

Format for the Protocol on Pollutant Release and Transfer Registers Implementation Report in accordance with Decision I/5 (ECE/MP.PRTR/2010/2/Add.1)

CERTIFICATION SHEET

The following report is submitted on behalf of

_____ [name of the Party or the Signatory] in accordance with decision I/5

Name of officer responsible for submitting the national report:	Roland Ritter
Signature:	
Date:	

IMPLEMENTATION REPORT

Please provide the following details on the origin of this report.

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<p>Provide a brief description of the process by which this report has been prepared, including information on which types of public authorities were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account and on the material which was used as a basis for preparing the report.</p>
<p><i>Answer:</i></p> <ul style="list-style-type: none"> - The first draft report was prepared by the Federal Office for the Environment (FOEN) - First consultation of the Working Group SwissPRTR (consisting of representatives of the FOEN, the Federal Statistical Office, the cantons, industry and non-governmental organizations) Note: Switzerland is a federal state with cantons as territorial/administrative subdivisions. (Comments were received from Swissmem (Swiss Mechanical and Electrical Engineering Industries), from the Cantons of Basel-Landschaft, Basel-Stadt, Neuchâtel, and from Umweltallianz representing the environmental NGOs Greenpeace, Pro-Natura, VCS and WWF) (Comments were received from scienceindustries, ...) - Preparation of revised draft by FOEN - Public consultation: {Working Group SwissPRTR,} database users involved in data capturing and checks (industrial facilities and cantonal authorities) and the public consultation via the SwissPRTR website (Comments were received from Greenpeace, scienceindustries, Städteverband, Swissmem (Swiss Mechanical and Electrical Engineering Industries), WWF, from the Cantons of Luzern, Neuchâtel, Uri, Valais, Vaud, Zürich; and from the PRTR reporting facilities ARA Altenrhein, REAL Abwasser, Huntsman Advanced Materials, ProRheno, Meier Oberflächen AG, Elektrolyse AG, Abwasserverband Aarau und Umgebung, Timeal Ltd., Kronospan Schweiz AG, Sihl AG) (No comments were received) <p>The final version was prepared by the Federal Office for the Environment (FOEN)</p>

Articles 3, 4 and 5

<p>List legislative, regulatory and other measures that implement the general provisions in articles 3 (general provisions), 4 (core elements of a pollutant release and transfer register system (PRTR)) and 5 (design and structure).</p>
<p>In particular, describe:</p>
<p>(a) With respect to article 3, paragraph 1, measures taken to ensure the implementation of the provisions of the Protocol, including enforcement measures;</p>
<p>(b) With respect to article 3, paragraph 2, measures taken to introduce a more extensive or more publicly accessible PRTR than required by the Protocol;</p>
<p>(c) With respect to article 3, paragraph 3, measures taken to require that employees of a facility and members of the public who report a violation by a facility of national laws implementing this Protocol to public authorities are not penalized,</p>

persecuted or harassed for their actions in reporting the violation;

(d) With respect to **article 3, paragraph 5**, whether the PRTR system has been integrated into other reporting mechanisms and, if such integration has been undertaken, into which systems. Did such integration lead to elimination of duplicative reporting? Were any special challenges encountered or overcome in undertaking the integration, and how?

(e) With respect to **article 5, paragraph 1**, how releases and transfers can be searched and identified according to the parameters listed in subparagraphs (a) to (f);

(f) With respect to **article 5, paragraph 4**, provide the Universal Resource Locator (url) or Internet address where the register can be continuously and immediately accessed, or other electronic means with equivalent effect;

(g) With respect to **article 5, paragraphs 5 and 6**, provide information on links from the Party's register to relevant existing, publicly accessible databases on subject matters related to environmental protection, if any, and a link to PRTRs of other Parties.

Answer:

a) Measures to implement protocol including enforcement

The working group SwissPRTR consisting of representatives of the FOEN, the Federal Statistical Office, the cantons, industry and non-governmental organizations was formed to work on the implementation of the protocol. The working group continues to meet physically on a regular basis. It serves as an important body for information exchange between stakeholders as well as the principle organ to review documentation or discuss draft decisions on important organizational matters.

