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**ECONOMIC COMMISSION FOR EUROPE**

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

**REPORT OF THE FIRST EXTRAORDINARY MEETING OF THE PARTIES**

1. The first extraordinary meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters took place in Kiev on 21 May 2003 during the fifth Ministerial 'Environment for Europe' Conference.
2. The meeting was attended by delegations from all Parties to the Convention, namely: Albania, Armenia, Azerbaijan, Belarus, Belgium, Denmark, Estonia, France, Georgia, Hungary, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Malta, Norway, Poland, Republic of Moldova, Romania, Tajikistan, the former Yugoslav Republic of Macedonia, Turkmenistan and Ukraine.
3. Delegations from the following ECE member States were also present: Austria, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Finland, Germany, Greece, Ireland, Liechtenstein, Luxembourg, Monaco, Netherlands, Portugal, Russian Federation, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States of America and Uzbekistan.
4. The Commission of the European Communities was also represented.
5. Representatives of the following United Nations programmes and organizations also attended: United Nations Development Programme (UNDP), United Nations Environment Programme (UNEP), United Nations Educational, Scientific and Cultural Organization, World Health Organization, World Bank and United Nations Convention on Desertification.
6. Representatives of the following inter-governmental organizations also attended: Baltic 21, Commission on the Protection of the Black Sea against Pollution, Council of Europe, Energy Charter Secretariat, European Bank for Reconstruction and Development, European Investment Bank, European Parliament, Executive Committee of the International Fund for Saving the Aral Sea, International Commission for the Protection of the Danube River, Ministerial Conference

on the Protection of Forests in Europe, Nordic Environment Finance Cooperation, Organisation for Economic Co-operation and Development (OECD) and the Project Preparation Committee.

7. The following regional environmental centres were represented: Regional Environmental Center for Central and Eastern Europe (REC), Regional Environmental Centre for Central Asia, Regional Environmental Centre for the Caucasus, Regional Environmental Centre for the Republic of Moldova and Regional Environmental Centre for the Russian Federation. United Nations Environment Programme GRID-Arendal was also represented.

8. Representatives of more than 150 national and international non-governmental organizations working together in the European ECO Forum attended the meeting, including the following international ones: European Environmental Bureau, Friends of the Earth, Greenpeace, Stakeholder Forum for Our Common Future and Women in Europe for a Common Future (for the full list of NGOs participating in the European ECO Forum Coalition, see [http://www.unece.org/env/wgso/index\\_kyivconf.htm](http://www.unece.org/env/wgso/index_kyivconf.htm)). In addition, the following international NGOs were also represented at the meeting: Arcadis, European Centre for Nature Conservation, Global Water Partnership for Central and Eastern Europe, Institute for Environment and Development, International Council for Local Environmental Initiatives, World Conservation Union (IUCN) and World Wide Fund for Nature.

9. The Chairman of the Meeting of the Parties, Mr. Jerzy Jendroska (Poland) opened the meeting. He informed the Meeting that, with the agreement of the Bureau, he had invited the French Ambassador Delegate for the Environment, Mr. Denys Gauer, as head of the French delegation, to chair the extraordinary meeting and that Mr. Gauer had kindly agreed to do so. He then handed over the Chair to Mr. Gauer.

10. In his opening remarks, Mr. Gauer expressed France's strong support for environmental values and public participation as promoted by the Convention. He recalled that this meeting to adopt the protocol on pollutant release and transfer registers (PRTRs) came only seven months after the first meeting of the Parties, at which time the negotiation of the protocol had been far from its conclusion. In his view, this provided further confirmation, if such were needed, of the pressure that the "Environment for Europe" Ministerial Conferences could exert to stimulate the development of pan-European environmental law. The fact that the protocol on PRTRs, as drafted, would not be limited to Parties to the Aarhus Convention gave it additional significance. This openness towards States sharing the objectives of public information without necessarily sharing the exact approach of the Convention had been present throughout the negotiation of the protocol and had had a significant influence on the final text. Another important feature of the new protocol was its implicit recognition of the need to adapt to the present situation while ensuring enough flexibility for further evolution. Finally, he welcomed the coherence of the protocol with the Basel Convention because this would contribute to the improvement of international environmental governance. For these reasons, Mr. Gauer expressed the hope that many States would become Parties to the protocol to ensure its early entry into force.

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

11. The Chairperson presented the provisional agenda for adoption by the Meeting (ECE/MP.PP/3). He recalled that the provisional agenda had been drawn up on the basis of the decision of the Meeting of the Parties to convene the extraordinary meeting. Under the item

'Any other business', the Meeting would be invited to consider and agree upon some changes to the composition of the Bureau of the Meeting of the Parties as well as the venue of the next ordinary meeting of the Parties.

