Format for the Protocol on Pollutant Release and Transfer Registers Implementation Report in accordance with Decision I/5 (ECE/MP.PRTR/2010/2/Add.1)

**CERTIFICATION SHEET**

**The following report is submitted on behalf of**

**\_\_\_DENMARK\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**   
**[name of the Party or the Signatory] in accordance with decision I/5**

|  |  |
| --- | --- |
| Name of officer responsible for submitting the national report: | Hans Erling Jensen |
| Signature: |  |
| Date: | 15. December 2016 |

**IMPLEMENTATION REPORT**

**Please provide the following details on the origin of this report.**

|  |  |
| --- | --- |
| *Party/Signatory* | *Denmark* |
| *NATIONAL FOCAL POINT* | |
| Full name of the institution: | Ministry of the Environment and Food, Danish Environmental Protection Agency, |
| Name and title of officer: | Hans Erling Jensen, Head of section |
| Postal address: | 29 Strandgade , DK-1401 Copenhagen K. |
| Telephone: | +45 72 54 43 47 |
| Fax: | - |
| E-mail: | [mst@mst.dk](mailto:mst@mst.dk) |

|  |  |
| --- | --- |
| *Contact officer for national report (if different):* | *Not relevant.* |
| Full name of the institution: |  |
| Name and title of officer: |  |
| Postal address: |  |
| Telephone: |  |
| Fax: |  |
| E-mail: |  |

|  |  |
| --- | --- |
| *Designated competent authority responsible for managing the national or regional register (if different):* | *Not relevant.* |
| Full name of the institution: |  |
| Name and title of officer: |  |
| Postal address: |  |
| Telephone: |  |
| Fax: |  |
| E-mail: |  |

|  |
| --- |
| **Provide a brief description of the process by which this report has been prepared, including information on which types of public authorities were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account and on the material which was used as a basis for preparing the report.** |
| The draft for the report submitted was subject to consultation on the Danish EPA website from 7. November 2016 to 5. December 2016. In connection with this consultation, all stakeholders were encouraged to comment on the report, and this was announced through a newsletter on the Danish EPA website, so subscribers were notified directly about the consultation. There were no consultation responses. |

**Articles 3, 4 and 5**

|  |
| --- |
| **List legislative, regulatory and other measures that implement the general provisions in articles 3 (general provisions), 4 (core elements of a pollutant release and transfer register system (PRTR)) and 5 (design and structure).** |
| In particular, describe: |
| (a) With respect to **article 3**, **paragraph 1**, measures taken to ensure the implementation of the provisions of the Protocol, including enforcement measures; |
| (b) With respect to **article 3, paragraph 2**, measures taken to introduce a more extensive or more publicly accessible PRTR than required by the Protocol**;** |
| (c) With respect to **article 3, paragraph 3**, measures taken to require that employees of a facility and members of the public who report a violation by a facility of national laws implementing this Protocol to public authorities are not penalized, persecuted or harassed for their actions in reporting the violation; |
| (d) With respect to **article 3, paragraph 5**, whether the PRTR system has been integrated into other reporting mechanisms and, if such integration has been undertaken, into which systems. Did such integration lead to elimination of duplicative reporting? Were any special challenges encountered or overcome in undertaking the integration, and how? |
| (e) With respect to article 5, paragraph 1, how releases and transfers can be searched and identified according to the parameters listed in subparagraphs (a) to (f); |
| (f) With respect to article 5, paragraph 4, provide the Universal Resource Locator (url) or Internet address where the register can be continuously and immediately accessed, or other electronic means with equivalent effect; |

