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

Working Group on Pollutant Release and Transfer Registers

Fourth meeting
Geneva, 14–16 February 2007

**REPORT OF THE FOURTH MEETING OF WORKING GROUP ON POLLUTANT
RELEASE AND TRANSFER REGISTERS**

Introduction

1. The fourth meeting of the Working Group on Pollutant Release and Transfer Registers (PRTRs) was held in Geneva from 14 to 16 February 2007.
2. The meeting was attended by delegations from the Governments of Armenia, Austria, Belarus, Belgium, Bulgaria, the Czech Republic, Denmark, Estonia, Finland, Georgia, Germany, Hungary, Italy, Kyrgyzstan, Latvia, the Netherlands, Norway, Serbia, Slovakia, Spain, Sweden, Switzerland, Tajikistan, The Former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uzbekistan. The European Community was represented by the Commission of the European Communities (European Commission).
3. Representatives of the United Nations Institute for Training and Research (UNITAR) and the Regional Environmental Center for Central and Eastern Europe (REC) attended the meeting. The following non-governmental organizations (NGOs) were represented: Global Legislators'

Organization for a Balanced Environment (GLOBE) Europe and Eco-TIRAS (Moldova), and within the framework of the European ECO-Forum, European Environmental Bureau, Georgian Environmental and Biological Monitoring Association (Georgia) and “Greenwomen” Public Association (Kazakhstan). Among private sector organizations, Euromines (Belgium) was represented.

4. The meeting was opened by one of the Vice-Chairs of the Working Group, Mr. Michel Amand (Belgium), who informed the meeting that the Chair, Mr. Karel Blaha (Czech Republic) was unable to attend the meeting and had asked him to chair the meeting in his stead. The secretariat then informed the meeting that Mr. Blaha, due to his appointment to serve as a Deputy Minister of his Government, had that morning announced his resignation as Chair. Mr. Blaha had conveyed his respects and best wishes to the Working Group.

5. Mr. Amand was elected Chair of the Working Group. On behalf of the Working Group, he expressed its gratitude to Mr. Blaha for his contribution, especially citing his service as Chair during the negotiation of the Protocol on Pollutant Release and Transfer Registers (PRTRs). The Working Group warmly thanked Mr. Blaha for his service and mandated the Bureau to send him a letter on its behalf.

6. The Chair noted that following his election to the post of Chair, there remained only one Vice-Chair, Ms. Nino Tkhilava (Georgia). She proposed that it would be useful to elect a second Vice-Chair. As no nominations were immediately forthcoming, the Working Group agreed to return to this matter at its fifth meeting.

I. ADOPTION OF THE AGENDA

7. Participants agreed to add two additional items addressing reporting on implementation of article 5, paragraph 9, of the Convention to the third session of the Meeting of the Parties to the Convention and preparations for the Sixth “Environment for Europe” Ministerial Conference (Belgrade, 10–12 October 2007) under any other business and adopted the agenda for the meeting (ECE/MP.PP/AC.1/2007/1).

II. RELEVANT DEVELOPMENTS AND ACTIVITIES SINCE THE THIRD MEETING OF THE WORKING GROUP

8. The secretariat reported on the Central and Eastern Europe Regional Meeting on the Strategic Approach to International Chemicals Management (SAICM) held in Riga from 4 to 6 December 2006, at which it had organized a side event on the Protocol and its implementation in collaboration with the Government of Belarus and UNITAR. UNITAR informed the meeting of four national SAICM pilot projects being prepared in Belarus, El Salvador, Pakistan and the United Republic of Tanzania, through the support of the Government of Switzerland.

9. At the request of the Working Group, the secretariat circulated informal consolidated drafts of two decisions adopted at the first Meeting of the Parties to the Protocol on Water and Health to the Convention on the Protection and Use of Transboundary Watercourses and

International Lakes, namely decisions on review of compliance and rules of procedure. This was the first such negotiation to take place under the auspices of the UNECE since the adoption of review of compliance and rules of procedure under the Aarhus Convention, and the first which applied some principles of the Aarhus Convention.

10. The European ECO Forum informed the Working Group about the workshop “On PRTR development and perspectives for environmental NGOs in the Caucasus”, which it had organized in Tbilisi on 10 November 2006, and about the seminar on “Perspectives for ratification of the PRTR Protocol and its implementation in Central Asia” which was held in Almaty on 15 December 2006 and involved participants from four Central Asian Republics.