~~In~~ On 15 December 2006, the Swiss Government has adopted the Ordinance on the Register relating to Pollutant Release and the Transfer of Waste and of Pollutants in Waste Water (PRTR-O) ~~was published~~ which entered into force on 1 March 2007 and is still in force today in his original version. An ordinance is a regulation adopted by the executive. The first reporting was required for data of the year 2007.

To ensure enforcement, FOEN initially informed facilities that were potentially subject to reporting requirements and requested them to evaluate their reporting duties, based on lists of the competent cantonal authorities and associations of the relevant industrial sectors. The FOEN and the cantons continually evaluate if new facilities open that may be subject to reporting requirements and request them to evaluate their duties. The same applies if existing facilities take new installations into operation or increase the capacity of existing installations so that they may become subject to PRTR reporting requirements. Numbers of reporting facilities initially increased and stabilized since 2010 indicating that the facilities subject to the provisions of the ordinance are actually fulfilling their reporting duties. The stabilizing trend was confirmed the following years and the number of reporting facilities remains now relatively constant at around 260 facilities.

Data validation by cantons and the FOEN ~~and contact with facilities~~ in addition to approaching of facilities that that have stopped reporting to elucidate the reasons for it further ensures that reporting requirements are fulfilled.

b) Measures to implement more extensive or more publicly accessible PRTR

The PRTR was implemented in the scope given by the Protocol. The data are easily accessible via the webpage and data will be accessible at least for the previous 10 years.

Most provisions are implemented as foreseen by the protocol. In addition, voluntarily reporting is possible for facilities below the capacity threshold and for pollutants below their individual threshold. This feature is used by facilities that are close to the threshold level and prefer to have a continuous reporting in years when they would fall below the threshold (for the activity or for individual pollutants).

Regarding public accessibility, several user-friendly features were implemented, such as time series, data export possibilities, glossary functions and explanations. –More recently, university students finalized a new PRTR-data visualization pilot project that is now publicly accessible on the web: <http://www.bafu.admin.ch/chemikalien/prtr/16317/index.html?lang=en> This pilot project is a direct outcome of a lecture series dealing with "open data".

c) Violations reported by employees or the public – measures taken to protect those that report violations

There were no reports of violations reported by the public so far. However, there were requests regarding specific pollutants or facilities that turned out to be below the threshold or not having an activity as foreseen by the protocol.

These requests can be made directly to the competent authority. The names of persons requesting are not given to third parties, based on the Federal Constitution (SR 101), the Freedom of Information Act, (FoIA; SR 152.3), and the Federal Act on Data Protection, (FADP; SR 235.1).

d) Integration into other reporting mechanisms

The PRTR has been connected to the national database of transport of hazardous waste. The values on transfer of hazardous waste can be imported directly into the PRTR database by the facility. In this case, duplicative reporting could be avoided. The data of most waste incineration plants are compiled by the association of the operators VBSA and completed by the Federal Office for the Environment in order to be consistent with the national waste statistics. Other areas have been checked and found to be inconsistent due to other definitions and thresholds (e. g. VOC).

e) Search of releases and transfers

The provisions of article 5, paragraph 1 and 2, are implemented in the PRTR-O in article 8 as follows:

The FOEN shall ensure that the information contained in the PRTR for each calendar year can be searched electronically in accordance with following criteria:

- a. name of facility and its geographical coordinates;
- b. installations in accordance with Annex 1;
- c. owner or operator;
- d. pollutant or waste;
- e. environmental media into which the pollutant is released;
- f. recovery or disposal operation in accordance with Annex 3;
- g. name and address of the waste recovery or waste disposal facility as well as the address of the location of recovery or disposal in cases of transborder transfer of hazardous waste.

It shall ensure that a search can be made for the diffuse sources contained in the Register.

The SwissPRTR database on www.prtr.admin.ch can be searched by all these and some additional criteria. On the start page year, facility / owner, geographical location (by canton or coordinates) and activity (by name or NOGA / NACE code) can be selected. In a second step either pollutants, pollutant groups or affected media can be selected or the use type ~~of waste recovery~~ and destination country (and address in case of waste transferred abroad) of waste can be searched.