|  |
| --- |
| (g) With respect to **article 5,** **paragraphs 5 and 6**, provide information on links from the Party’s register to relevant existing, publicly accessible databases on subject matters related to environmental protection, if any, and a link to PRTRs of other Parties. |
| Denmark ratified the PRTR Protocol in 2008, and submitted its first report in accordance with the Protocol in 2010.  With respect to article 3 of the PRTR Protocol, note that from 1995 enterprises in Denmark have been obligated to carry out data collection and submit various types of environmental information about pollution from the individual enterprise.  PRTR reporting was until end of 2014 integrated into this scheme ("Green Accounts") by a statutory order, Statutory Order no. 210 of 3 March 2010 on reporting by certain enterprises of environmental information (*Bekendtgørelse om visse virksomheders afgivelse af miljøoplysninger*). The statutory order concerning "Green Accounts" was abolished by the end of 2014, and the obligations concerning PRTR reporting was from start of 2015 regulated by a new statutory order "Bekendtgørelse om om et register over udledning og overførsel af forurenende stoffer (PRTR), bekendtgørelse nr. 1172 af 13. October 2015. The former and new Statutory Orders stipulates that enterprises which do not comply with the regulations on reporting environmental information can be subject to a fine. Thus the Danish EPA can impose penalty fines on enterprises which do not submit information in due time, and enterprises can be subject to fines if they fail to submit information to the PRTR register.    Moreover, Regulation (EC) No. 166/2006 of the European Parliament and of the Council of 18 January concerning the establishment of a European Pollutant Release and Transfer Register applies, as regulations issued by the EU are binding in their entirety and are applicable in all Member States, including Denmark.  With respect to article 3, paragraph 3, Denmark has not introduced independent regulations on the protection of employees at enterprises covered by the PRTR Protocol, or protection of members of the public who report a violation of the regulations in the PRTR, as existing regulations in Denmark are assessed to already protect employees as well as members of the public against wrongful persecution and penalization as well as harassment from the enterprise and public authorities.  Regarding the accessibility of PRTR data from enterprises in Denmark, note that the registered PRTR data has been gathered at [www.miljoeoplysninger.dk](http://www.miljoeoplysninger.dk) (in Danish).  PRTR data at www.miljoeoplysninger.dk stems from information entered in www.virk.dk*;* a cross-institutional portal in which enterprises can report their obligations to the public sector, find business-related information from authorities as well as contact information on authorities. With respect to PRTR data, enterprises must use [www.virk.dk](file://C:\Users\haeje\AppData\Local\Microsoft\Windows\Temporary%20Internet%20Files\Content.Outlook\AppData\Local\Microsoft\Windows\Temporary%20Internet%20Files\Content.Outlook\AppData\Local\Microsoft\Windows\Temporary%20Internet%20Files\Content.Outlook\AppData\Local\Microsoft\Windows\Temporary%20Internet%20Files\Content.Outlook\AppData\Local\Microsoft\Windows\Temporary%20Internet%20Files\Content.Outlook\AppData\Local\Microsoft\Windows\Temporary%20Internet%20Files\Content.Outlook\EIL2E8A3\www.virk.dk). PRTR information entered in www.virk.dk is automatically transferred to the Danish PRTR register. Furthermore, PRTR data at www.miljoeoplysninger.dk stems from a number of other registers in which information is added to the PRTR register by the Danish EPA.  Most enterprises submit PRTR reports through www.virk.dk. There have been some challenges with this system. However, the system is continuously being improved.  For the enterprises which do not submit PRTR reports through www.virk.dk , the reports are carried out as follows:  Information about emissions from livestock farms (poultry or pigs) is calculated on the basis of information gathered via the supervisory authority from the Central Husbandry Register (CHR) and/or *Gødnings- og Husdyr Indberetningen, GHI* (fertilizer and livestock reporting body) as well as emission factors laid down by the Danish Centre for Environment and Energy (DCE). Information about releases from waste water treatment plants (municipal treatment plants with a capacity of more than 100,000 PE) is obtained from the Danish Nature Agency which collects information in connection with a Danish National Monitoring and Assessment Programme for the Aquatic and Terrestrial Environment, NOVANA. For certain substances, the point source reports are used to calculate xenobiotic substances (using the Danish average over a three-year period).  Information about releases from aquaculture is collected by the Danish EPA in the aquaculture database.  PRTR data from livestock farming, aquaculture and treatment plants is collected by the Danish EPA and integrated into the national PRTR register.  With respect to implementation of article 5 regarding the design and structure of the PRTR register, the Danish PRTR register meets the requirements in article 5. Releases and transfers of waste from enterprises covered by the PRTR can be searched by company name, list items or name of city. A list of enterprises releasing a certain substances can also be generated. All search options can be seen in the PRTR database at www.miljoeoplysninger.dk.    Relevant links on environmental information from enterprises can be found at <http://www3.mst.dk/Miljoeoplysninger/PrtrPublicering/Links>. Other links and further information about environmental protection can be found at [www.miljoeoplysninger.dk](http://www.miljoeoplysninger.dk) and [www.mst.dk](http://www.mst.dk). Here are also links to e.g. the European PRTR database containing all PRTR data from EU Member States in a common database (E-PRTR), and links to all Member States’ national PRTR registers. |