III. NATIONAL PREPARATIONS FOR RATIFICATION AND IMPLEMENTATION OF THE PROTOCOL

11. The secretariat informed the Working Group of the status of ratification of the Protocol on PRTRs. Since the second meeting, no further ratifications had been deposited. The Chair reminded delegations of the letter sent by Ms. Hanne Inger Bjurstrøm, the Chair of the Meeting of the Parties to the Convention, on behalf of the Bureau, to the national focal points and participants in the Working Group on PRTRs. This letter encouraged Governments to ratify the Protocol as soon as possible with a view to achieving entry into force by the time of the Belgrade Conference, among other things to allow holding the first Meeting of the Parties to the Protocol back to back with the third Meeting of the Parties to the Convention (Latvia, June 2008).

12. The Chair invited delegations to report on relevant activities in preparation for ratification and implementation of the Protocol. Several delegations reported on the preparation of domestic legislation to implement the Protocol. Eleven delegations announced their Governments' intention to ratify the instrument by the end of 2007 or early 2008 (Belgium, the Czech Republic, Denmark, Estonia, Finland, Germany, Latvia, the Netherlands, Sweden, Switzerland and The Former Yugoslav Republic of Macedonia) and two delegations announced that their Governments expected to ratify it during 2008 or 2009 (Belarus and Slovakia). Several other delegations indicated that they were actively working towards ratification and had undertaken activities to prepare for implementation of the Protocol, but could give no specific dates on when this might be completed. The REC informed the meeting of its work supporting preparations for ratification of the Protocol in the countries of South-Eastern Europe. The Chair concluded that it remained an open question whether there would be a sufficient number of ratifications in time for the first Meeting of the Parties to the Protocol, and urged delegations to make their best efforts to expedite the ratification process.

13. The European Commission informed the Working Group about implementation of the Regulation establishing the European Pollutant Release and Transfer Register (Regulation (EC) No 166/2006) and the release of the second report of the European Pollutant Emission Register (EPER), covering emissions in 25 European Union countries in 2004. In 2006, some 350,000 visits had been logged to the EPER website operated by the European Commission and the European Environment Agency.

IV. PREPARATIONS FOR THE ENTRY INTO FORCE OF THE PROTOCOL AND THE FIRST SESSION OF ITS MEETING OF THE PARTIES

A. Rules of procedure and compliance review mechanism

14. At its second meeting, the Working Group had agreed to establish a Contact Group to develop draft decisions on rules of procedure and a compliance review mechanism under the Protocol on based on those of the Aarhus Convention, taking into account the issues raised in written submissions as well as other relevant information. The Contact Group had met once in parallel with the third meeting of the Working Group and a second time intersessionally (Geneva, 13–15 September 2006). The Chair invited Mr. Jolyon Thomson (United Kingdom), facilitator of the Contact Group, to present the draft decisions developed by the Contact Group (ECE/MP.PP/AC.1/2007/L.1 and ECE/MP.PP/AC.1/2007/L.2).

15. The facilitator reported that the Contact Group had made good progress on both draft decisions. With respect to the compliance review mechanism, discussions at the intersessional meeting had focused on the following issues: (a) the question of nominations to the proposed compliance committee and, in particular, whether nominations could be made by observers, including NGOs, and if so, by what categories of NGOs; (b) the so-called public trigger of the compliance review procedure; (c) the confidentiality of information to be handled by the committee; (d) the right of participation in the meetings of the committee; and (e) the measures to be taken by committee itself and subsequently by the Meeting of the Parties on the basis of the reports of the committee. Agreement had been reached on the majority of the text, but not on the issues of nominations and the public trigger. With respect to the draft decision on rules of procedure, the facilitator reported that the main outstanding issue concerned the question of whether NGOs should have observer status in the Bureau. These, in his view, were difficult issues of principle and policy.