In addition, data can be searched directly on the map on <http://map.bafu.admin.ch>; the map search is also compatible with mobile devices.

f) Provision of URL where the PRTR is accessible

The database is available at www.prtr.admin.ch. At the same site the data can be entered by facilities. The site is also accessible via the webpage of the FOEN under the topic "SwissPRTR"

(www.bafu.admin.ch/swissprtr). And the site www.prtr.admin.ch refers back to the “SwissPRTR” site of the FOEN.

g) Links to other databases and other PRTRs

Links are provided on the “SwissPRTR” site of the FOEN to the following sites related to PRTRs:

- UNECE (Protocol on Pollutant Release and Transfer Registers)
- OECD (Pollutant Release and Transfer Registers)
- PRTR.net (Global portal to PRTR information and to national registers)
- E-PRTR (European Pollutant Release and Transfer Register)

The PRTR data are furthermore embedded in the Web-GIS of the Office for the Environment (<http://map.bafu.admin.ch/>) where a wide range of environmental data can be visualized.

Article 7

List legislative, regulatory and other measures that implement article 7 (reporting requirements).
Describe or identify as appropriate:
(a) With respect to paragraph 1 , whether the reporting requirements of paragraph 1 (a) are required by the national system, or whether those of paragraph 1 (b) are required by the national system;
(b) With respect to paragraphs 1, 2 and 5 , whether it is the owner of each individual facility that is required to fulfil the reporting requirements or whether it is the operator;
(c) With respect to paragraph 1 and annex I , any difference between the list of activities for which reporting is required under the Protocol, or their associated thresholds, and the list of activities and associated thresholds for which reporting is required under the national PRTR system;
(d) With respect to paragraph 1 and annex II , any difference between the list of pollutants for which reporting is required under the Protocol, or their associated thresholds, and the list of pollutants and associated thresholds for which reporting is required under the national PRTR system;
(e) With respect to paragraph 3 and annex II , whether for any particular pollutant or pollutants listed in annex II of the Protocol, the Party applies a type of threshold other than the one referred to in the responses to paragraph (a) above and, if so, why;
(f) With respect to paragraph 4 , the competent authority designated to collect the information on releases of pollutants from diffuse sources specified in paragraphs 7 and 8;
(g) With respect to paragraphs 5 and 6 , any differences between the scope of information to be provided by owners or operators under the Protocol and the information required under the national PRTR system, and whether the national system

is based on pollutant-specific (paragraph 5 (d) (i)) or waste-specific (paragraph 5 (d) (ii)) reporting of transfers;

(h) With respect to **paragraphs 4 and 7**, where diffuse sources have been included in the register, which diffuse sources have been included and how these can be searched and identified by users, in an adequate spatial disaggregation; or where they have not been included, provide information on measures to initiate reporting on diffuse sources;

(i) With respect to **paragraph 8**, the types of methodology used to derive the information on diffuse sources.

Answer:

Legislative measures implementing article 7 (reporting requirements)

Federal Act of 7 October 1983 on the Protection of the Environment (EPA; SR 814.01)

Ordinance of 15 December 2006 on the Register relating to Pollutant Release and the Transfer of Waste and of Pollutants in Waste Water (PRTR-O; SR 814.017)

a) Reporting requirements according to paragraph 1(a) or 1(b)

The reporting requirements in SwissPRTR follow the requirements according to paragraph 1(a), i.e. based on a capacity threshold for the activities listed in annex I, column 1.

b) Reporting obligations by owner or operator

As laid out in article 4 of the PRTR-O, it is either the owner or operator that has to fulfill the reporting requirements for each individual facility.

c) Activities for which reporting is required and thresholds

There is no difference to the protocol. Activities and capacity thresholds in the SwissPRTR correspond to those defined in annex I, column 1 of the protocol.

d) Pollutants for which reporting is required and thresholds

There is no difference to the protocol. Pollutant lists and thresholds in the SwissPRTR correspond to those defined in annex II of the protocol.

e) Other types of thresholds

No other types of thresholds are defined for any pollutants.

f) Competent authority to collect data on diffuse sources

The FOEN is the competent authority responsible to enter data on diffuse sources in the PRTR database.

g) Scope of information to be reported

The scope of information required to be reported in the SwissPRTR is the same as defined in article 7

paragraph 5 and 6 of the protocol. The system is based on waste-specific (paragraph 5 (d) (ii)) reporting of transfers.

h) Inclusion of diffuse sources

FOEN is responsible for calculating the releases from diffuse sources. It uses the most up-to-date knowledge for this task obtained through surveys, calculations and models.