**Article 7**

|  |  |
| --- | --- |
| **List legislative, regulatory and other measures that implement article 7 (reporting requirements).** | |
| Describe or identify as appropriate: | |
| (a) With respect to **paragraph 1**, whether the reporting requirements of  paragraph 1 (a) are required by the national system, or whether those of paragraph 1 (b) are required by the national system; | |
| (b) With respect to **paragraphs 1, 2 and 5**, whether it is the owner of each individual facility that is required to fulfil the reporting requirements or whether it is the operator; | |
| (c) With respect to **paragraph 1 and annex I**, any difference between the list of activities for which reporting is required under the Protocol, or their associated thresholds, and the list of activities and associated thresholds for which reporting is required under the national PRTR system; | |
| (c) With respect to **paragraph 1 and annex I**, any difference between the list of activities for which reporting is required under the Protocol, or their associated thresholds, and the list of activities and associated thresholds for which reporting is required under the national PRTR system; | |
| (e) With respect to **paragraph 3 and annex II**, whether for any particular pollutant or pollutants listed in annex II of the Protocol, the Party applies a type of threshold other than the one referred to in the responses to paragraph (a) above and, if so, why; | |
| (f) With respect to **paragraph 4**, the competent authority designated to collect the information on releases of pollutants from diffuse sources specified in paragraphs 7 and 8; | |
| (g) With respect to **paragraphs 5 and 6**, any differences between the scope of information to be provided by owners or operators under the Protocol and the information required under the national PRTR system, and whether the national system is based on pollutant-specific (paragraph 5 (d) (i)) or waste-specific (paragraph 5 (d) (ii)) reporting of transfers; | |
| (h) With respect to **paragraphs 4 and 7**, where diffuse sources have been included in the register, which diffuse sources have been included and how these can be searched and identified by users, in an adequate spatial disaggregation; or where they have not been included, provide information on measures to initiate reporting on diffuse sources; | |
| (i) With respect to **paragraph 8**, the types of methodology used to derive the information on diffuse sources. | |
| When implementing article 7 of the PRTR Protocol, Denmark adopted the method used in Regulation (EC) No. 166/2006 of the European Parliament and of the Council of 18 January concerning the establishment of a European Pollutant Release and Transfer Register. The method using capacity thresholds prescribed in article 7, 1a of this Regulation is used.  In Denmark, the operator of the enterprise is responsible for reporting PRTR data. This is stated in article 5 of Regulation (EC) No. 166/2006 of the European Parliament and of the Council of 18 January concerning the establishment of a European Pollutant Release and Transfer Register.  The current Danish requirements for reporting PRTR data are assessed to correspond with the requirements in the PRTR Protocol. Danish reporting to the PRTR register is therefore assessed to contain the types of enterprises and threshold values stated in the PRTR Protocol, and similarly, the Danish list of substances to be observed, is assessed to follow the list in the PRTR Protocol. With respect to collection of information on pollutants from diffuse sources, the Danish EPA is the competent authority. A map of pollutants from diffuse sources can be found at <http://www.mst.dk/Borger/Borgernyheder/Diffus_luftforurening.htm>. The diffuse sources include:  [NH3 from diffuse sources under the PRTR](http://gis.au.dk/PRTR_diffuse_kilder_NH3/default.aspx)  [NMVOC from diffuse sources under the PRTR](http://gis.au.dk/PRTR_diffuse_kilder_NMVOC/default.aspx)  [NOx from diffuse sources under the PRTR](http://gis.au.dk/PRTR_diffuse_kilder_NOx/default.aspx)  [PM10 from diffuse sources under the PRTR](http://gis.au.dk/PRTR_diffuse_kilder_PM10/default.aspx)  [SO2 from diffuse sources under the PRTR](http://gis.au.dk/PRTR_diffuse_kilder_SO2/default.aspx)  [NH3 from the agricultural sector](http://gis.au.dk/PRTR_landbrug_NH3/default.aspx)  [NOx from the transport sector](http://gis.au.dk/PRTR_transport_NOx/default.aspx)  The methodology used to calculate and draw maps of diffuse sources can be found on the following link: <http://envs.au.dk/videnudveksling/luft/emissioner/prtr/>  With respect to article 7, paragraph 5, note that Denmark has implemented the regulation in article 7, 5(d),(i) on waste-specific reporting. | |