16. The facilitator also called the attention of the Working Group to the highly relevant outcome of the first session of the Meeting of the Parties to the Protocol on Water and Health (17–19 January 2007). Decisions on rules of procedure and a compliance mechanism reflecting certain Aarhus principles had been adopted by that body. The decision on compliance procedure included a public trigger for the review of compliance and provided for nomination of compliance committee members by the Parties, taking into account proposals made by other stakeholders. The decision on rules of procedure did not provide for NGO observers in the Bureau, but the Meeting participants decided that Bureau meeting agendas and reports would be posted on the Protocol website so that issues of concern could be brought to the attention of the Bureau (see ECE/MP.WH/2 and its addenda).

17. The Chair thanked the facilitator for the job that he and the Contact Group had done and opened the floor for discussion. Some delegations supported keeping closely to the practices established under the Convention, including the possibility for environmental NGOs to nominate members of the Bureau as observers and for the public to communicate directly to the compliance committee (public trigger), while others endorsed flexibility on these issues. Several delegations agreed that it was important to reach common ground on the compliance mechanism and rules of procedure as soon as possible.

18. Germany, speaking on behalf of the European Union, put forward several proposals for amendments in the annex to the draft decision on review of compliance (ECE/MP.PP/AC.1/2007/L.2). It suggested the deletion of option D in paragraph 4 and the deletion of option D in paragraph 18. The former would provide for the right of those NGOs promoting environmental protection that fall within the scope of article 17, paragraph 5, of the Protocol and to nominate candidates to the committee, modelled on the Convention's mechanism; the latter would provide for communications to be brought before the compliance committee by one or more members of the public without any opt-out possibility.
19. The Working Group requested that the Contact Group further elaborate the draft decisions on rules of procedure and the compliance review mechanism. Meeting in parallel with the plenary, the Contact Group considered the proposals put forward by the European Union. Members of the Contact Group, representing Signatories, agreed upon the deletion of option D in paragraph 4 of the annex of the draft decision on review of compliance, with only the representative of the NGOs dissenting. No consensus was reached regarding the deletion of option D in paragraph 18 of the annex. This option therefore remains on the table for the time being. No textual changes were made to the draft decision on the rules of procedure.
20. The Contact Group also discussed the various advantages and disadvantages of different approaches to the remaining outstanding issues, notably participation of observers on the Bureau, the possibility of a public trigger in the compliance review mechanism, and the procedure for the nomination of Compliance Committee members.
21. A text was put forward by two Contact Group members in their personal capacities, indicating possible examples of compromise packages regarding the outstanding issues. One example was based on the relevant paragraphs of the decisions on the Review of Compliance and Rules of Procedure adopted by the Meeting of the Parties to the Protocol of Water and Health. A second example was largely based on the same texts, but had several additional elements to be incorporated in the body of a decision to accompany the rules of procedure.
22. The Contact Group considered the proposed options to be among the possible ways to make further progress in finalizing the two draft decisions and agreed to consider them further. One Contact Group member expressed concern that the first proposed option did not fully reflect the outcome of the first meeting of the Parties to the Water and Health Protocol, as it did not recognize the full institutional structure under that Protocol, in particular the permanent subsidiary body on water and health and the public participation opportunities afforded by it. At the same time, the Working Group noted that the options outlined in documents ECE/MP.PP/AC.1/2007/L.1 and ECE/MP.PP/AC.1/2007/L.2, as amended at the meeting, were still on the table.
23. The facilitator of the Contact Group invited participants:
- (a) To consider the acceptability or otherwise of the packages contained in the proposed options 1 and 2;
 - (b) Where these were not acceptable, to identify elements that they believed should be included in those options, including textual proposals where appropriate;

- (c) To rank, in order of priority, the following elements,
 - (i) Public triggers,
 - (ii) Nominations to the compliance committee by Parties, Signatories and NGOs on an equal basis, and
 - (iii) NGO participation in meetings of the Bureau;

- (d) To consider responses to the following questions:
 - (i) Assuming that a public trigger is acceptable, would you be prepared to live with a 4-year opt-out period?
 - (ii) Assuming that a public trigger is acceptable, would you be prepared to live with the deletion of option A (the Committee's right of initiative) as a freestanding procedure?
 - (iii) Are you prepared to live with a broader reference to NGOs in the rules of procedure, i.e. with no express definition of NGO, but with reliance instead on the formulation already used in article 17, paragraph 5, of the Protocol?

