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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**on progress in implementing Regulation (EC) 166/2006 concerning the establishment of
a European Pollutant Release and Transfer Register (E-PRTR)**

(Text with EEA relevance)

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1. BACKGROUND AND INTRODUCTION

Pollutant release and transfer registers provide public access to emissions data concerning releases¹ and off-site transfers² of pollutants and waste and their trends for the most polluting industries. As such, they can assist public and private decision makers with the setting of priorities for cost-effective emissions reduction strategies as well as demonstrating progress in reducing pollution. Such registers can also assist in the monitoring of progress and compliance with certain national, EU or international obligations or agreements.

Regulation (EC) 166/2006 established the European Pollutant Release and Transfer Register (E-PRTR) that implements the UNECE PRTR Protocol to the Aarhus Convention³ in the EU. It builds upon and expands the European Pollutant Emission Register (EPER) that was previously established in 2000.

The E-PRTR's main objective is to provide access to environmental information on the largest industrial facilities. Reporting obligations for emissions are linked specific types of industrial activity and pollutant thresholds set out in the Regulation with a view to address the major sources of industrial pollution, notably activities covered by Directive 2008/1/EC on Integrated Pollution Prevention and Control. Reporting covers data on releases of any of the listed pollutants into the environment as a result of any human activities, whether deliberate, accidental, routine or non-routine, at the site of the facility and above the prescribed thresholds. The reported values are to be based on the best available information from measurements, calculations or estimations.

Article 17 of the E-PRTR Regulation calls on the Commission to review the Member States' emission reports submitted through the E-PRTR and, more generally, to provide an assessment of experience gained during the first three years of operating the register. This Report covers the first three years of implementation of the E-PRTR.

2. ABOUT THIS ASSESSMENT

First E-PRTR data for 2009 were made available in May 2011 on a dedicated website⁴, at which point data covering three years was available and this assessment could begin. Datasets and tools to ensure the quality of the data were established with the assistance of the European Environment Agency (EEA). Information on the implementation of the E-PRTR at a national level and on data reporting has been collected from Member States with the assistance of a consultant. Additional information has been gathered for assessing the performance of the E-PRTR website⁵. The EEA has been associated to this exercise and experts from Member

¹ 'Release' means any introduction of pollutants into the environment as a result of any human activity, whether deliberate or accidental, routine or non-routine, including spilling, emitting, discharging, injecting, disposing or dumping, or through sewer systems without final waste-water treatment.

² 'Off-site transfer' means the movement beyond the boundaries of a facility of waste destined for recovery or disposal and of pollutants in waste water destined for waste-water treatment.

³ The Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

⁴ <http://prtr.ec.europa.eu/>

⁵ "Final report, Three years of implementation of the E-PRTR, Supporting study for the European Commission", Umweltbundesamt GmbH Austria, commissioned by Directorate-General for Environment (DG ENV).

States and stakeholders were consulted on the results and recommendations of the analysis performed. Furthermore, in order to assess the complementarities and possible gaps between the E-PRTR and other databases the Commission has also examined relevant existing European legislation and initiatives.

It should be noted that the experience with the reporting of the 2010 data that was posted on the web in April 2012 confirms the assessment and conclusions provided in this Report.

3. STATUS OF IMPLEMENTATION OF THE REGULATION AT EU LEVEL

3.1. E-PRTR website

According to Article 10(1) of the Regulation, the Commission shall make the register publicly accessible by dissemination free of charge on the Internet. The E-PRTR website is hosted and maintained by the EEA, allowing also the further integration of E-PRTR data with other data sets. It is designed to ensure maximum ease of public access and the information is continuously and readily accessible.

At present, the E-PRTR website provides online access to data reported by some 29,000 major industrial facilities covering 65 economic activities from the main industrial sectors⁶ and provides information concerning the amounts of pollutant releases to air, water and land, as well as off-site transfers of waste and of pollutants in wastewater for 91 key pollutants including heavy metals, pesticides, greenhouse gases and dioxins. In addition to those core datasets, which are the main point sources of pollution, the E-PRTR also contains spatially disaggregated data on releases from diffuse sources into air while data on diffuse emissions to water will be added soon.