**Article 8**

|  |
| --- |
| **For each reporting cycle since the last national implementation report (or date of entry into force of the Protocol), please indicate:** |
| (a) The reporting year (the calendar year to which the reported information relates); |
| (b) The deadline(s) by which the owners or operators of facilities were required to report to the competent authority; |
| (c) The date by which the information was required to be publicly accessible on the register, having regard to the requirements of **article 8** (reporting cycle); |
| (d) Whether the various deadlines for reporting by facilities and for having the information publicly accessible on the register were met in practice; and if they were delayed, the reasons for this; |
| (e) Whether methods of electronic reporting were used to facilitate the incorporation of the information required in the national register, and if such methods were used, the proportion of electronic reporting by facilities and any software applications used to support such reporting. |
| The last reporting year in which all information is available (industrial sites, livestock farming, aquaculture and waste water treatment plants) in the Danish PRTR register, is the calendar year 2014.  Statutory Order no. 210 of 3 March 2010 on reporting by certain enterprises of environmental information (*Bekendtgørelse om visse virksomheders afgivelse af miljøoplysninger*), which was in force until the end of 2014, stipulates that the deadline for reporting PRTR information was 31 May for the previous calendar year. Thus, with regard to the calendar year 2014, the deadline was 31 May 2015.  In practice, this means that enterprises which were to report PRTR data through www.virk.dk for 2014 had to submit their reporting by no later than 31 May 2015. The Danish EPA has had to remind a number of enterprises to report PRTR data. These enterprises state different reasons for their failure to report, including problems and challenges with IT, replacement of employees etc.  With respect to PRTR data from livestock farming, aquaculture and treatment plants where PRTR data is collected by the Danish EPA and the information is integrated in national PRTR systems by the Danish EPA, the information must be available 15 months after the end of the calendar year. With regard to the reporting year 2014, this information was to be available by no later than 31 March 2016, when Denmark was obligated to report PRTR information for 2014 to the European PRTR as well.  Enterprises must use a publicly accessible IT-system made available by the Danish EPA. This system is free to use without any costs for enterprises and authorities. Enterprises must enter information at [www.virk.dk](file://C:\Users\haeje\AppData\Local\Microsoft\Windows\Temporary%20Internet%20Files\Content.Outlook\AppData\Local\Microsoft\Windows\Temporary%20Internet%20Files\Content.Outlook\AppData\Local\Microsoft\Windows\Temporary%20Internet%20Files\Content.Outlook\AppData\Local\Microsoft\Windows\Temporary%20Internet%20Files\Content.Outlook\AppData\Local\Microsoft\Windows\Temporary%20Internet%20Files\Content.Outlook\AppData\Local\Microsoft\Windows\Temporary%20Internet%20Files\Content.Outlook\EIL2E8A3\www.virk.dk) which also has guidelines and references for additional help and information. |