12. No changes were proposed to the provisional agenda, which was adopted by consensus.

## **II. DRAFT PROTOCOL ON POLLUTANT RELEASE AND TRANSFER REGISTERS AND DRAFT RESOLUTION OF SIGNATORIES**

13. Introducing this agenda item, the Chairman reminded the Meeting that the main purpose of the meeting was to adopt the protocol on PRTRs (MP.PP/2003/1). Furthermore, it was proposed to approve a resolution of Signatories to the protocol (MP.PP/2003/CRP.1) and to agree upon a mandate for further work on PRTRs to pave the way for the entry into force of the protocol.

14. The secretariat informed the Meeting that the French version of the draft protocol contained some minor typographical errors that had occurred during the translation process. These had been notified in advance of the meeting to delegations through the national focal points and had been corrected in the final text that would be presented for signature. The corrections required were as follows:

(a) In annex I on Activities, paragraph 1 (c), the text should refer to '50 mégawatts' and not to '500 mégawatts';

(b) In annex II on Pollutants, in No. 31 the text in the third column should read 'Chloroalcanes, C<sub>10</sub>-C<sub>13</sub>)', and in No. 57, third column, '(TRI)' should be deleted;

(c) In annex II, the column headings '(colonne 1a)', '(colonne 1b)', '(colonne 1c)' and '(colonne 3)' should be included in the French version as in the English and Russian versions, and the vertical dividing line between column 1c and column 2 should extend to the top of the table (to make it clear that column 2 is not a sub-column of column 1).

15. Mr. Karel Blaha (Czech Republic), Chairman of the Working Group on Pollutant Release and Transfer Registers, introduced the draft protocol. He referred to the legal basis in the Convention provided by article 5, paragraph 9, and article 10, paragraph 2 (e) and (i), and briefly described the various steps along the way to developing the draft protocol. These included the initial recommendation of the Signatories at their first meeting to establish a task force on PRTRs (Chisinau, April 1999); the establishment by the Committee on Environmental Policy of the first Working Group on PRTRs to start preparing a legally binding instrument for adoption in Kiev, building upon the work of the task force (Geneva, September 2000); and the decision by the Parties at their first meeting (Lucca, Italy, 2002) to establish a second Working Group on PRTRs to take over and finish the work started by the first Working Group, which had led to the successful conclusion of negotiations by the end of January 2003. The negotiating process had been enriched by the active involvement of representatives of environmental citizens' organizations and industry.

16. Mr. Blaha then summarized the main features of the draft protocol. Each Party would be required to establish a publicly accessible and user-friendly PRTR based on mandatory annual reporting. Owners or operators of major activities representing potentially significant sources of

pollution, including thermal power stations, refineries, mining and metallurgical industries, chemical plants, waste and waste-water management plants, and paper and timber industries among others, would be required to report. Releases and transfers of 86 pollutants, covering greenhouse gases, acid rain pollutants, ozone-depleting substances, and certain heavy metals and carcinogens would need to be reported. The protocol would establish minimum requirements and would not prevent any Party wishing to establish a more far-reaching PRTR (e.g. covering more activities or pollutants or providing greater accessibility to the public) from doing so. Parties would be required to work towards convergence in PRTR systems. The protocol would be open to non-Parties to the Convention and non-ECE States and would have its own governing body and compliance mechanism.

17. Mr. Blaha also presented the draft resolution of the Signatories to the protocol. The text had been completed at an informal meeting the previous day, to which all delegations participating in the negotiations had been invited. The draft resolution recommended inter alia the establishment of a working group on PRTRs to undertake the necessary activities pending the entry into force of the protocol and to prepare for the first session of its Meeting of the Parties.

18. Ministers and heads of delegation from the following delegations delivered keynote addresses to the Meeting: Georgia, Netherlands and European ECO Forum.

19. Ms. Nino Chkhobadze (Georgia), Minister for the Environment and Protection of Natural Resources, expressed her satisfaction that more than half of the countries represented were expected to sign the protocol and stressed the importance of the signing being followed by ratification and implementation. Establishing national PRTR systems would be a difficult task in many countries of Eastern Europe, the Caucasus and Central Asia (EECCA), taking into account the wide range of point-source activities, as well as diffuse sources, on which reporting would be required under the protocol. Even if obstacles at the national level could be overcome, achieving harmonization between countries at different levels of economic development would pose a major challenge. In this regard, the promotion of compatibility amongst registers established under the protocol would be especially important for the EECCA countries. Registers established under the protocol would be unique because they would be based on multi-media reporting, bringing together data on releases to air, water and land, thereby creating an integrated, publicly accessible environmental information system.

