

## **Manual of European Environmental Policy**

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The Manual was published by Earthscan/Routledge from 2010 to 2012. It was designed as an on-line interactive reference work and annual printed versions were also produced.

This section is the text of the Manual as published in 2012. It is therefore important to note the following:

- The contents have not been updated since 2012 and no guarantee is given of the accuracy of the contents given potential subsequent developments.
- The sections include links to external websites (e.g. to legal texts). These links continue to work as long as those links are not broken by those websites.
- The sections also include the original links that enabled interactivity within the published on-line version of the Manual. These links no longer work.

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Farmer, A.M. (2012) (Editor). Manual of European Environmental Policy. 1043pp. Routledge, London.

# The European Pollutant Release and Transfer Register (E-PRTR)

<b>Formal references</b>	
Regulation (EC) No <a href="#">166/2006</a> (OJ L 33 4.2.2006)	Regulation concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC
Proposed 7.10.2004 <a href="#">COM(2004)634</a>	
<b>Legal base</b>	Article 192 TFEU (originally article 175 TEC)
<b>Binding dates</b>	
Entry into force	24 February 2006
First report for 2007 data by Member States	30 June 2009
Subsequent annual reports by Member States	15 months from end of year
Commission to review information submitted and report	Every three years

## Purpose of the Regulation

The Regulation establishes an integrated pollutant release and transfer register at EU level in the form of a publicly accessible electronic database and lays down rules for its functioning. It implements the UNECE Protocol on Pollutant Release and Transfer Registers in the Community and facilitates public participation.

## Summary of the Regulation

The Regulation establishes the European Pollutant Release and Transfer Register (E-PRTR). The E-PRTR shall include information on:

- Release of pollutants reported by operators of specified installations.
- Off-site transfers of waste and pollutants contained in waste water specified in the Regulation.
- Releases of pollutants from diffuse sources specified in the Regulation.

The Commission is required to publish the E-PRTR (Article 4), presenting the data in aggregated and non-aggregated form so that the data can be searchable according to the following elements:

- Facility, including the facility's parent company where applicable, and its geographical location, including the river basin.
- Activity.
- Occurrence at Member State or Community level.

- Pollutant or waste, as appropriate.
- Each environmental medium (air, water, land) into which the pollutant is released.
- Off-site transfers of waste and their destination, as appropriate.
- Off-site transfers of pollutants in waste water.
- Diffuse sources.
- Facility owner or operator.

The E-PRTR shall be designed for maximum ease of public access. It shall also contain links to:

- The national PRTRs of Member States.
- Other relevant existing, publicly accessible databases on subject matters related to PRTRs, including national PRTRs of other Parties to the PRTR Protocol and, where feasible, those of other countries.
- Facilities' websites if they exist and links that are volunteered by the facilities.

Annex I specifies the types of activities (including capacity thresholds for those activities) for which operators are required to provide an annual report on releases. This shall include releases to air, water and land of pollutants (above further specified thresholds on quantities of pollutants) detailed in Annex II, off-site transfers of hazardous waste above two tonnes per year or non-hazardous waste above 2,000 tonnes per years for any recovery or disposal operations, except for disposal operations of land treatment and deep injection and off-site transfers in waste water of any pollutant (above the threshold) specified in Annex II. Annex I lists 65 activities, grouped into nine activity sectors:

1. Energy.
2. Production and processing of metals.
3. Mineral industry.
4. Chemical industry.
5. Waste and waste water management.
6. Paper and wood production and processing.
7. Intensive livestock production and aquaculture.
8. Animal and vegetable products from the food and beverage sector.
9. Other activities.

Many of the activities are also regulated under the [IPPC Directive 2008/1/EC](#). However, some are 'new' activities not included in the scope of this Directive:

- Coal rolling mills with a capacity of 1 tonne per hour.
- Installations for the manufacture of coal products and solid smokeless fuel.
- Underground mining and related operations.
- Opencast mining and quarrying where the surface of the area effectively under extractive operation equals 25 hectares.
- Urban waste-water treatment plants with a capacity of 100,000 population equivalents.
- Independently operated industrial waste-water treatment plants which serve one or more activities of Annex I of the Regulation with a capacity of 10,000 m<sup>3</sup> per day.
- Industrial plants for the production and other primary wood products with a production capacity of 20 tonnes per day.

- Industrial plants for the preservation of wood and wood products with chemicals with a production capacity of 50 m<sup>3</sup> per day.
- Intensive aquaculture with a production capacity of 1,000 tonnes of fish or shellfish per year.
- Installations for the building of, and painting or removal of paint from ships, with a capacity for ships 100 m long.

Annex II lists 91 pollutants to be reported. In the Register these are provided according to seven groups:

- Greenhouse gases
- Other gases
- Heavy metals
- Pesticides
- Chlorinated organic substances
- Other organic substances
- Inorganic substances.

