

The Aarhus Convention: rights and obligations to improve the environment

Workshop on Information and Public Participation in Water and Health Related Issues

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The Aarhus Convention: rights and obligations to improve the environment

- The three pillars of the Aarhus Convention
- Obligations to ensure effective implementation
- Review of implementation: national implementation reports and Compliance mechanism
- The Pollutant Release and Transfer Registers (PRTR) Protocol



Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

- Principle 10 of the Rio Declaration
- Open for signature at Aarhus, Denmark, 25 June 1998
- **Entry into force: 30 October 2001**
- Objective: *“In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the **rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention**”*



Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

40 Signatories - **44 Parties**: Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, European Union, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Tajikistan, The former Yugoslav Republic of Macedonia, Turkmenistan, Ukraine, United Kingdom of Great Britain and Northern Ireland



Obligations - General Provisions (Art. 3 (1))

“Each Party shall take the necessary legislative, regulatory and other measures, including measures to achieve compatibility between the provisions implementing the information, public participation and access to justice provisions in this Convention, as well as proper enforcement measures, to establish and maintain a clear, transparent and consistent framework to implement the provisions of this Convention”



Obligations - General Provisions (Art. 3 (2) to (6))

- Officials and authorities: to assist and provide guidance to the public in exercising Aarhus' rights
- Promotion of environmental education and environmental awareness
- Recognition of and support to environmental NGOs
- Broader exercise of Aarhus' rights
- Not derogation from existing rights



Obligations - General Provisions (Art. 3 (7) to (9))

- Public Participation in International Forums
- Not penalisation, persecution or harassment in any way of those who exercise Aarhus' rights
- Non discrimination as to citizenship, nationality or domicile and, in the case of a legal person, without discrimination as to where it has its registered seat or an effective centre of its activities.



Right of Access to Information and Public Participation in decision-making

- **Upon request (art.4):**
 - Everyone without stating an interest
 - Time limit: “as soon as possible”, 1 month at the latest
 - Broad definition of environmental information (art.2)
 - Public authorities (art.2)
 - Right to choose the format
 - Charges shall not exceed a reasonable amount
 - Finite set of exceptions: restrictive interpretation and test of public interest served by disclosure



Right of Access to Information and Public Participation in decision-making

- **Active collection and dissemination (Art. 5)**
 - 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)



Right of Public Participation in decision-making

- Public concerned (art. 2)
- On specific activities (Art. 6 + Annex I – List of activities)
- Plans, programmes and policies relating to the environment (Art. 7)
- Executive regulations and/or generally applicable legally binding normative instruments (Art. 8)



Public Participation in decision-making on specific activities

- List of types of activity covered (Annex I)
- Timely and effective notification
- Reasonable timeframes
- Free inspection of relevant information by public concerned
- Comments in writing or public hearing
- Taken into account in decision-making



List of specific activities - Annex I

- Inland waterways and ports for inland-waterway traffic
- Trading ports
- Groundwater abstraction or artificial groundwater recharge schemes
- Transfer of water resources between river basins
- Dams ...and
- Any activity where the public participation is provided for under an EIA procedure in national legislation



Public Participation – plans, programmes and policies (art. 7)

- “appropriate practical and/or other provisions for the public to participate”
- reasonable timeframes, early participation
- outcome of public participation taken into account
- Preparation of policies: general obligation, but only “to the extent appropriate”



Public Participation regulations and normative instruments (art. 8)

- “Strive to promote effective public participation”
- applies to rules/regulations that may have a significant effect on the environment
- draft rules to be made available and time-frames to comment fixed



Right of Access to Justice

- Access to information review procedure (Art. 9 (1))
- Public participation in decision making-process review procedure (Art. 9 (2))
- Breach of national environmental legislation administrative or judicial procedures (Art. 9 (3))
- Adequate and effective remedies, including injunctive relief and be fair, equitable, timely and not prohibitively expensive. Decisions of courts shall be publicly accessible. (Art. 9 (4))
- Information to the public and assistance mechanisms to remove or reduce financial and other barriers (Art. 9 (5))



Review of implementation: National Implementation Reports and Compliance Mechanism

- **Compliance mechanism:** non-confrontational; non-judicial; consultative; allows public involvement and considers communications from members of the public (Article 15 and Decision I/7 on review of compliance)
 - One submission made by Romania about Ukraine (ACCC/S/2004/01-Bystre Canal project in the Danube Delta)
 - 49 Communications made by the public

MoP-2, Almaty 2005 (Decisions on Kazakhstan, Ukraine, and Turkmenistan)

MoP -3, Riga 2008 (Decisions on Albania, Armenia (arts. 9(2) and 9(4)), Kazakhstan (arts. 9(4) and 9(3)), Lithuania (art. 9(2)), Turkmenistan and Ukraine (conditional caution imposed to both))



Pollutant Release and Transfer Registers Protocol to the Aarhus Convention

- Art. 5 (9) and art. 10 (2) of the Aarhus Convention
- Adopted on 21 May 2003 by the Extraordinary Meeting to the Parties to the Aarhus Convention in Kiev from 21-23 May 2003
- Open for signature at Kiev, Ukraine, 21 May 2003
- **Entry into force: 8 October 2009**
- Objective: “(...) *to enhance public access to information through the establishment of coherent, integrated, nationwide pollutant release and transfer registers (PRTRs) in accordance with the provisions of this Protocol, which could facilitate public participation in environmental decision-making as well as contribute to the prevention and reduction of pollution of the environment*”