Analysis of the E-PRTR website user protocols and an ad hoc user survey has shown that the E-PRTR website is accessed by a variety of users, including public services, private enterprises, and the general public. In general users consider the design of the website suitable and convenient. They consider that the data, in aggregated and disaggregated form, are presented in a comprehensive manner and an easy to access format. These positive findings have been echoed by users outside the EU and several non-EU countries have shown an interest in using the European system as the basis for the development of their own national registers. Several users, however, suggested that there remained scope for further improvement regarding the user friendliness of the webpages (e.g. improving navigation and search functions) and more regular maintenance (e.g. to fix broken hyperlinks). Others suggested streamlining the terminology used. Users and Member States agreed that contextual information could usefully be added to clarify the data displayed and their comparability (e.g. method of measurement).

Whilst the E-PRTR website is frequently used as an authoritative source of emissions data accessed by a variety of users, with an average of 590 visitors per day, there remains a clear potential to increase the knowledge of its existence and increase the number of users.

⁶ The nine main sectors are: energy; 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; others.

3.2. Data flow and quality assurance at the EU level

Pursuant to Article 5 of the Regulation, facility operators falling within the scope of the Regulation have to annually report specific data to the competent authority in the Member State in which they are based. Member States must compile and check the quality of the reported data and transmit them to the Commission and EEA for dissemination via the E-PRTR website. The possibility of resubmission of data exists.

An automated validation tool was developed to help Member States with validating E-PRTR data prior to submission and assure compliance with the agreed reporting format. The validation covers information such as the type of pollutants, the codes for industrial sectors, geographical coordinates, mandatory checks for formatting, quantitative checks of release or waste values including outliers, checks for conformity to confidentiality.

During the first years of implementation of the Regulation, the quality of the data included in the E-PRTR register was checked by the EEA through a process generally referred to as the 'informal review':

- Member States were provided with detailed feedback concerning the quality and completeness of the data submitted. EEA checks covered an evaluation of the number of facilities and release reports, amounts of releases and transfers reported, confidentiality claims, and accidental releases;
- The E-PRTR data were subsequently compared with data reported under different reporting obligations (e.g. National Emission Ceilings Directive⁷, Emission Trading System⁸, Urban Waste Water Treatment Directive⁹ and the Waste Statistics Regulation¹⁰) to identify and address differences and potential inconsistencies.

The automated validation tool and the possibility for data to be resubmitted have proven to be very useful for the Member States. The informal review was considered equally useful to promote good practice during the first years of the E-PRTR. It has also proven useful in helping to identify inconsistencies and possible errors in the reported data as well as to build good practices in quality assurance by the Member States. There remains a clear need for the Member States to continue to improve the upstream quality assurance of reported data.

3.3. Commission guidance

The Commission published in 2006 a guidance document supporting the implementation of the E-PRTR¹¹ as required under Article 14 of the Regulation covering matters such as who has to report, what and how, including an indicative list of sectors and pollutants for which reporting of data is expected. It also provides helpful information to members of the public on the E-PRTR itself. All the consulted stakeholders considered the guidance document to be extremely useful in the reporting process. A revision of the guidance might help in clarifying still open issues such as those concerning activity descriptions and further improving the implementation of the Regulation.

⁷ Directive 2001/81/EC

⁸ Directive 2003/87/EC

⁹ Directive 91/271/EEC

¹⁰ Regulation (EC) No 2150/2002

¹¹ http://prtr.ec.europa.eu/docs/EN_E-PRTR_fin.pdf

4. THE STATUS OF IMPLEMENTATION OF THE E-PRTR AT MEMBER STATE LEVEL

4.1. General aspects

All EU Member States, Norway, Iceland, Liechtenstein, Switzerland and Serbia have implemented the E-PRTR Regulation.

During the period 2007-2009 Member States satisfactorily reported the requested data. This is reflected in the detailed information available in the register. This outcome is encouraging also bearing in mind that setting up new reporting systems typically requires a certain learning process by all parties involved. Problems related to missing information seemed to relate to specific interpretation issues. Such difficulties related in particular to the releases to land including reporting of leachate from waste landfills. Some implementation difficulties reported were attributed to an apparent lack of resources at competent authorities to adequately check the quality of data prior to submission to the Commission. Finally, there remains an outstanding issue with one Member State concerning the confidentiality of data under the Regulation.

