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# The Aarhus Convention: Access to Information and the PRTR Protocol

**“Implementation of the Aarhus Convention in Serbia”**

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# Definitions relevant to Arts. 4-5 (Art. 2)



- **“Public authority”**
  - Authorities at all levels – as well as public or private bodies performing traditionally public functions or providing public services that are acting under the control of a public authority
  - Exception – bodies exercising judicial or legislative functions
- **“Public”**
  - **Any person**

# Definitions relevant to Arts. 4-5 (Art. 2)



- **“Environmental Information”**
  - Virtually any info
  - In any material form
  - that can be connected to the environment
  
  - Relates to “elements” of the environment (air, atmosphere, land, landscape, soil, water, biological diversity etc.)
  - And their interaction
  
  - **Factors affecting these elements**
    - Substances, energy, noise, radiation
  - **Activities or measures affecting these elements**
    - Administrative measures, environmental agreements, policies, legislation, plans, programs
  - **And cost-benefit and other economic analyses and assumptions used in environmental decisionmaking**
  
  - **AND this includes**
  - **Human health and safety, conditions of life, cultural sites and built structures insofar as they may be affected by the above**

# Critical issues under Art. 4



- **No need to state interest (4.1)**
- **In form requested (4.1)**
- **Time limits (4.2)** - 'as soon as possible', max 1 month, plus 1 more month where justifiable
- **Optional exceptions (manifestly unreasonable, too general, material in course of completion, internal communications) (4.3)**
- **Optional exceptions with adverse interest test**
  - Proceedings of public authorities
  - International relations, national defence, public security
  - Matters in the course of justice
  - Commercial and industrial confidentiality
  - Intellectual property rights
  - Personal data
  - Voluntary information
  - **Protecting the environment (e.g., habitats of rare species)**

# Critical issues under Art. 4 (cont'd)



- **Response to initial request, forwarding to relevant authority (4.5)**
- **Separation of information (maximum disclosure) (4.6)**
- **Procedures for refusal to disclose (in writing, with reasons, including information on appeal possibilities, time limits and notice) (4.7)**
- **Charges not to exceed reasonable amount, publication of schedule of charges (4.8)**

# Article 5 – Active Dissemination



- Transparency and accessibility of information systems
- Immediate dissemination of information in cases of imminent threat to health or environment
- Dissemination of international agreements, laws, policies, strategies, programmes and action plans relating to the environment
- Sufficient product information to ensure informed environmental choices
- Pollutant release and transfer registers
- Increased access to information through Internet
- State of environment reports (max 4-year interval)

# Kyiv Protocol on Pollutant Release and Transfer Registers



- Kyiv Protocol to the Aarhus Convention on PRTR's adopted at EfE Ministerial conference in Kiev, 21 May 2003
- Protocol open to non UNECE member states and non Parties to the Aarhus Convention (e.g. CH)
- 23 parties as of November 2009
- Entered into force 8 October 2009
- EU EPRTR Regulation based on the Protocol



# Art.4 core elements – Art.5 design & structure

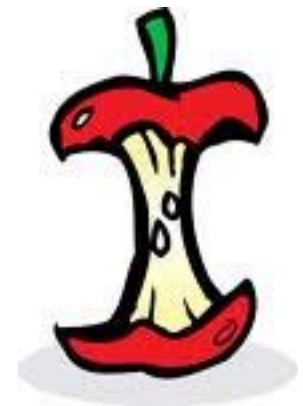


- The Protocol requires each Party to establish a PRTR which
- covers pollutant (see below) releases and transfers from facilities undertaking activities listed in annex I
- covers transfers including of waste water destined for off-site WWTP and off-site transfers of waste
- list of 86 pollutants (Annex II) , such as greenhouse gases, acid rain pollutants, ozone-depleting substances, heavy metals, substances covered by POP's Convention and certain carcinogens such as dioxins

# Art.4 core elements – Art.5 design & structure – Art. 6 scope



- Database is searchable for point sources by facility, location, activity, owner or operator, pollutant or waste as appropriate, medium (air, water, land)
- includes available data on releases from diffuse sources (e.g. transport and agriculture)
- is based on mandatory reporting
- Will ultimately present data from at least the 10 previous reporting years



# Art. 7 Reporting Requirements



Parties must require the owner or operator of an Annex I facility to report to the competent authority:

- any release of a pollutant above thresholds (pollutant and medium-specific) specified in Annex II
- any off site transfer of a pollutant in waste water destined for treatment in quantities above threshold specified in Annex II



# Art. 6 Scope – Art. 7 Reporting Requirements



Report to include releases and transfers resulting from routine activities and extraordinary events

Operator must keep records for 5 years from the end of a reporting year

Operator assures quality of the data and must use best available information, in accordance with internationally approved methodologies

Each party must take measures to initiate reporting on releases of relevant pollutants from diffuse sources where no such data exists

# Protocol Cycle



For those states that were parties by 31 December 2009, the first reporting year is 2010

Data for the 2010 reporting year must be publicly accessible by 31 December 2012

Data for the 2011 and following reporting years must be publicly accessible by 31 March of the second following year (e.g., for 2011, by 31 March 2013, for 2012 by 31 March 2014 etc.)

For additional states parties the first reporting year is the next year following the entry into force for that party (i.e., ratification etc plus 90 days)

# Arts. 11, 12, 14 – rights of the public



Public access to information, participation in the development of PRTRs and access to justice:

Provisions in accordance with Aarhus Convention

Confidentiality (Art.12) tailored to the specificities of registers but in accordance with Aarhus Convention and Directive 2003/4 on access to information

Guidance document: formally adopted by WG in 2007 and published

# Art 15 – Capacity-Building

## Art. 16 – Int’l Cooperation



Parties shall promote public awareness of PRTRs, provide adequate capacity-building and guidance to authorities, cooperate and assist each other (implementation, sharing information, technical assistance)



Table compiling capacity building activities through bilateral or multilateral cooperation developed by UNECE in cooperation with involved parties, IGOs and NGOs

# Conclusions of the chairman of the negotiations (M. Armand, BE)



“PRTR is a cost-effective tool for encouraging improvement in environmental performance, informing the public and assessing environmental policies. It is a useful tool for implementation of UNFCCC and Stockholm Convention on POPs.”



# Thank you



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