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

Working Group on Pollutant Release and Transfer Registers
(Third meeting, Geneva, 17-19 May 2006)
(Item 4 of the provisional agenda)

**EXPLANATORY NOTE ON DRAFT TEXTS ON COMPLIANCE MECHANISM
AND RULES OF PROCEDURE FOR THE PROTOCOL ON POLLUTANT RELEASE AND
TRANSFER REGISTERS**

Prepared by the facilitator of the Contact Group for the Compliance Mechanism
and Rules of Procedure

I. INTRODUCTION

1. The texts of draft decisions on a compliance mechanism (ECE/MP.PP/AC.1/2006/4) and rules of procedure (ECE/MP.PP/AC.1/2006/3) for the UNECE Protocol on Pollutant Release and Transfer Registers (PRTR Protocol) accompany this paper.
2. The texts take account of written submissions received from the European Community and its member States, Germany, the United Kingdom, Norway, European ECO Forum and the Regional Environment Center for Central and Eastern Europe.

3. These texts set out a number of options based on those contributions. They also contain further suggested options from the facilitator which could be considered if thought appropriate by participants. It should be stressed, however, that the texts are provided only for the purpose of assisting discussions and that all aspects of both a compliance mechanism and rules of procedure for the Protocol are open for discussion, starting at the third meeting of the Working Group on PRTRs (Geneva, 17–19 May 2006).

4. As requested by the Working Group on PRTRs at its second meeting, the facilitator consulted the Chairman of the Compliance Committee of the Aarhus Convention before drawing up these texts.

II. BASIS FOR DEVELOPMENT

5. In preparation for discussions, it is worth recalling the following:

A. Compliance Mechanism

i. Protocol article 22

6. The Meeting of the Parties is required to consider *inter alia* whether to allow for information to be received from members of the public on matters related to this Protocol.

ii. Convention article 15

7. The arrangements under this article should allow for appropriate public involvement and may include the option of considering communications from members of the public on matters related to this Convention.

iii. Second Working Group report, paragraph 18

8. The compliance review mechanism should be close to the Convention's mechanism in many aspects without prejudice to its final form.

9. A separate compliance committee should be recognized.

B. Rules of Procedure

i. Protocol article 17, paragraph 2(g)

10. The Meeting of the Parties will consider and by consensus adopt rules of procedure taking into account any rules of procedure adopted by the Meeting of the Parties to the Convention.

ii. Second Working Group report, paragraph 18

11. The rules of procedure for the Protocol should use the Convention's rules of procedure as a point of departure, and account should be taken of the open character of the Protocol.
12. A separate bureau should be recognized.

C. Twofold objective of the Protocol

13. The objectives, as detailed in the preamble and article 1, are:
- Access to environmental information
 - Protection of the environment and human health

D. Compliance mechanism – issues for special consideration

14. In the light of contributions received, the following would appear to require special consideration in any discussions:
- (a) Objectives – is there a need for a specific provision?
 - (b) Number of members and regional representation
 - (c) Whether members should be nominated by Parties alone or by Parties and NGOs
 - (d) Capacity and expertise (scientific, technical, legal) of members
 - (e) Frequency of meetings (back to back with other meetings?)
 - (f) Public trigger and any lead-in period (i.e. an initial “grace” period following entry into force for a Party during which the public may not trigger the compliance review process with respect to that Party)
 - (g) Confidentiality
 - (h) Relative functions of the Committee and the Meeting of the Parties
 - (i) Range of measures to be taken to address non-compliance

E. Rules of procedure – issues for special consideration

15. In the light of contributions received, the following would appear to require special consideration in any discussions:
- (a) rule 6 – relevant NGOs as observers
 - (b) rule 11 – confidentiality
 - (c) rule 22 – NGO participation in the bureau
 - (d) rule 44 – official languages
 - (e) rule 49 – synergies between the Protocol and the Convention