24. The facilitator of the Contact Group invited participants to provide their comments via the secretariat by 15 May 2007, with a view to holding further discussions in an intersessional meeting of the Contact Group on 18–19 June 2007 in Geneva.

25. The Working Group took note of this report and mandated the Contact Group to continue its work on the rules of procedure and the compliance review mechanism along the lines outlined by the facilitator, with a view to making the revised drafts of both decisions available for consideration by the Working Group at its fifth meeting.

B. Financial arrangements

26. The Chair introduced the document on a draft decision on financial arrangements (ECE/MP.PP/AC.1/2007/L.3) which had been prepared by the Bureau. He pointed out that the Bureau had proposed that the words “in the longer term” be included in the final recital of the preamble after “convinced that”. He invited the Working Group to give this draft a first reading and to amend it as appropriate. The draft decision was premised on the adoption of an interim voluntary scheme of contributions based upon a system of differentiated shares. Such an interim scheme would be reviewed at the second session of the Meeting of the Parties.

27. The Working Group made a number of amendments to the draft decision and agreed to give it a second reading at its fifth meeting. The European Union entered scrutiny reservations on paragraphs 1 and 9 of the draft decision, the former in view of a possible need to introduce an additional paragraph addressing the format of the European Community's financial contributions to the Protocol.

C. Subsidiary bodies

28. The Chair recalled the invitation issued by the Working Group at its third meeting to delegations to respond in writing to the secretariat by 10 October 2006 to three questions concerning the possible need to establish a subsidiary body to deal with issues between sessions of the Meeting of the Parties. The Bureau, with the assistance of the secretariat, had summarized

the answers and, on the basis of them, prepared a further analysis of the topic, summarizing the responses provided to the questions and including alternative options as necessary (ECE/MP.PP/AC.1/2007/L.4).

29. Germany, on behalf of the European Union, welcomed the document and supported mandating the Bureau to draft a decision on an ad hoc subsidiary body with a technical mandate as well as a mandate to assist the Bureau in the preparation of the second session of the Meeting of the Parties to the Protocol. It stressed that the mandate of the subsidiary body should avoid duplication with existing technical assistance activities. It should also include the updating of the guidance document, if necessary, following an assessment of the existing guidance document and the review of the state of art of how to ensure good quality data contained in the PRTR and of how to organize the collection and assessment of data by authorities. The mandate could also include the preparation of a synthesis report summarizing the national implementation reports for presentation to the second session of the Meeting of the Parties to the Protocol (see para. 36 below). On the other hand, Germany argued that activities mentioned in paragraph 6 (f) and (g) of ECE/MP.PP/AC.1/2007/L.4 should not be included among the activities of the subsidiary body, as they were not of a technical nature.

30. Several delegations emphasized that a subsidiary body could make an important contribution to providing support on technical issues and ensuring the participation of stakeholders in the preparation of the Meeting of the Parties. Some delegations defended the inclusion of public participation issues within the mandate of such a subsidiary body.

31. The Working Group agreed to mandate the Bureau to draft a decision establishing an ad hoc subsidiary body on technical issues and preparation of the second session of the Meeting of the Parties, taking account of the discussion in the Working Group, for consideration at its next meeting.

D. Work programme

32. The secretariat presented a document analysing procedures for the preparation, adoption and monitoring of work programmes, which also contained a list of possible elements for inclusion in the first work programme under the Protocol (ECE/MP.PP/AC.1/2007/L.7). The document also reported on the steps being taken to develop a long-term strategic plan under the Convention. Such a plan, which would cover approximately two intersessional periods, would also address the topic of PRTRs, in particular the obligation contained in article 5, paragraph 9, of the Convention and the uncertainty about when the Protocol would enter into force.

33. The Working Group agreed that there should be a single draft decision addressing both the procedures for the preparation, adoption and monitoring of work programmes in general and the specific work programme for the intersessional period following the first Meeting of the Parties. The elements of the work programme should be based on paragraph 10 of the document and should include some prioritization. Pending the outcome of the discussions on whether a technical assistance mechanism would be needed (see para. 42 below), the draft decision should simply refer to technical assistance rather than to a mechanism. The Bureau was mandated to prepare a first draft of the decision for consideration by the Working Group at its fifth meeting.

