the wish to differentiate between disposal in lined and unlined landfills. Some delegations were opposed to this addition.

17. Several delegations proposed new wording for the definition: “ *'Release' means any liberation of pollutants into the environment as a result of any anthropogenic activity.*”

18. The subject of *transfers*, which is defined in paragraph 9, had already been discussed by the technical group (see annex, paras. 29 to 31) on the basis of an informal document prepared by a small expert group as agreed at the second meeting of the Working Group. There seemed to be general agreement that a definition of transfers should include reference to off-site movements of waste and/or substances, considerable support for the inclusion of reference to on-site movements of wastes and/or substances if appropriately defined and much less support for the inclusion of off-site movements of pollutants in or as products. Some delegations preferred that the definition of transfers should be limited to the off-site movement of waste or off-site movement of waste water to public waste-water treatment plants.

19. Some delegations preferred that the definition should refer to waste rather than to specific chemicals or substances, whereas others wanted to retain the reference to *'potential pollutants'* or at least *'pollutants'*. It was suggested to refer to pollutants in waste and waste water. The issue of whether further possible intended purposes of transferring the waste (e.g. for storage) should be specifically mentioned was discussed, but opinions were quite diverse on this issue.

20. At the invitation of the Chair, one delegation submitted the following new proposal for this definition to emphasize that transfers also included transboundary movements: “*'Transfer' means: (a) off-site movement of pollutants [and/or waste containing pollutants], including their transboundary movement and also transit through one or several States, for use, reuse, storage, treatment, energy recovery, recycling or disposal; (b) on-site movement of pollutants [and/or waste containing pollutants], for use, reuse, storage, treatment, energy recovery, recycling or disposal.*” The specific reference to transboundary movements was supported by some delegations, which felt that it was important that information on the destination of transboundary transfers should be provided.

21. Concerning the *definition of 'diffuse sources'* in paragraph 9, it was made clear that no decision had been made on whether to include diffuse sources in the protocol, and, if so, at which stage. It was proposed that the *definition of 'diffuse sources'* should cover releases that were not covered by point source reporting requirements, i.e. agriculture, transport (traditional diffuse sources), releases from facilities which were not subject to reporting requirements and an estimation of releases below the reporting thresholds from facilities which were subject to reporting requirements. It was agreed to include the definition for the time being and revisit it after discussing the operative provisions on diffuse sources.

22. Regarding paragraph 10, the secretariat clarified that this text had been prepared with particular regard to the case of the European Community, this being the only regional economic organization currently engaged in the Aarhus Convention processes.

23. In the written comments, three countries had put forward a proposal for a paragraph 11 to define wastes based on the definition in the Basel Convention as follows: “ *‘Wastes’ are substances or objects which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law.* ” Some delegations expressed concern about using the definition from the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, which had quite a different purpose than a pollutant release and transfer register (PRTR). OECD was invited to provide the Working Group with the OECD working definition of waste. It was decided to keep the idea of such a definition on the table for the time being and come back to the issue at a later stage, when the scope of the protocol would be clearer defined.

### **Structure of operative provisions**

24. It was generally agreed that the text would benefit from a number of structural alterations:

(a) It would be useful to have a provision setting out the core elements of a PRTR established in accordance with the protocol. These core elements would reflect the fundamental principles contained in the paper (see para. 9). The options of putting such a provision either at the beginning of article 4, at the beginning of article 3 or in a new article 3 bis introduced specifically for that purpose were discussed. Although this was seen as principally a drafting issue, there was general support for the last option;

(b) According to this approach, article 4 would then set out the main ‘*first step*’ obligations, some of these obligations being elaborated in subsequent articles;

(c) Article 5, which had originally served to set out the main elements of the step-by-step approach, would then establish obligations relating to the second and subsequent steps.

### **Core elements**

25. The Working Group held a short discussion on the fundamental principles of PRTRs, taking as a starting point an informal paper prepared by a small group led by the United States. The OECD definition<sup>1</sup> and the North American Commission for Environmental Cooperation’s Council Resolution of 13 June 2000<sup>2</sup> were cited as useful reference documents with respect to core elements of a PRTR.