Operators of facilities defined in Annex I are required to report annually to the competent authority on releases to air and off-site transfers of waste and pollutants in waste water defined in Annex II (Article 5). The reporting shall include all releases – deliberate, accidental, routine and non-routine. To collect the data operators shall use the best available information, including monitoring, emission factors, etc. The data shall be retained by operators for five years. Waste subject to land treatment or deep injection according to the [Waste Framework Directive](#) 75/442/EEC shall be reported as a release to land only by the operator of the facility from which the waste originates.

Member States are required to provide the collected data to the Commission. For the first reporting period, this shall be within 18 months of the end of the reporting year (2007) and, for subsequent reports, within 15 months of the end of the reporting year. The Commission shall incorporate the data into the register within 21 months of the end of the first reporting year and within 16 months of the end of subsequent reporting years (Article 7). The Commission shall include information on diffuse sources into the register where such information exists and has already been reported by Member States (Article 8). Where such data do not exist, the Commission shall take measures to initiate reporting on such releases according to the Committee procedure (Article 19) and using internationally approved methodologies.

Operators are responsible for the quality of the data they supply. Competent authorities shall assess the quality of the data supplied to them (particularly with regard to completeness, consistency and credibility) and the Commission shall coordinate work on quality assurance with the Article 19 Committee. The Commission may adopt guidelines for the monitoring and reporting of emissions (Article 9).

The register is to be accessible free of charge on the internet and, where such access is difficult, the Commission and Member State concerned shall facilitate electronic access in publicly accessible locations (Article 10). The Commission is required to provide the public with “early and effective” opportunities to participate in the development of the register and have the opportunity to submit relevant comments, information, analyses and opinions (Article 12). Access to justice shall be ensured according to Article 6 of Directive [2003/4/EC](#)

(Article 13). The Commission and Member States shall also promote awareness of the public of the register and how to use the data (Article 15).

Where information is kept confidential, this is to be in accordance with Directive [2003/4/EC](#) and Member States shall indicate, in their reports, separately for each facility the type of information that is kept confidential and the reasons for this (Article 11).

The Commission is required to produce a guidance document (Article 14) supporting implementation of the Regulation no later than four months before the beginning of the first reporting year in consultation with the Article 19 Committee. This was published<sup>1</sup> in 2006.

In addition to the information reporting on releases, Member States shall also produce a single report to the Commission every three years on quality assurance (Article 9), access to information (Article 10), awareness raising (Article 15), confidentiality (Article 11) and penalties (Article 20). To facilitate reporting the Commission will submit a proposal for a questionnaire to the Article 19 Committee (Article 16).

The Commission is required to review the information provided by Member States and, after consultation with Member States, publish a report every three years based on this information (Article 17). Amendments shall be adopted according to the Committee procedure either adapting the annexes to scientific or technical progress, or as a result of the adoption by the Meeting of the Parties to the UNECE PRTR Protocol of any amendment to the Annexes to the Protocol (Article 18).

The Commission shall be assisted by a Committee (Article 19). In consultation with the Committee the Commission coordinates the work on quality assurance and quality assessment (Article 9(3)) and develops a guidance document supporting the implementation of the Regulation (Article 14). Together with the Committee the Commission will take measures to initiate reporting on releases of relevant pollutants from one or more diffuse sources (Article 8(3)), adopt guidelines for the monitoring and reporting of emissions (Article 9(4)), adopt a questionnaire to facilitate the additional reporting by Member States (Article 16(2)) and adopt amendments of Annexes II and III of the Regulation (Article 18).

Member States shall lay down penalties applicable to infringements of the Regulation that are effective, proportionate and dissuasive and report these to the Commission within one year of entry into force of the Regulation (Article 20).

## **Development of the Regulation**

The adoption of the E-PRTR Regulation was not the first emission inventory register in the Community. It was predated by the European Pollutant Emission Register (EPER) required by Article 15 of the [IPPC](#) Directive 96/61/EC (now Directive 2008/1/EC). This was created through adoption of Commission Decision [2000/479/EC](#) of 17 July 2000. The EPER Decision required Member States to produce a triennial report covering the emissions of 50 pollutants to be included if the threshold values indicated in Annex A1 of the Decision were exceeded. The first reporting year was 2001 (although Member States also had the option of providing data for 2000 and 2002) and information was collected on the annual emissions of about 9,200 industrial facilities in the EU-15, as well as in Hungary and Norway. The second reporting year was 2004 and included data from about 12,000 industrial facilities in EU-25.

The data were made available on an EPER website (<http://eper.ec.europa.eu/>), hosted by the [European Environment Agency](#).

In 1998 the [Århus Convention](#) on Access to Information, Public Participation in Decision making and Access to Justice in Environmental Matters was signed by the European Community. Under the Aarhus Convention a specific Protocol, the '[Kiev Protocol](#)' on Pollutant Release and Transfer Registers was adopted in May 2003 and entered into force in October 2009. In order for the European Community to implement the PRTR Protocol, the E-PRTR Regulation was adopted.