34. The Working Group also agreed that if a long-term strategic plan were adopted under the Convention, it should be taken into consideration at a later stage, when preparing/developing a long-term strategic plan for the Protocol, with a view to exploring synergies between them. The Working Group would wait for the outcomes of the long-term strategic planning exercise under the Convention before considering the elaboration of such a plan for the Protocol.

E. Elements for a reporting mechanism

35. The secretariat presented the document on elements for a reporting mechanism under the Protocol (ECE/MP.PP/AC.1/2007/L.6) which had been prepared by the Bureau. It highlighted that the reporting mechanism should be simple, concise and not excessively burdensome to the Parties and that in proposing elements for national reports on implementation the Bureau's proposal had kept closely to the text of the Protocol. To allow sufficient time for editing, translating and synthesizing the information contained in national reports, the Bureau recommended that reports be submitted at least 150 days before the session of the Meeting of the Parties at which they are submitted, and that they be submitted both electronically and in paper copy.

36. The Working Group discussed the possible role of the public in the drafting and review of national reports. On behalf of the European Union, Germany expressed the view that, as the reports were recitals of factual accounts of implementation of the Protocol which could be verified by viewing the same information on the websites presenting the national PRTR information, there was no need for Parties to the Protocol to involve the public when drafting reports. Other delegations felt that the Parties had an obligation under article 13 to involve the public and could draw from the experience of the Convention's reporting mechanism, which encouraged public consultation on draft national implementation reports. Germany favoured mandating the Bureau to draft a decision on a reporting mechanism including a format for reporting under that mechanism. It also favoured mandating a subsidiary body with the preparation of a synthesis report. The secretariat expressed the view that requiring a subsidiary body to prepare and adopt each synthesis report would require Parties to submit information at a very much earlier date than suggested in the Bureau's proposal, and would hence reduce the value of the information contained in both the national reports and the synthesis report. If the synthesis report were to be prepared following a similar timetable to that applied under the Convention, this would likely preclude review of a draft report by the subsidiary body before it would be finalized for submittal to the Meeting of the Parties to the Protocol.

37. The Chair proposed that the draft decision should include an invitation to the Parties to involve the public when preparing their reports, as appropriate. It was agreed to mandate the Bureau to prepare a draft decision on reporting based upon the elements contained in ECE/MP.PP/AC.1/2007/L.6, paragraphs 14 and 15, taking into account the European Union's statement as well as other interventions made during the Working Group meeting on this issue. These would be presented for a first reading at the fifth meeting of the Working Group. It was agreed that a section allowing for general comments would be included in the reports.

V. NEEDS AND PROSPECTS FOR CAPACITY-BUILDING, TECHNICAL SUPPORT, GUIDANCE AND INFORMATION EXCHANGE

38. The secretariat reported on its efforts to coordinate capacity-building activities by international, regional and national organizations and NGOs that were relevant to the Protocol and presented two documents on the PRTR capacity-building activities (ECE/MP.PP/AC.1/2007/L.8) and Capacity-building for the Protocol (ECE/MP.PP/AC.1/2007/L.5). It reported that the capacity-building activities matrix had undergone several revisions since the third meeting of the Working Group and now included information from 10 organizations working to build capacity at the national or regional levels. Activity categories had been added to the matrix to provide an indication of the type and progressive nature of the activities that contribute to the capacity to implement PRTR systems. The matrix was available online and the online version would be updated as necessary.

39. The secretariat and the REC presented a concept proposal on capacity-building for PRTRs in Eastern Europe, Caucasus and Central Asia (EECCA) and South-Eastern Europe, which had been submitted as part of the UNECE work programme to the Environment and Security Initiative (ENVSEC). The Chair invited delegations from countries requiring capacity-building or technical support to fulfil their future obligations under the Protocol to describe their needs. Several countries indicated their needs and supported submission of the concept proposal.

40. The Vice-Chair (Ms. Tkhilava), having consulted with EECCA country delegations present at the meeting, presented the following common priorities to be implemented at the national levels:

(a) Assessment of existing reporting systems in comparison with the Protocol on PRTRs, as well as models of good practice;

(b) Identification of needs/priorities to develop legislative and institutional frameworks for PRTRs; and

(c) Training programmes on the legal, institutional and/or technical aspects of developing a pilot PRTR at the national level.