26. It was agreed that the following text could serve as a basis for a ‘*core elements*’ provision in article 3 bis and should be taken into consideration by the drafting group: “*Each Party shall take the necessary legislative, regulatory and other measures, as well as proper enforcement measures, to establish and maintain a national pollutant release and transfer register which is facility-specific, pollutant-specific, multimedia, based on mandatory, periodic reporting, and publicly accessible. Subject to articles 4 and 5, this register shall include standardized and timely data, a limited number of standardized reporting thresholds and limited provisions for*

<sup>1</sup> According to the OECD definition, a pollutant release and transfer register (PRTR) is a database or register of chemicals released to air, water and land, and waste transferred off-site. Based on a list of priority chemicals, facilities that release one or more of the listed chemicals report periodically – usually annually – on the amount released and/or transferred and to which environmental media. Reported data are then made available to the public.

<sup>2</sup> The CEC statement referred to the following elements: standardized database structure to facilitate electronic reporting, collection, analysis and dissemination; limiting data confidentiality and indicating what is held confidential; a comprehensive scope; and a mechanism for public feedback for continual improvement of the system. The responsibility for designing and implementing national PRTRs rests with each individual country of North America and the establishment of such basic elements depends on the environmental policies and capacities of each country.

*confidentiality, and allow for public participation in development and modification. Parties shall take measures to achieve compatibility between the provisions of this instrument and the Convention.”*

27. Additional elements raised during the discussion on what could be in the ‘*core elements*’ provision were the fact that reporting should, according to many delegations, be annual. The possibility that ‘*multimedia*’ might be explicitly linked to releases and spelled out with the addition of ‘*(air, land and water)*’ was mentioned. The inclusion of transfers might need to be made more explicit, and ‘*pollutant-specific*’ might need to be broadened in the light of the outcome of the discussion on whether pollutants or waste were the subject of reporting on transfers.

### **First-step elements**

28. As regards what could be included in the first step (e.g. in a revised article 4), there was broad agreement that releases of a specified range of pollutants and transfers of a specified range of pollutants and/or waste deriving from point sources (facilities) should be included in the first step on a legally binding basis.

29. Some delegations were in favour of including diffuse sources in the first step. Others were either opposed to any inclusion of diffuse sources in the first step, or felt that only certain diffuse sources should be included in the first step with others being phased in subsequently. It was mentioned that the level of development of information-gathering for diffuse sources relating to emissions to air was more advanced than those relating to discharges to water, which might point to the merit of a differentiated approach according to the environmental medium.

30. The possibility was mentioned that, while the obligation to establish a register meeting the requirements of the core elements could be unequivocal, it might be worth considering the option of providing for some flexibility regarding the list of substances or activities. Such flexibility could also be provided for in the core elements. Some delegations expressed concern at this proposal and most delegations felt that the first step should include a mandatory list of substances and activities.

31. Some delegations supported the inclusion of water, energy and resource use in the first step, but most did not.

32. It was proposed to include in the first step a requirement to report on future estimated releases, and to delete the reference in article 5 to a requirement to report on reduction targets. Some delegations were in favour of including reporting requirements with respect to both future estimated releases and reduction targets.

33. A proposal was made to add to step 1 reporting on maximum amounts of listed substances stored on-site.

34. Some delegations were in favour of including radioactive substances in the mandatory list of substances in the first step. Others were opposed.

### **Subsequent steps**

35. A brief exchange of views on subsequent steps took place, having regard in particular to paragraph 41 of the report of the first meeting of the Working Group (CEP/WG.5/AC.2/2001/2) and the remaining paragraphs of article 5 of document CEP/WG.5/AC.2/2001/3 (para. 1 having been recommended for relocation in art. 4).

36. Although no firm conclusions were drawn, there seemed to be agreement that some of the elements proposed for the first step could be included in the second step if there were no agreement on their inclusion in the first step, namely some diffuse sources and on-site transfers of waste, and/or pollutants as waste, for disposal. Some delegations supported the inclusion of all types of on-site transfers not already included in the first step.

37. Several delegations spoke in favour of a review of step 1 before embarking on step 2. It was suggested that some elements of step 2 could be subject to such a review whereas others might be already committed to from the start.

### **Design of register**

38. Article 4, paragraph 2. There was broad support for the inclusion of a provision specifying that the register should be mounted on a structured, computerized database, though the references in this paragraph relating to diffuse sources would need to be revisited in the light of a decision on whether or not diffuse sources were to be included in the first step. It could be useful to require, either in article 3 bis or 4, that even during the first step the register be designed taking into account subsequent steps. Several delegations felt that a similar provision in paragraph 5 should be moved out of article 4. It was suggested that the register could in fact be based on multiple databases, even though to the user it should appear as a single register, and that the text should reflect this.