According to Article 5(4) operators subject to the E-PRTR Regulation are required to provide competent authorities with the best available data on their pollutant releases and transfers. Furthermore, according to Article 9(1) and Article 9(2) of the Regulation it lies within the remit of the national competent authorities to assess the quality of the data and whether the information provided by the individual facilities is satisfactory with respect to its completeness, consistency and accuracy.

The assessment undertaken indicates that the E-PRTR data reported had a varying degree of completeness, from consistency for the releases of major pollutants to air, to less comprehensive reporting of releases to water and transfer of waste to somewhat poor reporting of releases to land.

Such issues may hinder the potential use of E-PRTR data both by the general public and by the national and EU authorities, including the possibility to fulfil other EU or international reporting obligations¹².

4.2. Releases to air

Considering the increasing need for more accurate air quality management also at national, regional, and local level, the scaling of national emission data features amongst one of the largest added values of the E-PRTR. Reporting of nitrogen oxides, sulphur dioxide and carbon dioxide releases at the national level is mostly complete and is found to be consistent when compared to other international reporting obligations or inventories.

Reporting of the other pollutants shows, to a varying extent, some inconsistency with other national inventories. In some cases national reporting did not include data that would have been expected according to the indicative lists of sectors and expected pollutants included in the Guidance Document. This might reflect either deficits in reporting, inaccuracies in the Guidance Document, or specificities of individual installations.

¹² For example emission inventory data required under the National Emission Ceilings Directive, the Convention on long range transboundary transport of atmospheric pollution and the EU Emission Trading Scheme

4.3. Releases and transfers to water

Reporting of emissions to water is considered of acceptable quality, albeit that it is less complete than the reporting of emissions to air.

Issues with regard to reporting of emissions to water that were identified relate to several pollutants, in particular from urban waste water treatment plants, which show, to a varying extent, discrepancies with the releases that would have been expected according to the indicative lists of sectors and expected pollutants included in the Guidance Document. Missing release reports could be due to the absence of adequate emission factors or analytical methods for routine measurements of some of the Water Framework Directive Priority Substances. Reporting of leachate from landfills must also be clarified. Finally, the limited reporting of chlorpyrifos, hexachlorobutadiene, isoproturon, ethylene oxide, tetrachloroethylene, tetrachloromethane, and trichloroethylene is of particular concern.

4.4. Releases to land

In comparison to emissions to air and to water there are only a limited number of reports of releases to land submitted by a small number of Member States. Due to the fact that other data sources which could be used for verification are not publicly available, no clear conclusions on releases to land can yet be drawn. As already noted in the Communication on the implementation of the Soil Thematic Strategy¹³ the E-PRTR is a potential important tool for tracking industrial pollutants and improvements in its implementations is encouraged. It is apparent that differences in the interpretation of releases to land by Member States exist, and these need to be resolved.

4.5. Transfer of waste

Reporting of transfer of hazardous and non-hazardous waste by facilities under E-PRTR has been compared to data reported for 2008 by Member States in accordance with Regulation (EC) No 2150/2002 on waste statistics. The E-PRTR reporting covers only transfers of hazardous and non-hazardous waste from major individual facilities, whereas the Waste Statistics Regulation covers entire sectors and concerns generation of selected categories of waste where data is collected by means of administrative sources, surveys, statistical estimation procedures or a combination of these means. Consequently, the methodologies for reporting under the two instruments are different. However, this analysis has made clear that the thresholds set by the E-PRTR Regulation only allow the reporting of about 39% of hazardous waste and 17% of non-hazardous waste, with large differences between different economic sectors.

Whilst it is apparent that lowering the minimum reporting thresholds in E-PRTR could increase the degree of coverage of waste transfers, the two instruments are complementary and, considered together, presently provide a sufficiently useful knowledge base.

5. SCOPE FOR FURTHER IMPROVING THE IMPLEMENTATION OF THE E-PRTR

Creating an operational E-PRTR is a challenging undertaking involving a large number of public and private stakeholders. Based on the present assessment of the first period of implementation, the Commission considers that the Regulation has

¹³ COM(2012) 46

been relatively well implemented. Subsequent improvements could be observed year-on-year as Member States and other stakeholders have gained experience with its operation. Compared to the situation before the E-PRTR Regulation was adopted, EU citizens, analysts, policy developers and decision makers have now more easy access to comprehensive information on the types and quantities of emissions from the largest industrial activities as well as from diffuse air emission sources.