The following diffuse sources are included for releases to air:

- Agriculture and forestry
- Households
- Trade and industry (diffuse sources only)
- Transports

For releases to water, diffuse sources are given for the whole of Switzerland and are not assigned to a specific source.

Data on diffuse sources can be searched in the database by displaying pollutant data by main activity.

The values for the selected pollutant are then displayed ordered by main activity and diffuse sources.

The user is made aware of this option when he enters the database.

i) Methods to derive diffuse sources

The data combine measurements and values obtained from models.

Releases to air: The data are based on the international reporting on air and climate. Data are compiled [on a yearly basis](#) by the Air Pollution Control and [NHR-Chemicals](#) Division, Federal Office for the Environment (FOEN), Bern

Release to water: Calculations by the Water Division, Federal Office for the Environment (FOEN), Bern. The base data are the average values for the years 2005 to 2007 from the measurement station of Weil am Rhein, on the river Rhine. To extrapolate the Rhine values to the whole of Switzerland, they were multiplied by the factor 1.138, on the basis of Table 4.2 of the following publication:

Jürg Zobrist, Laura Sigg, Ursula Schoenenberger: NADUF - thematische Auswertung der Messresultate 1974 bis 1998 (NADUF, National River Monitoring and Survey Programme - Thematic interpretation of the measurement data from 1974 to 1998), Schriftenreihe der EAWAG no. 18, ISBN: 3-906484-33-5, Swiss Federal Institute of Aquatic Science and Technology (EAWAG), CH-8600 Dübendorf-Zurich (Switzerland) 2004

Article 8

For each reporting cycle since the last national implementation report (or date of entry into force of the Protocol), please indicate:

- (a) The reporting year (the calendar year to which the reported information relates);
- (b) The deadline(s) by which the owners or operators of facilities were required to report to the competent authority;
- (c) The date by which the information was required to be publicly accessible on the register, having regard to the requirements of **article 8** (reporting cycle);
- (d) Whether the various deadlines for reporting by facilities and for having the information publicly accessible on the register were met in practice; and if they were delayed, the reasons for this;
- (e) Whether methods of electronic reporting were used to facilitate the incorporation of the information required in the national register, and if such methods were used, the proportion of electronic reporting by facilities and any software

applications used to support such reporting.			
<i>Answer:</i>			
Reporting Year	Deadline for reporting	Deadline for publication of data	Deadline for publication was met
2007	01.07.2008	01.04.2009	Yes
2008	01.07.2009	01.04.2010	Yes
2009	01.07.2010	01.04.2011	Yes
2010	01.07.2011	01.04.2012	Yes
2011	01.07.2012	01.04.2013	Yes
<u>2012</u>	<u>01.07.2013</u>	<u>01.04.2014</u>	<u>Yes</u>
<u>2013</u>	<u>01.07.2014</u>	<u>01.04.2015</u>	<u>Yes</u>
<u>2014</u>	<u>01.07.2015</u>	<u>01.04.2016</u>	<u>Yes</u>
<p>The deadline for reporting was met in most cases. In some exceptional cases later reporting was allowed when data were not available in time or when reporting requirements for a facility only became clear after the deadline.</p> <p>All reporting was done electronically via a reporting website that was implemented by FOEN.</p>			

Article 9

<p>Describe the legislative, regulatory and other measures ensuring the collection of data and the keeping of records, and establishing the types of methodologies used in gathering the information on releases and transfers, in accordance with article 9 (data collection and record-keeping).</p>
<i>Answer:</i>
<p>The data requirements are regulated in Art. 5 of PRTR-O</p> <ul style="list-style-type: none"> - It is a requirement to indicate if the information is based on measurements, calculations or estimates. The reporting system does not accept data without this information. - It is also a requirement that the best available data is used and that, if possible, internationally recognized methods are used. <p>The keeping of records is regulated in Art. 6 of PRTR-O:</p> <p>*Art. 6 Retention obligation</p> <p>1 The owners or operators of facilities with installations in accordance with Annex 1 must retain the collections of data from which the information submitted is derived for a period of five years following the report of the information. These collections must also contain details of the methods of recording the data.</p> <p>2 The collections must be made available to the authorities on request.”</p> <p>In case of doubt on the data collection method, facilities can contact FOEN to discuss the approach to obtain the best available data.</p>

Article 10

<p>Describe the rules, procedures and mechanisms ensuring the quality of the data contained in the national PRTR and what these revealed about the quality of data reported, having regard to the requirements of article 10 (quality assessment).</p>
<i>Answer:</i>

Verification of data is regulated in article 10 of PRTR-O. The cantonal authorities are required to verify whether:

- a. the owner or operator has complied with the reporting requirement; and
- b. the reported information is complete, based on standard definitions and comprehensible.