The Kiev Protocol sets minimum requirements. Parties to the Protocol can set stricter conditions for the establishment and functioning of their PRTR systems. Thus the E-PRTR Regulation goes beyond the PRTR Protocol by requiring the reporting on five additional pollutants (Octylphenols and Octylphenol ethoxylates, Fluoranthene, Isodrin, Hexabromobiphenyl, Benzo(g,h,i)perylene) and has more stringent thresholds for another six pollutants; PCDD (dioxins), PCDF (furans), tetrachloroethylene, tetrachloromethane, trichlorobenzene, trichloroethylene and trichloromethane. The Regulation also sets more stringent thresholds for off-site transfers of waste and includes an added employee threshold for defining the capacity of a facility. Furthermore, the Protocol allows for two different approaches to define the threshold above which waste transfers are to be reported. The E-PRTR Regulation is based on the total amount of waste transferred, rather than the alternative method based on the total amounts of a specific pollutant transferred in the waste.

The Commission made its proposal for a Regulation on 7 October 2004 ([COM\(2004\)634](#)). The Commission had examined the options for the legal instrument to be a Decision, Directive or Regulation. The option of a Regulation was chosen in order to ensure comparability of data in the register. Also a Directive would have risked of delays in transposition that could have frustrated the objective of a "speedy conclusion and implementation of the PRTR Protocol". The Commission highlighted specific differences with the Protocol (such as those described in the paragraph above), in particular the need to harmonise with Community legislation. For example, to harmonise with the [Water Framework Directive](#) the list of substances of the Protocol was extended by three substances.

The European Parliament's First Reading ([COD/2004/0231](#)) made few amendments. It added a clause to Article 5 stating that operators of facilities shall communicate information to competent authorities unless the information is already available to the competent authority and that the releases referred to in Annex II shall include all releases from all sources included in Annex I at the site of the facility. The Parliament also introduced an amendment that operators shall keep available for the competent authorities the records of the data from which the reported information was derived for a period of five years (rather than 10 years as in the proposal). It introduced amendments that when collecting data from diffuse sources, international approved methodologies should be used whenever these are available, that the Commission will develop a guidance document supporting the implementation of the Regulation no later than four months before the beginning of the first reporting year (rather than nine months as in the proposal) and that the threshold level for releases of PCDD + PCDF (dioxins + furans) in Annex II should be lowered from 0.001 kg (1g) to 0.0001 kg (0.1g). These amendments were accepted by the Council, without formal debate, on 2 December 2005 ([15057/05](#)) into the final adopted text.

## Implementation of the Regulation

Being a Regulation, it is not required to be transposed into Member State law.

The E-PRTR can be accessed at this website: <http://prtr.ec.europa.eu/>

Data are reported annually by individual facilities to national competent authorities, which then compile and check the quality of the reported data and provide them to the European Commission and the European Environment Agency, which also check the data. The E-PRTR website currently contains data reported by around 24,000 industrial facilities covering 65 economic activities. The first report was issued in 2009 for emission data from 2007. The data are updated annually on the website. The E-PRTR also contains information gathered under the previous emission register EPER for the reporting years 2001 and 2004 (the EPER reporting cycle was once every three years).

The E-PRTR allows for the following search options

- The "facility level" option: search criteria include country, year and region or river basin districts, facility name and town/village. Detailed information for the selected facility is shown, including its reported releases and transfers.
- The "industrial activity" option: allows the user to search data using the activity categories included in the E-PRTR Regulation, in the NACE economical classification and in Annex I of the IPPC Directive. It is possible to filter by country, year, region or river basin district.
- The "pollutant releases" option: allows the user to search data using the groups of pollutants or each of the 91 substances of Annex II of the Regulation. It is also possible to filter by country, year, region or river basin district.
- The "pollutant transfers" option: allows the user to search data using the groups of pollutants or each of the 91 substances of Annex II of the Regulation. It is also possible to filter by country, year, region or river basin district.
- The "waste transfer" option: allows the user to retrieve data on waste movements within and outside the country. The data can be searched by the type of waste (non hazardous or hazardous). For hazardous waste, a distinction is made between domestic (in the same country) or transboundary transfers. It is also possible to filter by country, year, region or river basin district.
- The "map search" option: provides the user with access to the geographical data of the E-PRTR. The map displays all facilities within the E-PRTR register.

Documents relating to the meetings of the Article 19 Committee and an E-PRTR Expert Group can be found at this [link](#). The link also provides access to reporting on other issues relating to the implementation of the Regulation, such as Member State adoption of appropriate penalties.

## Related legislation

The Regulation includes reporting on emissions from activities regulated under other EU law and contributing to objectives under law relating to management of the environment and access to information. It, therefore, has strong links to the following legislation:

- Directive 2003/4/EC on public access to environmental [information](#).
- Integrated Pollution Prevention and Control Directive [2008/1/EC](#).
- Industrial Emissions Directive [2010/75/EU](#).
- Urban Waste Water Treatment Directive [91/271/EEC](#).
- Water Framework Directive [2000/60/EC](#).

## Reference

1 European Commission 2006. Guidance Document for the implementation of the European PRTR. Available at: [link](#)