39. Article 4, paragraph 3. It was generally considered that, taking into account article 3, paragraph 1, and the final words of article 4, paragraph 1 (*'in accordance with the provisions of this instrument'*), this article was redundant and could be deleted.

### **Periodicity and timing**

40. Article 4, paragraph 4. There was general agreement that the goal should be annual reporting. Some delegations felt that it might be necessary to allow a longer period for the production of the first report, e.g. three years.

41. Most delegations were not in favour of the protocol specifying a deadline for facilities to report to the competent authority, this being seen as a matter for each Party to determine. There was, however, broad support for a common deadline for placing the information on the register, and several delegations considered 31 December to be an appropriate deadline with respect to the reported information relating to the previous calendar year.

42. As regards the date at which the relevant information would be required to be on the register, it was suggested that the text of article 5, paragraph 1, could be moved to article 4, paragraph 1, *mutates mutandis*.

43. As regards the initiation of the first reporting cycle, it was recognized that there were two time intervals to consider: first, the interval between the entry into force for the Party and the commencement of the first reporting year; and second, the interval between the end of the first reporting year and the point at which the information would be publicly available on the register. Several delegations felt that the overall time period from the date of entry into force to the date at which the first data would be available on the register should be about three years, and most felt that it was more important that the information should be relatively fresh (e.g. by having a deadline of 31 December for the data from the previous calendar year, as referred to in para. 37 above), implying a slightly longer delay between the entry into force and the commencement of the first reporting year.

### **Form of data held on register**

44. Article 4, paragraph 5. It was noted that the reference to transfers might need to be revisited in the light of the outcome of the discussion on transfers, and the reference to '*pollutant*' coupled with a reference to '*waste*'. There were different views on the merit of retaining the words '*(including individual chemicals)*'. Several delegations proposed that the reference to '*product*' in the first sentence should be deleted. The word '*precise*' before '*geographical location*' was seen as potentially problematic, especially in the event of some diffuse sources being included in step 1. It was proposed that information on the owner (including parent company) and operator should be included. A written proposal by the United States adding some elements was considered by several delegations to be useful. There was general agreement that the last two sentences should be moved or deleted.

### **Access to information and public participation**

45. Article 4, paragraph 6. Some delegations felt that this paragraph was redundant since the substance was addressed in articles 10 and 11. Others were in favour of keeping it so as to emphasize that these elements should apply in the first step.

46. There was general support for public participation in PRTR decision-making, though one delegation expressed concern at the idea that there might be a special public participation procedure just for this type of decision-making.

### **Quality control**

47. A written proposal from Belgium, France and Germany expanding on the process for verifying the submitted data ('*The Parties shall verify, in particular, the completeness, consistency and the plausibility of the data. The Meeting of the Parties shall consider developing guidelines for the verification of reporting.*') received broad support. It was generally agreed that this provision would be better suited to the proposed article 3 bis on core elements. The terms



'*verify*' and '*verification*' were considered by some delegations to be inappropriate (the role should rather be one of reviewing or assessing data quality) and clarification was sought regarding the word '*plausibility*'. Some delegations considered that attempts to ensure data quality should be balanced with the need for timely inclusion of data on the register.

### **Integration with other instruments**

48. Article 4, paragraph 8. The words '*provided these are mandatory*' were considered by some delegations to be unnecessary.

49. Some delegations felt that the second sentence, referring to an obligation to take account of reporting requirements and emission reduction goals under other multilateral environmental agreements, was to be welcomed as it pointed to avoidance of duplication of effort and exploitation of synergies, whereas others felt it to be redundant or were actively opposed to its inclusion.

### **Bodies required to report (article 6)**

50. It was agreed that article 6 should be redrafted in the light of the discussions that had taken place so far and of the written comments, for example to reflect the two different approaches to setting thresholds for reporting discussed in the technical group and the outcome of the discussions of the elements contained in paragraph 1 (c). It was proposed by some delegations to insert 'and' at the end of paragraph 1 (a) to make it clear that both requirements should be fulfilled before the reporting was required, but some delegations preferred to see each of the criteria triggering the reporting requirement separately. Some drafting points were suggested, in particular to combine article 6 with article 7, paragraph 1, or to include article 6 in article 4.