Pollutant Release and Transfer Registers Protocol to the Aarhus Convention

38 Signatories - 26 Parties: Albania, Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, European Union, Finland, France, Germany, Hungary, Latvia, Lithuania, Luxembourg, Netherlands, Norway, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland

First session of the MoP, 20-22 April 2010



PRTR Protocol: core elements of a PRTR system

- publicly accessible and user-friendly
- presents standardized, timely data on a structured, computerised database
- covers releases and transfers from certain major point sources
- obliges to include some diffuse sources (e.g. transport, agriculture, small- and medium-sized enterprises)
- has limited confidentiality provisions
- allows public participation in its development and modification



PRTR Protocol – core elements of a PRTR system:

- mandatory
- annual
- **multimedia** (air, water and land)
- facility-specific (point sources)
- pollutant-specific **for releases**
- pollutant-specific or waste-specific **for transfers**



PRTR Protocol – Covers 64 activities grouped by sectors (Annex I)

- Energy sector
- Production and processing of metals
- Mineral Industry
- Chemical industry
- Waste and waste-water management
- Paper and wood production and processing
- Intensive livestock production and aquaculture
- Animal and vegetable products from the food and beverage sector
- Other activities



PRTR Protocol – 86 Pollutants covered (Annex II)

- Including: greenhouse gases, ozone-depleting substances; heavy metals, pesticides, acidification precursors and persistent organic pollutants.
- Among them:
 - No. 17 – Arsenic and compounds
 - No. 18 – Cadmium and compounds
 - No. 21 – Mercury and compounds
 - No. 38 – Endosulphan
 - No. 50 – Polychlorinated biphenyls (PCBs)
 - No. 72 – Polycyclic aromatic hydrocarbons (PAHs)
 - No. 74 – Tributyltin and compounds
 - No. 81 – Asbestos



Guides published to facilitate implementation

- ‘Aarhus Convention Implementation Guide’ (2000, currently developing an updated version),
www.unece.org/env/pp/acig.pdf
- ‘Guidance on Implementation of the Protocol on PRTRs’ (2008)
<http://www.unece.org/env/pp/prtr.guidancedev.htm>



The Clearinghouse showcases information on laws and practices relevant to the public's right to:

- ▶ access environmental information
- ▶ participate in environmental decision-making
- ▶ achieve justice on environmental matters



Which
type of resource?

Events



What
is the purpose?

Access to Information



Who
is the source?

Government



Where
in the world?

AFRICA



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Convention News

Nuclear power, mining and road disputes dominate Aarhus Compliance Committee hearings. 27 Mar 2010

Austria becomes 25th Party to the Kiev Protocol on Pollutant Release and Transfer Registers. 25 Mar 2010

New Resources

United States | National Broadband Plan: Connecting America
Federal Communications Commission (FCC), 2010

United States | Greening Justice: Creating and Improving Environmental Courts and Tribunals interactive book launch
World Resources Institute, 2010

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Welcome to PRTR.net

This website provides a global portal to Pollutant Release and Transfer Register (PRTR) information and activities from countries and organisations around the world. The website aims to assist countries in the development, implementation and improvement of PRTR programmes.

It has been developed and is maintained by the Task Force on Pollutant Release and Transfer Registers (PRTRs) of the Organisation for Economic Co-operation and Development (OECD), in cooperation with the United Nations Economic Commission for Europe (UNECE) and the United Nations Environment Programme / GRID-Arendal.

What is a PRTR?

A Pollutant Release and Transfer Register (PRTR) is a national or regional environmental database or inventory of potentially hazardous chemical substances and/or pollutants released to air, water and soil and transferred off-site for treatment or disposal.

- The industrial or business facilities quantify and report the amounts of substances released to each environmental medium (air, water, soil) or transferred off-site for waste management or wastewater treatment.
- Some PRTRs also include estimates of releases from diffuse sources, such as agriculture and transport and from the end use of products. These data are normally compiled by environmental authorities.

PRTRs provide public access to data via the Internet, CD-ROMs, publications and annual reports.

- PRTR data may be presented geographically, either in a fixed form or interactively on Internet;
- PRTR data may be presented by industry sectors, by facility, by a chemical substance or groups of substances;
- Additional information is often provided to help better understand the PRTR data;
- National PRTRs may vary in terms of the hazardous chemicals and pollutants reported, industry or business categories that must report and the destination of releases.

PRTR in the news

[Parliament urged to be tough on IPPC ENDS Europe \(subscription\)](#)
Rather than spending years conducting impact assessments to determine where to apply such limits, the EU should use the available E-PRTR data

[UN agreement to allow people to check Spero News](#)
The 2003 Kiev Protocol on Pollutant Release and Transfer Registers (PRTR) entered into force last October and currently, 23 countries and the European ...

[Umweltinformationen österreichischer oekonews.at](#)
Im österreichischen Schadstofffreisetzung- und Verbringungsregister PRTR (Pollutant Release and Transfer Register) macht das Umweltbundesamt ...

[España, elegida miembro del Bureau ABC.es](#)
El Protocolo sobre Emisiones y Transferencias de Contaminantes, conocido como Protocolo PRTR (Pollutant Releases and Transfers Registers, en inglés), ...

[Related Articles »](#)



Thank you for your attention!

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Aarhus Convention website:

<http://www.unece.org/env/pp/welcome.html>

Aarhus Clearinghouse:

<http://aarhusclearinghouse.unece.org>

<http://aarhusclearinghouse.org>

PRTR.net: <http://www.prtr.net>