

## **Exchange of information on the application of Articles 3 and 8 as well as Annex I of the Protocol**

### **Working Paper submitted by Germany**

#### **Introduction**

Since the entry into force of the Protocol on Environment Protection, the provisions of its Articles 3 and 8 as well as those of Annex I have been applied by each Party. Therefore, Parties have already some experience in the application of the provisions of the Protocol. Due to the fact that many of these provisions have been formulated rather vaguely, and that the Protocol has been implemented in each country in a specific way, the application seems to have led to different interpretations of relevant clauses, and different decisions regarding planned activities in Antarctica. In particular, the requirements laid down in Article 3 (2) (b) and the terms „less than a minor or transitory impact“, „a minor or transitory impact“, „more than a minor or transitory impact“ in Article 8 (1) of the Protocol are probably interpreted in a specific way in each country. Also, the waste disposal and management provisions (Annex III of the protocol) seem to be applied differently.

Up to now, it has not always been easy to obtain information on how the provisions are being applied in specific cases [, so that it was not always possible to take other countries' experience into account in the decision-making process].

With respect to this, Germany considers it important to improve the exchange of information between the responsible agencies responsible for the applications of the provisions of the Protocol with a view to harmonize relevant decisions of the Parties.

This paper is a contribution to initiate such a process.

#### **Proposal**

Germany, therefore, proposes, with a view to harmonizing relevant decisions of the Parties,

to set up, under the auspices of the Committee for Environmental Protection (CEP), a regular exchange of information by the agencies responsible for applying the Protocol provisions. This exchange should take place in a working group of these agencies and provide overviews of actual practice of each Party, problems encountered, decisions in specific cases, etc.

The working group should also develop draft guidelines for a harmonized application of Article 3, Article 8 and Annex I of the Protocol, taking into account the Guidelines on EIA agreed at ATCM XXIII in Lima, Peru.

In order to avoid unnecessary costs, information should be exchanged preferably via e-mail. Any meetings should take place in conjunction with those of the CEP.

### **Recommendation**

1. The Committee of Environmental Protection (CEP) should establish a working group of the agencies responsible for applying the Protocol provisions with the aim:
  - to provide a regular exchange of information on the application of the Protocol provisions, the [actual] practice of each Party, problems encountered, decisions in specific cases, etc.;
  - to develop draft guidelines for a harmonized application of the Protocol, in particular Article 3, Article 8 and Annex I, taking into account the Guidelines on EIA agreed at ATCM XXIII in Lima, Peru.
2. In order to avoid unnecessary costs, information should be exchanged preferably via e-mail. Any meetings should take place in conjunction with those of the CEP.
3. The working group should report back regularly about the outcome of its work to the CEP.