### **Pollutants and resources subject to reporting (article 7)**

51. The secretariat drew attention to its proposal for two new paragraphs replacing paragraph 5 of article 7 of CEP/WG.5/AC.2/2001/3, contained in CEP/WG.5/AC.2/2001/7, annex II. Some delegations preferred that there should be only one list of substances annexed to the protocol and that there should be no list of criteria. Other delegations preferred to see one mandatory and one voluntary list included in the protocol, or two mandatory lists, the first with step 1 and the second with step 2. Finally, some delegations found that the issue of one or two lists was linked with the question of flexibility of the instrument and preferred to come back to the issue later.

### **General**

52. Some delegations not currently envisaging becoming Parties to the Convention expressed concern about the cross references to the Convention. As such cross references occurred in several places in the text, it was noted that this was a general issue which would need to be addressed.

#### IV. COST-BENEFIT ANALYSIS

53. On behalf of the secretariat, Ms. Laura Altinger of the ECE Economic Analysis Division presented the main findings of the draft cost-benefit analysis of PRTRs, which had been prepared at the request of the Working Group (CEP/WG.5/AC.2/2001/10). The study was aimed at assessing the qualitative costs and benefits of the main stakeholders, identified as the environmental regulator, the regulated facilities and the public. In addition, it developed a quantitative spreadsheet model to assess the costs of some hypothetical PRTR scenarios for three country groups - advanced market, advanced transition and least advanced transition economies. Costs arose from the various tasks of the three key stakeholders under a PRTR. Many costs pertained to one-off tasks associated with designing and setting up the system. Stakeholders, including regulated entities, were likely to benefit from the systematic information made available through a PRTR. Estimates showed that, once the system had been put in place, the costs appeared manageable for countries, although these were not put into the context of the size of countries' environmental budgets.

54. Some of the discussion focused on the efficacy of alternative regulatory instruments that had been used in Europe. However, it was stressed that the study could not be used to make statements about relative efficacy of an instrument, as the study of alternatives to a PRTR reached beyond its remit. One delegation suggested that the model underestimated costs for a country characterized by decentralized environmental decision-making as regional environmental organs posed additional costs to the system. Another delegation raised the methodological issue of how best to take into account different starting points of environmental management in different countries. In response, it was emphasized that the study did not assess incremental costs, as the starting points across the ECE member States were too disparate. Finally, one delegation made it clear that it regarded a potential PRTR mechanism as a system that would exist alongside other environmental regulation such as licensing systems and was opposed to viewing the PRTR as a substitute for other types of environmental regulation.

55. The Working Group took note of the study and expressed its appreciation for the efforts of the secretariat in preparing and presenting it. The secretariat undertook to finalize the document taking account of the comments made and to make it available in the official languages in advance of the next meeting of the Working Group.

#### V. FUTURE PROCESS

56. In line with the procedure put forward at the second meeting of the Working Group, it was agreed that the Chairperson should be invited to prepare an updated draft text of the protocol, for consideration by the Working Group at its next meeting, with a view to commencing negotiations on a legally binding instrument at that meeting. The Chairperson would be assisted in this task by the secretariat and a small but representative ad hoc drafting group of experts offering assistance in a personal capacity.

57. It was agreed that the new text should:

(a) Reflect, to the fullest extent possible, the discussions of, and the views expressed in, the meetings of the Working Group, including through written comments;

- (b) Take into account the work undertaken in, and, if applicable, the recommendations of, the technical group;
- (c) Consolidate and/or merge text proposals, where appropriate and possible;
- (d) Provide for alternatives and options, including the use of brackets, where appropriate, in order to accommodate for the diverging policy views expressed in the meetings of the Working Group;
- (e) Refrain from taking any policy decisions or prejudging the upcoming negotiations.

58. The membership of the drafting group was agreed as follows: Ms. Marianna Bolshakova (REC - Hungary), Ms. Susan Casey-Lefkowitz (NGO - USA), Mr. Maas Goote (Netherlands), Mr. Jerzy Jendroska (Poland), Mr. Thomas Rolf (Germany), Mr. Arno Rothert (CEFIC - Germany), Mr. Dmytro Skrylnikov (NGO – Ukraine), Mr. Harald Sørby (Norway), Ms. Nino Tkhilava (Georgia) and Mr. Bogus Zaba (United Kingdom). Canada and the United States were also each invited to nominate an expert serving in a personal capacity.<sup>3</sup> Mr. Goote was invited to lead the group.