The electronic system is set up in such a way that the data can only be published when they have been verified by the respective canton and by the FOEN. The system furthermore contains indicators when substantial changes to the reporting of the previous year have occurred.

The verification system has proven to be useful in detecting inconsistencies in the data and obvious entering errors.

Article 11

Describe the way(s) in which public access to the information contained in the register is facilitated, having regard to the requirements of article 11 (public access to information).

Answer:

The data are accessible via the PRTR Website www.ptr.admin.ch which is linked to the website of the FOEN. Additional links refer to the sites with the Swiss PRTR data:

- the European website:
<http://ptr.ec.europa.eu/pgLinksNationalRegisters.aspx><http://ptr.ec.europa.eu/#/static?cont=linksnational>
- the international PRTR-portal site www.ptr.net

Access to the data is free of charge. The data can be downloaded. In addition to the data, there are web sites with the legal bases and with a detailed description on how to use the register. The number of visitors and database queries per month is monitored as criterion for the awareness level of the SwissPRTR.

In addition, the SwissPRTR data are accessible in the E-PRTR that is maintained by the European Environmental Agency EEA.

Article 12

Where any information on the register is kept confidential, give an indication of the types of information that may be withheld and the frequency with which it is withheld, having regard to the requirements of article 12 (confidentiality). Please provide comments on practical experience and challenges encountered with respect to dealing with confidentiality claims, in particular with respect to the requirements set out in paragraph 2.

Answer:

Confidentiality is regulated in Art. 9 of PRTR-O. Confidentiality claims were ~~allowed~~ accepted according paragraph 1 (c).

For ~~2011~~ 2014, ~~seven~~ six facilities (of ~~263~~ 261) had claimed confidentiality for a part of their data. Four were granted and ~~three~~ two were ~~refused by official decision~~ withdrawn by the facilities after consultation with FOEN. ~~For other years, the situation regarding confidentiality claims is comparable.~~

In order to make sure that all facilities are treated equally, the claims and the decision criteria were reviewed yearly by a team (PRTR expert and legal division).

The challenge was the start in the first two years, when similar claims (or identical claims with different justifications) had to be distinguished without having long-term experience. In this phase, it was important to build up a system of decision criteria that could be applied to yet ~~unprecedented~~ unknown cases in future. Recent years have shown however that only very few new facilities claim confidentiality for their data. This may partly be ascribed to the established awareness that confidentiality claims can only be granted under very restrictive conditions.

Paragraph 2 of article 12 has not yet been applicable since there was no claim regarding

information on releases of pollutants so far.

Article 13

Describe the opportunities for public participation in the development of the national PRTR system, in accordance with article 13 (public participation in the development of national pollutant release and transfer registers), and any relevant experience with public participation in the development of the system.

Answer:

The public was first informed about the two pilot projects. Several meetings with different stakeholder groups took place before the protocol was signed. In this time, the working group SwissPRTR consisting of representatives of the FOEN, the Federal Statistical Office, the cantons, industry and non-governmental organizations was formed to work on the implementation of the protocol.

Since the PRTR-O is in force, the working group continued to meet annually and to discuss practical issues such as technical aspects of reporting and communication to the stakeholders.

On the public website, all users are invited to give feedback by e-mail or phone, however, there is little response.

Web statistics show that press releases and magazine articles raise public awareness sharply but usually only for a very limited period. Nevertheless, we could also observe that a more sustained involvement of external institutions and the public can result from such peaks of public focus. Typically, peaks observed in statistics of internet traffic are followed by invitations to hold presentations externally. In some cases personal contacts to academia or the public can lead to more concrete forms of participation: such a pilot project has been finalized this year: students created a data visualization tool for PRTR-Data that is now publicly accessible on the internet:

<http://www.bafu.admin.ch/chemikalien/prtr/16317/index.html?lang=en>

Article 14

Describe the review procedure established by law to which all individuals have access if they consider that their request for information has been ignored, wrongfully refused or otherwise not dealt with in accordance with the provisions of article 14 (access to justice), and any use made of it.

