

EEB preliminary input to

22/10/2020

Ref. Ares(2020)5067014 - 28/09/2020 Inception IA for the revision of the Regulation on the European Pollutant Release and Transfer Register (E-PRTR)

The EEB has already concluded [in the previous 2015 REFIT](#) that a fundamental overhaul of the E-PRTR (2004) and its parent [PRTR UNECE protocol](#) are necessary, we welcome the review initiative is finally going forward. We disagree with the statement that *'in general, the overall structure of the E-PRTR appears to function well'*.

Comments on the identified (6) aspects

Aspects 4, 5 and 6 should recall the multiple purposes of the PRTR to promote benchmarking and compliance promotion against the SDG and EU Green Deal goals. The parent UNECE PRTR protocol requires regional/national PRTRs to deliver on various objectives, namely to:

- a) Improved transparency and access to environmental information
- b) enable effective public participation in environmental decision-making
- c) improve environmental performance & sustainable development (activities)
- d) Improve corporate accountability on environmental management (operators)
- e) Track and improve progress in pollution reduction and identifying "hot spots" for prevention measures and priorities for action.

The current structure and design of the E-PRTR fails to deliver on many of those objectives, in particular objectives b-e) and to lesser extend objective a): Information is limited to a limited set of pollutants emissions and not inputs (resources, use of chemicals), outdated when reported and is given out of context. It is not possible to: assess impacts or threats to health and/or environmental protection; to get a combined visualisation of air/water quality data in the surroundings of installations; assess compliance with permit conditions neither on how the activity performs against the EU Best Available Techniques conclusions (BAT-C) standards to prevent/minimise their negative impact. In general, the data access is not user friendly to enable comparison and benchmarking of the various industry sectors. Sustainable Development Goals (SDG) equally apply to decision-makers but progress tracking and reporting via the PRTR is missing.

Aspect 2: Inclusion of additional sectors is too limited; the scope needs to be properly re-defined

- **reporting should change focus in terms of intended outputs / service provided by a given industrial activity i.e. ratio 'environmental impact of industrial activity' versus 'public good/service provided'** E.g. the PRTR is focussing on a subset of energy production type (thermal power plants >50MWth) whilst the intended output of the energy sector is to provide energy. There are various ways of producing energy, therefore reporting should also be expressed as load of pollutant / kWh net output (electric, heat or mechanical energy) and complemented by other environmental impacts such as water and resource consumption. **The following activities should be subject to different reporting metrics because of most global relevance: energy production and energy conservation, water quality and supply, protein production, resource management, substitution of chemicals of concern.** Other activities should be added such as "soil remediation activities and biodiversity protection measures", "sustainable transportation of goods" and "Industrial solutions for improved air quality"
- **all activities listed in any of the Multilateral Environmental Agreements (MEA) should be included** so to streamline existing reporting obligations and mutually improve synergies

- in order to allow comparison and matching of industrial activity sectors the **entries should be classified according to agreed international Standard Industrial Classification (ISIC) code lists**. The Long Reporting Sector List should be used as a minimum with possible matching with the NACE classification system
- for coverage of facilities / units / installation level it should be broken down to the smallest (disaggregated) source level ("installation" definition used in the Industrial Emissions Directive -IED)
- **obsolete activities should be removed** e.g. asbestos production, **reporting on site remediation/decontamination activities** as well as **tracking of waste treatment activities and related implementation of pollution prevention/pays and liability provisions improved**
- **environmental footprint information relating to outputs (products) need to be addressed** as ('diffuse' emissions). Only the Norwegian PRTR is pro-actively publishing production output and diffuse emissions from product in a centralised database in Europe. A possible approach, in absence of real monitoring data, could be to apply Emission Release Factors
- **resource consumption (water, materials, resources) use and fate of chemicals of concern and embedded GHG footprint needs to be included and re-allocated to the producing industrial activity** as part of its life cycle impacts

See [more details on scope](#) (submitted to UNECE Kiev Protocol context March 2019) and [wider considerations](#)

Aspect 3 inclusion of additional pollutants:

- Thresholds should be removed or adapted to any of the lowest entry in any MEA or lowest applied by any given party, we object to set any threshold for CMR, or P or B or T properties pollutants or other pollutants with hazard properties of equivalent concern;
- reporting shall concern use, production and direct or indirect release of chemicals of concern/pollutants (see above missing reporting on consumption);
- reporting shall concern at least the OECD "shortlist" (177 entries) as an absolute minimum;
- a mechanism to identify and integrate emerging pollutants of concern (e.g. Persistent Mobile organic chemicals, REACH candidate list SVHC or water relevant watch list substances), allowing fast-track amendments should be established.

See [more details on pollutants](#) (submitted to UNECE Kiev Protocol context March 2019)

Aspect 4 and 5: Access to information and public participation / reporting modalities

- **Improve comparability, coherence (streamlining of data flows & quality) with related environmental quality standards and legislation** (e.g. IED, WFD and UWWTP, REACH, Seveso III, Mercury, EU ETS, EIA alternatives screening, circular economy action plan requirements, Air quality, Product reporting (Ecolabel), SCIP database), **make it fit for tracking progress towards achieving the SDG objectives**
- **enable direct and real time data reporting of any pollutant subject to measurements directly by the operator to centralised EU database (PRTR/IED registry)**
- **amend in parallel the existing COM reporting rules to harmonise reporting on IED Art 14 compliance report relevant information and applicable permit conditions applicable, enable user friendly (electronic) extract of that information.**

See more details Section 6 of the [EEB briefing](#) (IED and EU GreenDeal, March 2020), page 18 of [IPDV briefing](#) / <http://eipie.eu/projects/ipdv>

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