**Article 9**

|  |
| --- |
| **Describe the legislative, regulatory and other measures ensuring the collection of data and the keeping of records, and establishing the types of methodologies used in gathering the information on releases and transfers, in accordance with article 9 (data collection and record-keeping).** |
| For enterprises that reported their PRTR data through their green accounts, a regulation has been included in Statutory Order no. 210 of 3 March 2010 on reporting by certain enterprises of environmental information (*Bekendtgørelse om visse virksomheders afgivelse af miljøoplysninger*), which stipulates that the enterprise must state whether the values have been measured, calculated or estimated. If the values have been measured or calculated, the enterprise must state which analysis or calculation method they have used to come up with these values. The regulation also states that the background data and description of the methodology used in connection with data collection must be stored at the enterprise for at least five years after the environmental data period has ended. For PRTR enterprises which did not have to submit green accounts, article 5, paragraph 5 of the PRTR Regulation, which is directly applicable in Denmark, states that the operator must store the data material for five years. The new Statutory Order "Bekendtgørelse om et register over udledning og overførsel af forurenende stoffer (PRTR), bekendtgørelse nr. 1172 af 13. October 2015, continues the aforementioned topics in the former statutory order. |

**Article 10**

|  |
| --- |
| **Describe the rules, procedures and mechanisms ensuring the quality of the data contained in the national PRTR and what these revealed about the quality of data reported, having regard to the requirements of article 10 (quality assessment).** |
| The Danish environmental authorities have strong focus on quality assurance. Among other things, in 2013 the Danish EPA introduced automatic quality assurance of PRTR information reported through [www.virk.dk](http://www.virk.dk). If the information entered is very different from previous years’ information, the person reporting data will automatically be asked about the correctness of the information reported. Moreover, the PRTR information which has been reported through [www.virk.dk](http://www.virk.dk) is forwarded to the supervisory authority which is to assess the quality of the information with regard to completeness, consistency and reliability, after which the authority will prepare a statement on the environmental data. In connection with calculation of the national emissions statements (carried out by the Department of Environmental Science under Aarhus University), manual surveys are also carried out of individual data which constitutes a significant part of total Danish releases.  With respect to PRTR data from livestock farming, aquaculture and treatment plants for which PRTR data is collected by the Danish EPA and the information is integrated into the national PRTR system by the Danish EPA, the Danish EPA conducts a manual review of the data collected.  An overall assessment of the quality of the forwarded PRTR information has not yet been carried out. |

**Article 11**

|  |
| --- |
| **Describe the way(s) in which public access to the information contained in the register is facilitated, having regard to the requirements of article 11 (public access to information).** |
| All PRTR data is available to the public at [www.miljoeoplysninger.dk](http://www.miljoeoplysninger.dk). This website also has explanations of the environmental data and references to other environmental data. The Danish EPA website also has references to PRTR data and to enterprises’ environmental situation in general, such as environmental approvals. |

**Article 12**

|  |
| --- |
| **Where any information on the register is kept confidential, give an indication of the types of information that may be withheld and the frequency with which it is withheld, having regard to the requirements of article 12 (confidentiality).** **Please provide comments on practical experience and challenges encountered with respect to dealing with confidentiality claims, in particular with respect to the requirements set out in paragraph 2.** |
| In Denmark a limited number of enterprises have applied for and been granted permission to keep their waste production confidential The Danish EPA has the exact figures. In 2014, this was only relevant for four enterprises.  Furthermore, in 2011 eight enterprises applied for and were granted permission to keep their waste data confidential.  In connection with their application, the enterprises were asked to state a specific reason to why they found it necessary to keep the information confidential. The enterprises typically gave the reason that competing companies could gain insight into sensitive financial key figures, and that there were very few enterprises in the relevant sector, so disclosing the figures could give competing enterprises an unintentional competitive advantage.  Denmark has not experienced problems with assessing and processing cases on confidentiality.  No enterprises have requested to keep data on air emissions and wastewater confidential. |

