



COMPENDIUM OF CANADA'S ENGAGEMENT IN INTERNATIONAL ENVIRONMENTAL AGREEMENTS AND INSTRUMENTS

Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) AND Kiev Protocol on Pollutant Release and Transfer Registries (Kiev Protocol)

SUBJECT CATEGORY:

Chemicals & Wastes

TYPE OF AGREEMENT / INSTRUMENT:

Multilateral

FORM:

Legally-binding treaty

STATUS:

- **Canada has not ratified this agreement and, therefore, it is not in force in Canada**
- Signed by Canada: n/a
- In force internationally: Aarhus Convention October 30, 2001; Kiev Protocol October 8, 2009

LEAD & PARTNER DEPARTMENTS:

Lead: Environment and Climate Change Canada

FOR FURTHER INFORMATION:

Web Links:

- [Aarhus Convention website](#)
- [Text of the Aarhus Convention](#)
- [Canada's National Pollutant Release Inventory](#)

Contacts:

[ECCC Inquiry Centre](#)

COMPENDIUM EDITION:

January 2020

PLAIN LANGUAGE SUMMARY

The Aarhus Convention and Kiev Protocol instruments promote government accountability and transparency regarding pollutant releases, and uphold public access to information.

The Aarhus Convention is the only legally binding global instrument on environmental democracy. It protects every person's right to live in an environment adequate to his or her health and well-being.

The Kiev Protocol is the only legally binding international instrument on pollutant release and transfer registers. It is an open global treaty that regulates information on pollution, rather than pollution directly.

Together, these instruments connect people and governments by empowering citizens to participate in environmental decision-making through access to information.

OBJECTIVE

The Aarhus Convention states the following as the 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."

The Kiev Protocol's objective:

*"To enhance public access to information through the establishment of coherent, nationwide pollutant release and transfer registers (PRTRs *)...which could facilitate public participation in environmental decision-making as well as contribute to the prevention and reduction of pollution of the environment."*

* PRTRs are inventories of pollution from industrial sites and other sources.

KEY ELEMENTS

The Aarhus Convention grants the public rights and imposes on Parties and public authorities obligations regarding access to information and public participation. The Convention guarantees the rights of access to information, public participation in decision-making and access to justice in environmental matters 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.

The Kiev Protocol requires each party to establish a PRTR that:

- is publicly accessible through the Internet, free of charge;
- is searchable according to separate parameters (facility, pollutant, location, medium, etc.);
- is user-friendly in its structure and provide links to other relevant registers;
- presents standardized, timely data on a structured, computerized database;
- covers releases and transfers of at least 86 pollutants covered by the protocol, such as greenhouse gases, acid rain pollutants, ozone-depleting substances, heavy metals, and certain carcinogens, such as dioxins;
- covers releases and transfers from certain types of major point sources (e.g., thermal power stations, mining and metallurgical industries, chemical plants, waste and wastewater treatment plants, and paper and timber industries)
- accommodates available data on releases from diffuse sources (e.g., transport and agriculture);
- has limited confidentiality provisions; and allows for public participation in its development and modification.

EXPECTED RESULTS

The Convention is expected to increase access to information, public participation in decision-making and access to justice in environmental matters.

The Protocol is expected to result in the establishment of a PRTR by each of the parties.

CANADA'S INVOLVEMENT

Canada has not joined the Aarhus Convention. Canada is not a party to the Convention because Canada

maintains a well-established system of engaging the public. There already exists a number of mechanisms in Canada that permit public access to environmental information, including the *Access to Information Act*, which gives Canadians access to federally held records. Canada complies with most of the provisions and objectives of the Convention, thus acceding to the Convention would have limited benefit to existing processes in Canada.

Canada participated in negotiations of the protocol to encourage international consistency with Canada's National Pollutant Release Inventory (NPRI), to encourage international collaboration in the development of effective PRTR regimes, and to reinforce Canada's cooperative relations with the United Nations Economic Commission for Europe.

The NPRI, established under the *Canadian Environmental Protection Act (CEPA)*, provides nationwide, publicly accessible information on annual releases to air, water, and land and disposals and recycling from industrial and commercial facilities. The NPRI meets most of the elements of the final protocol (adopted May 2003 in Kiev), and in fact goes beyond the protocol in many cases. For example, NPRI requires reporting on a much greater number of substances and includes industrial sectors such as automobile manufacturing and oil and gas extraction. However, some provisions of the protocol would require significant changes to current pollutant reporting activities. The key areas of divergence are reporting of greenhouse gases, pesticides, and intensive agricultural operations. For these activities, the Government of Canada has other methods to manage and collect information, instead of directly through Canada's PRTR.

RESULTS / PROGRESS

Activities

While not a Party to the Aarhus Convention or Kiev Protocol, Canada monitors developments under the Protocol and participates as necessary to encourage harmonization and international collaboration among member countries. Canada also maintains an annual PRTR, the National Pollutant Release Inventory, providing information to Canadians on releases, disposals and recycling of some 300 pollutants from facilities across Canada.