59. It was agreed that the technical group would meet on 25 March 2002 to address the issues of data collection, handling, storage and dissemination. The fourth meeting of the Working Group would then take place on 26-28 March 2002. Both meetings would take place in Geneva.

## **VI. ADOPTION OF THE REPORT AND CLOSURE OF THE MEETING**

60. The Working Group considered the draft report of the meeting and revised it as necessary. It was agreed to allow delegations to submit further comments on the text to the secretariat in writing up until 31 December 2001. The Chairperson and the secretariat would then finalize the report.

61. The Chairperson concluded by expressing the view that important progress had been made during the meeting, enabling the process to move forward to a new stage. He thanked all the participants for their participation and the secretariat and the interpreters for their support, and closed the meeting.

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<sup>3</sup> Mr. Alain Chung (Canada) and Mr. Russell LaMotte (United States) were subsequently nominated to serve in the drafting group.

## Annex

### **REPORT OF THE SECOND MEETING OF THE PRTR TECHNICAL GROUP (3-4 December 2001)**

1. The second meeting of the technical group took place on 3 – 4 December 2001 to continue discussions on substances, thresholds, activities, transfers, diffuse sources and data validation (CEP/WG.5/AC.2/2001/8, annex).
2. The meeting was attended by experts from the Governments of Albania, Armenia, Belgium, Bulgaria, Canada, Czech Republic, Denmark, France, Georgia, Germany, Ireland, Italy, Netherlands, Norway, Poland, Republic of Moldova, Russian Federation, Slovenia, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom, United States of America, Uzbekistan and Yugoslavia, and from the European Chemical Industry Council (CEFIC), European ECO Forum, GLOBE Europe, Interactive Health Ecology Access Links (IHEAL), the Natural Resources Defense Council, and the Regional Environmental Center for Central and Eastern Europe (REC).
3. The technical group based its deliberations on three informal documents on transfers, diffuse sources and industrial classification respectively and official documents CEP/WG.5/AC.2/2001/5 and 7.

#### **I. SUBSTANCES NOT DISCUSSED AT THE FIRST MEETING**

4. Three substances had still to be discussed:
  - 1,1,2-trichloroethane (71)
  - 1,1,2,2-tetrachloroethane (72)
  - Fly ash (131)
5. The first two substances came from the United Kingdom's list.
  - 1,1,2-trichloroethane is about to be deleted from the United Kingdom's list because no relevant emissions were reported. The Group initially agreed to delete it. Subsequently, two delegations came forward with arguments in favour of its retention on the list;
  - 1,1,2,2-tetrachloroethane has relevant emissions and is toxic. The Group agreed to leave it in the list;
  - Fly ash can have very different compositions and can be deleted from the list because its components are already on the list as individual chemicals.

#### **II. THRESHOLDS**

6. There were several kinds of different thresholds to discuss, for instance:
  - Threshold values for releases/transfers;
  - Threshold values for activities;
  - Threshold values for use;

- Threshold values for components formed during a production process (like PAHs, dioxins, etc.).
7. It was concluded that two principal ways to deal with thresholds could be formulated:
- (a) An activity threshold followed by a chemical use threshold, exceedance of which triggered a reporting requirement:
  - (b) An activity threshold followed by a releases/transfers threshold, exceedance of which triggers a reporting requirement.
8. It was agreed that it was a technically feasible policy option to reach a converged system. Initially, each Party could start by choosing one of the two options. It was agreed that after, for instance, three years of practical experience an evaluation should take place. On the basis of the evaluation, it should be possible to decide whether convergence could be achieved and, if so, how.
9. It was proposed that, as a fallback position in the absence of any other proposal for a single unified system, both thresholds could apply in such a way that an exceedance of a threshold in either system would be sufficient to trigger the reporting requirement.
10. During the discussion on thresholds, the storage of chemicals and accidental releases were also mentioned, but there was no agreement on whether these aspects should be a part of the PRTR. It was recommended that the Working Group should consider this issue.
11. Finally, it was stated that the objective of using thresholds was to limit the number of reporters so as not to overburden the system. On the other hand, national governments should be free to use lower thresholds if they so wished.