**Article 13**

|  |
| --- |
| **Describe the opportunities for public participation in the development of the national PRTR system, in accordance with article 13 (public participation in the development of national pollutant release and transfer registers), and any relevant experience with public participation in the development of the system.** |
| The Danish Ministry of the Environment and Food has set up an information centre (IC) where members of the public can call or send an email regarding environmental questions, including questions in relation to the PRTR.  Proposals for legislative initiatives, including proposals regarding the PRTR, are sent for public consultation, and all members of the public can participate in the legislative process by commenting on the proposal.  Generally, members of the public who want to voice their opinion on the Danish PRTR register can contact the Danish Ministry of the Environment and Food. In this connection, members of the public can contact the Danish Ministry of the Environment and Food or they can submit their inquiry to a local politician, a Member of the Danish Parliament, or to a stakeholder organisation, for example. |

**Article 14**

|  |
| --- |
| **Describe the review procedure established by law to which all individuals have access if they consider that their request for information has been ignored, wrongfully refused or otherwise not dealt with in accordance with the provisions of article 14 (access to justice), and any use made of it.** |
| PRTR data is available at [www.miljoeoplysninger.dk](http://www.miljoeoplysninger.dk). Furthermore members of the public have access to information concerning environmental inspections, permits, enforcements etc. conducted by the authorities at https://dma.mst.dk/. If members of the public want insight into other environmental data which is not on the websites above, they can request access to documents, see the rights and restrictions stated in the Act on Access to Environmental Information,, cf. Act No. 1036 of 18 August 2015 on Acces to Environmental Information *(lovbekekendtgørelse nr. 660 af 14. juni 2006 om aktindsigt I miljøoplysninger)*. The Act on Access to Environmental Information implements the Directive of the European Parliament and of the Council on public access to environmental information into Danish legislation. Any rejection by an authority on a public records disclosure request can be appealed to the Environmental Board of Appeal. |

**Article 15**

|  |
| --- |
| **Describe how the Party has promoted public awareness of its PRTR and provide detail, in accordance with article 15 (capacity-building), on:** |
| (a) Efforts to provide adequate capacity-building for and guidance to public authorities and bodies to assist them in carrying out their duties under the Protocol; |
| (b) Assistance and guidance to the public in accessing the national register and in understanding the use of the information contained in it. |
| The Danish environmental authorities’ initiative to promote public awareness of the Danish PRTR register is managed by the Danish EPA.  On the Danish EPA website, members of the public can find information and guidance on the PRTR. The website also has FAQ for the PRTR. Moreover, members of the public, authorities, enterprises etc. can contact the Danish EPA directly by telephone or email for further information and guidance. The Danish EPA regularly announces news at <http://www.mst.dk>, including news regarding the PRTR about diffuse sources on a map:  <http://www.mst.dk/Borger/Borgernyheder/Diffus_luftforurening.htm> |

**Article 16**

|  |
| --- |
| **Describe how the Party has cooperated and assisted other Parties and encouraged cooperation among relevant international organizations, as appropriate, in particular:** |
| (a) In international actions in support of the objectives of this Protocol, in accordance with **paragraph 1 (a)**; |
| (b) On the basis of mutual agreements between the Parties concerned, in implementing national systems in pursuance of this Protocol, in accordance with **paragraph 1 (b)**; |
| (c) In sharing information under this Protocol on releases and transfers within border areas, in accordance with **paragraph 1 (c)**; |
| (d) In sharing information under this Protocol concerning transfers among Parties, in accordance with **paragraph 1 (d)**; |
| (e) Through the provision of technical assistance to Parties that are developing countries and Parties with economies in transition in matters relating to this Protocol, in accordance with **paragraph 2 (c)**. |
| Denmark attends UNECE meetings and EU meetings with relation to the PRTR, and contributes with the experience Denmark has gained in this area.  Denmark cooperates and exchange experiences with other Nordic countries, concerning PRTR issues.  Denmark is contributing financially to implementation of the work programme for the PRTR Protocol. In recent years, Denmark has not provided technical assistance to other countries. |

|  |
| --- |
| **Provide any further comments relevant to the Party’s implementation, or in the case of Signatories, preparation for implementation, of the Protocol.** **Parties and Signatories are invited to identify any challenges or obstacles encountered in setting up, gathering data for and filling in the register.** |
|  |