The Vice-Chair also highlighted the importance of regional and international coordination, especially with the UNECE Working Group for Environmental Monitoring and Assessment and ENVSEC.

41. The secretariat updated the Working Group on the UNECE project to model the cost of implementation of the Protocol. Administration of the project had been transferred to the UNECE from the University of Geneva following personnel changes at the University. The secretariat was preparing to tender a request for a consultant to complete the model.

42. The Working Group thanked the secretariat for presenting a comprehensive picture of capacity-building within the field of PRTRs. The information presented would help to answer the question raised in the final paragraph of the document ECE/MP.PP/AC.1/2007/L.5, namely whether the present arrangements were sufficient to address capacity-building needs or if a

specific technical assistance mechanism was needed. The Working Group requested that the Bureau report on this experience to the first session of the Meeting of the Parties, if the Working Group did not decide otherwise at its fifth meeting.

VI. GUIDANCE DOCUMENT FOR THE IMPLEMENTATION OF THE PROTOCOL ON POLLUTANT RELEASE AND TRANSFER REGISTERS

43. The secretariat reported on the preparation for publication of the guidance document. Since the third meeting, a revised “penultimate version” of the draft document had been released for comment on 31 July 2006. Six delegations had commented on the July 2006 version. The secretariat announced that a further revision of the guidance had been posted on the Convention website. The Chair invited those delegations which had submitted further comments to the July 2006 version to meet as a review task group and to agree on the final edits to the document, with a view to its adoption by the Working Group before the conclusion of the meeting. The secretariat reported on behalf of the review task group that it had reached agreement on the final edits to the text and that a version incorporating these agreed edits would be prepared and circulated to the Working Group by the end of the meeting, allowing a further fortnight for final checking, with a view to submitting the document for publication as early as possible.

44. The Working Group adopted the document and asked that it be published as soon as possible.

VII. FUTURE WORK

45. The secretariat proposed further revision of the indicative work plan containing a calendar of meetings and key documents in preparation for the first session of the Meeting of the Parties for consideration by the Working Group. The meeting adopted the revised work plan as shown in Table 1.

Table 1: Calendar of meetings and key documents in preparation for the first session of the Meeting of the Parties

Meeting	Date	Analysis	Draft decision 1st reading	Draft decision 2nd and subsequent readings	MOP review and adoption
WG-3	May 2006	Financial arrangements (FA), subsidiary bodies (SB)	Rules of procedure (ROP), compliance review mechanism (CM)		
WG-4	February 14–16 2007	SB, programme of work (POW), reporting mechanism (RM), technical assistance mechanism (TM)	FA,	ROP, CM	
WG-5	22–24 Oct 2007	TM (assessment)	POW, RM, SB	FA, ROP, CM	
WG-6	Feb/Mar 2008		[TM ¹]	POW, RM, SB	
[WG-7] ₂	June 2008			POW, RM, [TM ¹], SB	
MOP-1	June 2008				ROP, CM, FA, SB, POW, RM, [TM ¹]

Notes to Table 1:

¹ The report on the impact of the framework programme on capacity-building for PRTRs, prepared by the Bureau with the assistance of the secretariat may or may not lead to a draft decision on establishment of a technical assistance mechanism.

² A decision was made to hold the meeting, contingent on the progress made at WG-5 and the prospects for entry into force and organization of MOP-1 in June 2008.

VIII. ANY OTHER BUSINESS

46. The secretariat informed the meeting about plans for a side event on PRTRs at the Belgrade Conference, which was being organized by the secretariat with the support of the Government of Switzerland. The meeting welcomed the proposal and thanked the Government of Switzerland for its support.

47. The secretariat, upon the request of the Chair, presented to the Working Group the questions dealing with implementation of article 5, paragraph 9, of the Convention, which the Compliance Committee had agreed to recommend that the Parties answer when preparing their implementation reports for submission to the second Meeting of the Parties to the Convention.

IX. ADOPTION OF THE REPORT AND CLOSE OF THE MEETING

48. The Working Group adopted its report on the understanding that the Chair and the secretariat would finalize the text and that the French and Russian-speaking delegations would reserve their positions until the report was available in French and Russian.

49. The Chair thanked the participants in the meeting for their constructive participation and the progress they had achieved, and closed the meeting.