Whilst the results of the assessment indicate that a review of the Regulation itself would be premature, a number of improvements remain possible *inter alia* by means of enhanced Commission guidance documents.

Special attention will be given to enhancing the quality and completeness of data reported as well as enhancing data usage. Where necessary, enforcement actions will be undertaken.

5.1. Enhancing quality of data and user confidence

Further increasing the reliability and quality of the Register will enable enhanced confidence of the users and thus increase of usage.

The Commission will review the Guidance Document, in particular with regard to the scope of the Regulation and its interpretation. More detailed definitions will be given (e.g. regarding releases to land, and leachate) and clarification will be included on which elements of the reporting can be held confidential. A number of other specific issues will be addressed e.g. on sub-activities that need reporting and the list of pollutants expected from the various activities will be revised.

Member States are expected to increase their efforts to assure the quality of the data provided. The E-PRTR Regulation places an obligation on operators to assure the quality of data and the competent authority to assess it. Checks on completeness, consistency and credibility of the data submitted must be performed more comprehensively prior to data delivery to the Commission. Member States should not rely on the informal review performed by the EEA as a substitution for their own quality checks to later correct reported data. In the ongoing second phase of implementation of the Regulation the Commission will promote ownership of quality of data by operators and Member States. If appropriate this will be enforced by the use of infringement procedures.

As the transfer of ownership of data assurance to the Member States proceeds, the systematic review at EU level of national data will be scaled down. The Member States are encouraged to build on the good national practices that have resulted from the informal review undertaken by the EEA during the first years of implementation of the Regulation. To help assure high quality national data the possibility of data re-submission will be maintained.

The Commission will continue to promote the involvement of relevant expert groups. The Water Framework Directive Working Group on Chemical Aspects will be encouraged to share its experience with the E-PRTR expert group in relation to the development of emission factors for compounds released to water. Co-operation between the E-PRTR expert group and other expert groups, such those on the implementation of the ambient air quality and the National Emission Ceilings Directive, will also be encouraged.

5.2. Improving data use and exchange

The E-PRTR website will be improved to enhance user-friendliness in accordance with the priorities identified: improved functionality, navigation and search functions, addition of technical information to the data presented, standardisation of terminology and links to datasets resulting from other reporting obligations.

The Commission will exploit the available opportunities for promoting the use of the E-PRTR for scientific, technical, and policy analysis as well as for general public awareness purposes. Given the current proposals or revision of some reporting systems for environmental monitoring, the use and impact of E-PRTR is likely to further increase. In this context, the further implementation of Directive 2010/75/EU on Industrial Emissions, Directive 2004/101/EC (ETS) and the ongoing review of the Thematic Strategy on Air Pollution will offer opportunities to further develop synergies across the dataflows. In particular, synergies will be sought in order to facilitate the drawing up and review of Best Available Technique reference documents according to Commission Implementing Decision 2012/119/EU.

5.3. Further examination of the legal basis of the E-PRTR and links with other legislation

The Commission will again examine the need to revise the Regulation to better serve its goals and the interests of EU stakeholders and will give its findings in the second three-yearly report on the implementation of the E-PRTR that will cover the period (2013-2015). This will also include an evaluation of the differences in scope between the E-PRTR, the IED and other EU law.

6. CONCLUSION

An integrated and coherent E-PRTR is an important tool to increase the knowledge base for a cost-efficient and transparent management of air, water, and land resources.

The establishment of the E-PRTR has been an important step forward in ensuring greater transparency on the types and quantities of industrial emissions and environmental monitoring. The E-PRTR comprises a unique dataset covering a wide variety of pollutants, addressing releases and transfers to all media and based on a bottom-up approach.

The assessment of the Commission of the implementation of the Regulation demonstrates a reasonable success story. Member States came to terms with the new obligations in an expeditious manner to the point where data collection, assessment and submission to the Commission is now completed for most releases in a reliable fashion.

However, there remains a need and potential for further improvements. The actions contained in this Report will help address some of the most important issues identified during the review and take the E-PRTR forward in a way that will further improve its usability and encourage wider use of the important environmental information contained therein. Those actions will be pursued following an appropriate degree of prioritisation in order to effectively target those actions of greatest potential benefit.