20. Mr. Pieter van Geel (Netherlands), State Secretary for Housing, Spatial Planning and the Environment, stated that the adoption of the protocol would be yet another step towards the realization of principle 10 of the Rio Declaration and the further implementation of the Aarhus Convention. By making information on pollution more accessible, the protocol would enable citizens to stand up more effectively for their environment. It would also enhance the accountability of the business sector: putting information on emissions and transfers into the public domain would increase the pressure on industries to clean up their production and, at the same time, enable them to demonstrate their achievements in reducing pollution. A PRTR could thus make a major contribution to improving the environment. While acknowledging that some delegations might have wanted a more ambitious protocol, he was of the view that the protocol as drafted represented a realistic and workable first step, which was flexible enough to incorporate future scientific developments in hazardous activities and substances. He was confident that the "virtual classroom" would be a helpful tool for the development and implementation of the protocol and as a forum for sharing experience and new developments.

21. Ms. Fe Sanchis Moreno, Public Participation Campaign Coordinator, European ECO Forum, said that environmental citizens' organizations (ECOs) recognized that the implementation of the protocol would be a significant step forward, despite what they regarded as its weaknesses, and expressed the hope that many countries would discover the usefulness of PRTR systems. PRTRs provided important information for the public, which had a right to know about pollution and its sources. They also provided information for the authorities responsible for regulating companies, for governments drawing up or implementing environmental policy and for companies, which would become more aware of the benefits of reducing waste and using cleaner technologies. The public accessibility of the information would drive pollution reduction. ECOs were concerned that many important issues, such as information on the use of water resources or on the storage of pollutants, were not covered by the protocol, and that the rights of the public were not explicitly referred to, despite their efforts to raise these issues during the negotiations. They particularly regretted that nuclear facilities would not be within the scope of the protocol, and they could see no justification for this omission. She concluded by repeating that the protocol was nonetheless a significant achievement and encouraged States to sign, ratify and implement it rapidly.

22. The following delegations delivered short statements from the floor: Belarus, Canada, Serbia and Montenegro, and the Regional Environmental Center for Central and Eastern Europe.

23. Following these statements, the Meeting:

(a) Adopted the Protocol on PRTR (MP.PP/2003/1) by acclamation, on the understanding that the typographical errors in the French version would be corrected (see para. 14);

(b) Approved the resolution of the Signatories (MP.PP/2003/CRP.1, to be produced in final form as MP.PP/2003/1/Add.1/Rev.1); and

(c) Agreed upon the mandate and priorities for further work to pave the way for the entry into force of the Protocol, including the establishment of the new Working Group on PRTRs as a subsidiary body to the Meeting of the Parties, as recommended in the resolution of the Signatories.

### **III. ANY OTHER BUSINESS**

24. On the basis of a recommendation from the Bureau, the Chair proposed that the following changes should be made to the composition of the Bureau:

(a) Mr. Thierry Berthelot (France) would stand down from the Bureau and be replaced by Mr. Marc Pallemmaerts (Belgium), in accordance with the decision taken at the previous meeting of the Parties (ECE/MP.PP/2, para. 89);

(b) Mr. Jerzy Jendroska would stand down as Chairman of the Bureau and be replaced by Mr. Pallemmaerts;

(c) In the interests of maintaining a regional balance among the officers, Mr. Jendroska would serve as Vice-Chairman, replacing Ms. Giuliana Gasparrini of Italy, who would continue to serve as a member of the Bureau; and

- (d) Ms. Mona Aarhus (Norway) would fill the seventh seat on the Bureau.

The Meeting agreed by consensus to the proposed changes. The Chairman then thanked Mr. Jendroska for his able chairmanship of the Bureau since the first meeting of the Parties.

25. Ms. Kamazova confirmed her Government's willingness to host the second ordinary meeting of the Parties, proposing May 2005 as a possible date. The Meeting welcomed the offer and requested the secretariat, in consultation with the Bureau, to further explore with Kazakhstan the practical and organizational aspects and to report to the Working Group of the Parties at its first meeting.

26. The Chairman informed the Meeting that the credentials had been checked by the officers and found to be in order.

#### **IV. CLOSURE OF MEETING**

27. The Chairman thanked all delegations for their participation. He reminded the Meeting that the signing ceremony for all three protocols would take place in the same venue immediately after the meeting and encouraged delegations to attend. He then closed the meeting.