### III. ACTIVITIES

#### General discussion

12. The technical group revisited the preliminary categorization of activities carried out at its previous meeting and reflected in document CEP/WG.5/AC.2/2001/5 (annex I, part II, sect. 4).
13. It was mentioned that the list of activities required to report should not be derived from any one specific existing system such as the Toxic Release Inventory (TRI), the European Pollution Emission Register (EPER) or Canada's National Pollutant Release Inventory (NPRI).
14. Concerning waste-water treatment plants, the threshold value of 150,000 population equivalent (p.e.) might be too high. One expert stated that a value of 50,000 p.e. would probably be more appropriate.

15. The technical group proceeded to go through the activities listed in categories 2 and 3 to establish whether there were any technical obstacles to, or arguments in favour of, their inclusion in category 1.

## **Category 2**

16. Energy sector. Coal rolling mills and installations for the manufacture of coal products and solid smokeless fuel (e). Maybe dust emissions would be relevant. The United States provided data about significant releases from this sector: total releases from coal products as in 1 (e), corresponding to two sectors in the TRI, accounting for  $1.5 \times 10^6$  kg and  $125 \times 10^6$  kg, respectively (including aberrations): PAH, heavy metals, solvents/acids.

17. Mineral industry:

(a) Underground mining and related operations. Proposal to move opencast mining from (g) (keeping the threshold of 25 hectares). Definition of 'related operations' might need to be explored further;

(g) Quarries, gravel pits or peat extraction. Problems: waste water and dust and, in the case of peat extraction, suspended solids, which might not be relevant. Related operations should be covered here too.

18. Waste management - installations for shredding. Dust, PM10 and noise were relevant. Heavy metals could be relevant, depending on the definition of transfers. A threshold would in any case be needed.

19. Paper and wood production and processing. Treatment of wood was a relevant source (conservation with PAH or metals).

20. Agriculture and aquaculture - Intensive aquaculture. Norway informed the group that methods for N and P determination were available. Link-up with methods clearing house of OECD\_TFRET.

21. Animal and vegetable products from food and beverage sector were relevant sources and could be moved to category 1.

22. Other activities:

(a) Airports: related activities (de-icing) should also be incorporated. Threshold values would be needed;

(b), (c) Inland waterways and harbours: local and sometimes national relevant sources. Instruments and methodologies for estimation related to diffuse sources discussion;

(i) Installations for building and repairing of ships: shipyards, with threshold value according to size, relevant;

(j) Crematoria: mercury emissions probably decreasing. This could be covered by data from diffuse sources.

### **Category 3**

23. Energy sector 1 (f-h). Data were probably already collected on the basis of a UNECE regulation. If this was the case information could be obtained easily. It might be necessary to consider whether to add radioactive compounds to the substance lists.

24. Chemical industry 4 (g): a number of chemicals on the list would be used in this sector.

25. Extraction, transport and storage of petroleum, gas, oil and chemicals 5. (a-c). This category emitted, among other things, VOCs, methane, carbon dioxide. It was also associated with risks (explosion, fire).

26. Agriculture and aquaculture 8. (a, iv). This category could be considered as a diffuse source category.

27. Other activities 10. (d-h, k - o):

(d) Dredging operations: no remarks made;

(e) Textile pretreatment: could be included in category 1;

(f) Tanning of hides: could be included in category 1;

(g) Surface treatment with organic solvents: could be included in category 1;

(h) Production of carbon: could be included in category 1;

(k) Abstraction and treatment of drinking water. Reporting would probably be different for drinking water from surface water and from groundwater. Relevant compounds were probably solid waste (sludge) and chlorinated compounds. It was however necessary to take into account that (public) interest may be small since the concentration of (chlorinated) compounds would be low. The Netherlands would prepare a document with more information, to be discussed at the next meeting;

(l) Dams and other installations designed for the holding-back or permanent storage of water: no relevant releases;

(m) Overhead electrical power lines. These might be a source of radiation. If included, it might be necessary to add this “substance” to the list of substances, but the group did not discuss this;

(n) Research facilities and hospitals using radionuclides. Emission to air and/or water of radionuclides might be associated with the use of these compounds for medical treatments and/or experiments. These substances were not part of the present lists, however;

(o) Installations for the manufacture or storage of nuclear, chemical or biological weapons. It was considered obvious that there were releases to be reported from this sector, but for policy reasons, it was considered that the Working Group should discuss this in more detail.

