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From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 13 December 2017

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

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Subject: COMMISSION STAFF WORKING DOCUMENT
EXECUTIVE SUMMARY of the REFIT Evaluation of Regulation (EC) No
166/2006 concerning the establishment of a European Pollutant Release
and Transfer register (E-PRTR)
Accompanying the document
Report from the Commission to the European Parliament and the Council
on progress in implementing Regulation (EC) No 166/2006 concerning the
establishment of a European Pollutant Release and Transfer register (E-
PRTR)

Delegations will find attached document SWD(2017) 711 final.

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EXECUTIVE SUMMARY of the REFIT Evaluation of Regulation (EC) No 166/2006 concerning the establishment of a European Pollutant Release and Transfer register (E-PRTR)

Accompanying the document

Report from the Commission to the European Parliament and the Council on progress in implementing Regulation (EC) No 166/2006 concerning the establishment of a European Pollutant Release and Transfer register (E-PRTR)

{COM(2017) 810 final} - {SWD(2017) 710 final}

The E-PRTR provides accessible environmental data from the largest industrial facilities in European Union Member States¹.

Emission data are reported annually by more than 30 000 industrial facilities, covering 65 economic activities. Data covers mass releases to air, water and land, together with waste transfers off-site.

The E-PRTR Regulation implements, for the European Union as a whole, the Kiev Protocol². Since Member States have direct reporting obligations as parties or signatories to the Protocol, the evaluation focused on additional obligations under the Regulation:

- a) operators reporting on five additional water pollutants and lower reporting thresholds for dioxin / furan emissions;
- b) annual reporting of data by Member States to the Commission;
- c) the Commission incorporating that data into the E-PRTR;
- d) a Commission guidance document to facilitate consistent Member State practices; and
- e) triennial implementation reporting to the European Parliament and the Council.

To undertake the Regulatory Fitness and Performance (REFIT) evaluation, the Commission used Member State implementation returns, consultations, a stakeholder workshop and a consultant's supporting study. Using these sources, the evaluation criteria were assessed as follows:

- The E-PRTR is **effective**, as it provides a highly comprehensive and detailed dataset on industrial emissions. There is broad stakeholder appreciation of the valuable contribution to access to environmental information. The completeness and quality of E-PRTR data is good and improving. Additional data context would help reach a wider public audience.
- The E-PRTR performed well on **efficiency**. Most data providers stated that minimal effort was needed to meet the additional reporting requirements. Data managers stated that such effort was proportionate to the broad benefits provided by public data availability.
- While consistent in itself, there were some concerns on **coherence** with data reported under related environmental legislation, such as the Industrial Emissions Directive (IED)³. Initiatives are under way to further streamline this reporting.
- The E-PRTR is still **relevant**, as it provides a detailed dataset that the public can easily access. This contributes greatly to transparency and public participation in environmental decision-making.
- There is **added value** beyond the requirements of the Kiev Protocol by ensuring consistent implementation across Member States. This cross-border consistency is valued by users, as it provides transparency on the pollutant emissions from industrial activities. This in turn adds value for policy-makers, industry and the general public.

¹ There is also data for Switzerland, Iceland, Liechtenstein, Norway and Serbia

² https://www.unece.org/fileadmin/DAM/PRTR_Protocol_e.pdf

³ Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1489681035236&uri=CELEX:32010L0075>

There was no obvious need for major improvement to the existing Regulation, although there is potential refinement as follows:

- while Member States are converging on consistent interpretation, further gains would come from updating the existing EU-level guidance
- gains in efficiency and coherence would flow from further harmonisation with closely related environmental reporting
- there appears to be limited value in the triennial obligation on Member States to report on E-PRTR implementation, which suggests scope for simplification.
- providing more contextual data would improve the E-PRTR's effectiveness as a comprehensive source of environmental information.

The evaluation concludes that the E-PRTR Regulation is an important instrument in the European Union's environmental acquis and is fit for purpose.