

Key messages on the Targeted Stakeholder Survey (TSS) on the E-PRTR Regulation revision



The E-PRTR Regulation aims to provide the public with accessible information on pollutant releases and transfers and increase public participation in environmental decision-making.

The E-PRTR gathers and compiles information about the state of pollutant releases and transfers of large industrial sites across Europe and, as such, it is a very useful tool for the public to follow the environmental impact of these sites over time. The natural scope of the E-PRTR Regulation should therefore remain the ‘facility’ level and the quality, clarity and comparability of the data should prevail over the quantity of the data.

With this in mind, our associations share the following key messages on the Targeted Stakeholder Survey (TSS) on the E-PRTR Regulation revision:

1/ The E-PRTR Regulation shall not be the reference to identify well-performing installations for the BREF review process.

While the E-PRTR is about absolute amounts of substances emitted by a facility during a year (i.e. one or several IED installations most of the time covering much more than one unit/process), the Seville process gathers and analyses data at unit/process level in view of

setting performance standards for the different sectors. As a result, E-PRTR data cannot and should not be used to identify well-performing plants in this process. In order to secure that the integrated approach is followed, the correct analysis of all environmental impacts has to be performed when deciding the list of well performing plants. Only with balanced trade-off decisions can the environment be protected as a whole.

2/ The E-PRTR Regulation shall not be the reference to identify key environmental issues in the context of the BREF making process.

Pollutants of relevance listed under the E-PRTR Regulation do not have the vocation to automatically become Key Environmental Issues (KEIs) in the Seville process.

For the purpose of identifying KEIs, it is crucial to assess the potential for the BREF review to improve the situation. As the undersigned sectors have previously commented, the following criteria beyond the relevance of the activities at stake shall be used by TWG experts:

- The significance of the activity in terms of number of installations, their geographical spread and their contribution to the total emissions in the EU;
- The potential of the BREF review for identifying new or additional techniques that would further significantly reduce pollution;
- The potential of the BREF review for defining BAT-AELs that would significantly improve the level of protection for the environment as a whole in comparison with the current emission levels.

3/ The addition of contextual information to the E-PRTR would create unwelcome complexity to the E-PRTR.

It is doubtful that data such as water, energy or materials consumption, which are very site-specific, would serve any purpose in the context of the E-PRTR Regulation. Moreover, the reporting of such data – as already experienced for the reporting of production volumes – would often fall under rules protecting the disclosure of confidential business information (CBI) or competition law. Against this background, this additional contextual information would not improve the consistency nor comparability of the data.

4/ Whether the scope of the E-PRTR Regulation should be aligned with the scope of the IED and other EU legislation should be carefully assessed.

Alignment of E-PRTR and IED and other EU legislation activities is only required when environmental pressures of an activity are such that there is an interest for the public to be informed.

The addition of new pollutants or the decrease of existing reporting thresholds may erroneously display a picture of 'increasing' emissions of many facilities. Moreover, the

measurement and subsequent reporting of new pollutants would entail significant costs (e.g. additional work time, measurement costs, hiring of third-party laboratories, etc.). These undesired effects could be mitigated by ensuring that truly relevant pollutants are reported in the E-PRTR. To this end, the inclusion of additional pollutants should follow a robust science-based approach supported by a set of coherent/robust data enabling to assess the environmental relevance of (air, water, soil) pollution caused by the activity or process concerned (i.e. whether it may cause an environmental problem): such a systematic process would contribute to better target pollutants of relevance for the E-PRTR.

5/ The E-PRTR Regulation is not the appropriate instrument to tackle releases from products.

There is currently no clear definition of 'products' and 'releases from products' and, in any case, such releases extend well beyond the scope of the E-PRTR Regulation.