### **Manufacturing processes and activity classification system**

28. The United States had prepared a discussion paper on industrial classification for the technical group. The paper suggested that the following manufacturing industries should be added to the list of activities, because they contributed significant quantities of releases and transfers and were not or only partially covered by the present list:

- Publishing, printing and reproduction of recorded media;
- Manufacture of rubber and plastics products;
- Manufacture of machinery and equipment not elsewhere classified (n.e.c.);
- Manufacture of office, accounting and computing machinery;
- Manufacture of electrical machinery and apparatus n.e.c.;
- Manufacture of radio, television and communication equipment and apparatus;
- Manufacture of motor vehicles, trailers and semi-trailers;
- Manufacture of other transport equipment; and
- Manufacture of medical, precision and optical instruments, watches and clocks.

While no technical objections to the inclusion of these activities were raised, some experts stated that the manufacturing sector was already reflected in the EPER list.

29. Basically, there were two approaches to classifications: economy-related (International Standard Industrial Classification of all Economic Activities (ISIC) and Nomenclature of Economic Activities in the European Communities (NACE)) and pollution-/process-related (Nomenclature for Sources of Emissions – Process List (NOSE-P)). Annex V to document CEP/WG.5/AC.2/2001/7 was based on annex I to the Convention and was pollution-/process-oriented.

30. Some experts favoured ISIC because it was a United Nations system (NACE and NOSE are European). Crosswalks were possible but not entirely. A small expert group to develop crosswalks from ISIC to NACE and from ISIC to NOSE was established (United States, Germany, United Kingdom, Netherlands, European ECO Forum). It was suggested to start with existing systems with evaluation after two years.<sup>1</sup>

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<sup>1</sup> Subsequently, OECD informed the group that its Task Force on Release Estimation Technique, at its meeting in November 2001, had expected support for using the ISIC system and that crosswalks were being put together.



#### IV. TRANSFERS

31. The United States delegation had prepared a discussion paper with input from other delegations. The paper presented three options for including transfers of waste but did not address the issue of on-site and off-site transfers:

- (a) Quantity of each listed chemical for all transfers reported;
- (b) Amount of waste and solid waste for transfers;
- (c) Quantity of each listed chemical in transfers. Separately the amount of waste and hazardous waste.

32. There was support for option (c) by some experts. Some of these experts wished to add that quantification of chemicals in waste was only possible or relevant for persistent substances like heavy metals or persistent organic pollutants (POPs). The United States delegation agreed to provide information about the contents of different sorts of solid waste.

33. The group discussed on-site vs. off-site reporting but did not agree on a recommendation to the Working Group. However, many experts could agree to include on-site transfers of waste or substances for final disposal and, for some, this would also include incineration. More work needed to be done on the definitions of releases and transfers. Storage of chemicals was considered to be important by some experts, in particular in relation to risk assessment.

#### V. DIFFUSE SOURCES

34. As a result of discussions in a small expert group, a paper was presented containing conclusions about definitions of diffuse sources, methods for estimation and priorities. Based on this paper a proposal was presented by the Netherlands delegation suggesting incorporating in the first step those diffuse sources like traffic and agriculture that already have to be reported following existing obligations (e.g. Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP)).

35. Some experts supported this proposal. Although virtually all experts were in favour of incorporating diffuse sources at some stage, some were of the opinion that it was too early to introduce them in the first step. For regional applications these sources might be very relevant.

36. A need was felt to get an insight into the methodologies to be applied, the organizational consequences and the associated costs. The delegation of Germany offered to summarize information sent by other experts. At the request of the Chair, the delegation of the United States provided information on the work undertaken by OECD on estimations of releases from diffuse, point sources and transfers of chemicals, and on a clearing house, under development by OECD.

## VI. DATA VALIDATION

37. After some discussion the following conclusions were reached:

- Data validation is primarily relevant to point sources. The responsibility for the accuracy of all data rests with the reporting company, with quality control exercised by the authorities.
- Electronic quality control is an essential tool but local knowledge remains important and can catch errors which electronic checks sometimes miss.
- Quality control can be time-consuming and expensive.
- Data flow to the public should not be delayed by quality control.
- Public scrutiny is a form of quality control, which stimulates more accurate reporting by companies.
- There should be a point of contact through which the public, NGOs, industry, researchers, etc. would be able to query the data.

38. The Working Group may like to consider whether quality control should be incorporated in the protocol or in a guidance document.