Answer: the individual has the right to appeal against a decision. The appeal procedure is based on the Federal Act of 17 December 2004 on Freedom of Information in the Administration (Freedom of Information Act, FOIA; SR 152.3). There are two levels to appeal against a decision: first to the Federal Administrative Court, then to the Federal Supreme Court. There was no case so far.

Article 15

Describe how the Party has promoted public awareness of its PRTR and provide detail, in accordance with article 15 (capacity-building), on:

- (a) Efforts to provide adequate capacity-building for and guidance to public authorities and bodies to assist them in carrying out their duties under the Protocol;
- (b) Assistance and guidance to the public in accessing the national register

and in understanding the use of the information contained in it.

Answer:

- (a) Capacity building for cantons as the authorities that are required to validate the data:
- Cantons are invited to participate in the SwissPRTR working group that meets annually.
 - Annual courses ~~are offered~~ have been offered to cantons free of charge to provide training on the SwissPRTR platform and generally on their task to validate the data.
 - A checklist on data validation is annually sent ~~was prepared that is distributed in the courses and~~ to all responsible persons.
 - The SwissPRTR responsible at FOEN is available to discuss problems and questions.
 - In 2012 a meeting with cantons was held (besides the working group) to discuss open issues. This will be repeated every 3-5 years (next meeting scheduled for 2017).
 - A new fact sheet on special waste has been developed in collaboration with the working group
- (b) Assistance and guidance to the public:
- On the webpage of the FOEN, a site is dedicated to SwissPRTR with a range of information for the public, specifically:
 - o A general explanation of the SwissPRTR
 - o A pollutant glossary
 - o A section with FAQ containing information on topics such as the use of the PRTR and the interpretation of the data
 - o Comments on the most recent data released
 - In the database where reported data can be accessed, important terms are explained in a glossary that is directly accessible by clicking on the respective word.
 - The SwissPRTR was explained in several publications:
 - o Magazine "environment", edited by the FOEN (1/2013 and 1/2010) (in German and French)
 - o Different Newspaper articles have been published since the last reporting cycle (in German and French)

~~Three times (out of five), the publication of new data has been communicated via a press release. Important events such as MOPs have been communicated via press releases.~~

Article 16

Describe how the Party has cooperated and assisted other Parties and encouraged cooperation among relevant international organizations, as appropriate, in particular:

(a) In international actions in support of the objectives of this Protocol, in accordance with **paragraph 1 (a)**;

(b) On the basis of mutual agreements between the Parties concerned, in implementing national systems in pursuance of this Protocol, in accordance with **paragraph 1 (b)**;

(c) In sharing information under this Protocol on releases and transfers within border areas, in accordance with **paragraph 1 (c)**;

(d) In sharing information under this Protocol concerning transfers among Parties, in accordance with **paragraph 1 (d)**;

(e) Through the provision of technical assistance to Parties that are developing countries and Parties with economies in transition in matters relating to this Protocol, in accordance with **paragraph 2 (c)**.

Answer:

- a) Switzerland has supported other parties mainly by funding dedicated projects via the secretariat of the protocol. If possible, practical contribution for multinational workshops in the

framework of UNECE.

- b) Due to limited ~~personal capacities~~ human resources, a bilateral approach was not followed.
- c) Sharing data with neighbor countries through cooperation with EEA. Switzerland assists Liechtenstein by allowing the use of the electronic database for reporting.
- d) Making all information on the web site available in four languages (including English that is not a national language).

Collaboration with UNITAR projects; supporting activities of the OECD task force on PRTR that are beneficial for countries building up a PRTR system; participation in the meetings of the International PRTR coordination group.

Provide any further comments relevant to the Party's implementation, or in the case of Signatories, preparation for implementation, of the Protocol. Parties and Signatories are invited to identify any challenges or obstacles encountered in setting up, gathering data for and filling in the register.

Answer:

No further comments