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**

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

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| Name of officer responsible for submitting the national report: | Øyvind Hetland |
| Signature: |  |
| Date: | 5.12.2016 |

 **IMPLEMENTATION REPORT**

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

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| *Party/Signatory* | Norway |
| *NATIONAL FOCAL POINT* |
| Full name of the institution: | Norwegian Environment Agency |
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| *Designated competent authority responsible for managing the national or regional register (if different):* |  |
| Full name of the institution: |  |
| Name and title of officer: |  |
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|  **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.** |
|  *Answer:* The following agencies and NGO's were invited to comment on the report:* The Federation of Norwegian Industries
* Norwegian Oil and Gas Association
* Norsk vann
* Avfallnorge
* Norsk forening for farlig avfall
* Bellona
* Zero
* Natur og ungdom
* Naturvernforbundet
* Miljøvernforbundet
* WWF

We received comments on the draft report from The Federation of Norwegian Industries. They listed several suggestions to improve the Norwegian PRTR website. We will take the feedback into account during the further development of the website. Some of the main comments from the organisation included:1. The website does not include enough data. The emissions from aqua culture is completely missing.
2. The link between the PRTR website and other related websites is not good enough.
3. Data are not comparable between different sectors in Norway nor between Norway and other countries.
4. As a general comment, they stated that the parties have not succeeded in the convergence among the national PRTRs, and they consider other kinds of registers to be more informative, user-friendly and streamlined.
5. Data presentation on diffuse emissions could be improved
6. Norway should establish reporting thresholds – the website includes much data that are of minor or none environmental significance
7. Inability to distinguish between active and closed facilities (especially regarding Mines) and to distinguish between different sectors (ref. Annex 1) is unfortunate and results in a skewed and unfortunate representation of the industry. This should be improved.
8. With regard to Art. 5.1 a, they stated that the geographical location of a given facility is not according to the provision of the Protocol.
9. With regard to Art. 5.3, they stated that the website does not show long enough time trends.
10. The emission reports from the smaller industry regulated by the County Governors can be improved, with regard to completeness.
11. With regard to the provisions under Art. 7.5, it is very unfortunate that the Norwegian website does not distinguish between discharges transferred to waste water treatment plants and discharges directly to a recipient from a facility. This can result in double reporting.
12. According to Art. 7.7, the parties are required to present the emission data in an adequate spatial disaggregation. The organisation points out that this is not the case in Norway. They would like to have all the facilities on a map. They also point out that data on diffuse emissions of nutrients and metals transported by coastal streams and through rivers and waterways are absent.
13. The quality assurance by the authorities could be improved – the published datasets contains too many obvious errors.
14. The organisation would like the Norwegian Environment Agency (NEA) to establish a forum for the different stakeholders that have some kind of connection to the data presented on the Norwegian PRTR website.
15. Art. 17.5 allows for NGOs like The Federation of Norwegian Industries to be present at the meetings between The MOPPs. The organisation would like to be informed of these meetings by the NEA, so they can consider their possible attendance. They hope this will be the practice in future.
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 **Articles 3, 4 and 5**

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|  **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. |
|  Answer: 1. The Pollution Control Act forms the basis of the legislative framework to implement the provisions of the Protocol
2. The Act requires facilities to have permits. Reporting obligations are set in the permits. The reporting includes more than the obligations set in the Protocol, for instance additional pollutants, stricter thresholds, accidental releases, production data and energy consumption. These additional data are easily accessible on the Norwegian PRTR website. Even more data on e.g. non-compliance, noise, use of accredited analysis and standards, annual accounts for waste treatment and transfer are reported and are available on request in PDF format. We also publish the audit reports for the last five audits in PDF format on the website.
3. Article 100 of the Constitution of Norway ensures the freedom of speech. No person may be punished for any writing, whatever it contents, which he has caused to be printed or published, unless he wilfully and manifestly has either himself shown or incited others to disobedience to the laws, contempt of religion or morality or the constitutional powers, or resistance to their orders, or has advanced false and defamatory accusations against anyone. Everyone shall be free to speak his mind frankly on the administration of the State and on any other subject whatsoever. The working environment act § 2-4 ensures the right of employees to report misconduct in the business. The same applies to alert authorities or other public authorities.
4. The reported data are also used by Statistics Norway (in collaboration with NEA) when they report the Norwegian emissions under other conventions and/or protocols, such as LRTAP. The reported data are also directly transferred to a XML-file for uploading to the E-PRTR system each year.
5. Search opportunities at the Norwegian PRTR website:
	* Global search for facilities with reporting obligations at all levels in the web structure
	* Search for county and municipality
	* Search for pollutants and wastes
	* The environmental media to which the pollutants are released are displayed on the website
	* Whether waste is recovered or disposed is presented on the website, but destination for the waste is not presented
	* Search for all facilities with permit, also smaller facilities with no reporting obligations
		+ The search can be sorted by activity, however not according to the PRTR activity structure
	* As of today, it is not possible to search for releases that are transferred to another treatment plant, mainly waste water treatment plants. These releases are presented as emission to water, resulting in some possible double reporting when they add up with the data from the treatment plant.
6. [www.norskeutslipp.no](http://www.norskeutslipp.no)
7. In the register [www.norskeutslipp.no](http://www.norskeutslipp.no) you will find the following links:
	* [www.miljostatus.no](http://www.miljostatus.no) (State of the environment in Norway)
	* <http://www.prtr.net/>
	* <http://prtr.ec.europa.eu/#/home> (E-PRTR)
	* <http://www.unece.org/env/pp/prtr.html>
	* <http://www.oecd.org/chemicalsafety/pollutant-release-transfer-register/>
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 **Article 7**

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|  **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; |
| (d) With respect to **paragraph 1 and annex II**, any difference between the list of pollutants for which reporting is required under the Protocol, or their associated thresholds, and the list of pollutants 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. |
| Answer: 1. The capacity threshold under article 7 para 1(a) is used to identify the reporting facilities. In addition, many SME's[[1]](#footnote-1) below the capacity thresholds are also required to report. The thresholds for pollutant releases in Annex 2 are not implemented in any legislation. However, the operator is required to report all releases that can have an impact on the environment. According to our experience, this will always result in a more extensive report than the obligation given in the Protocol.
2. Owner
3. All activities are included with regard to reporting, but not all report in the same format, and emission data from aqua culture plants do not currently appear on the website due to some technical problems. There are reporting questionnaires for:
	1. Landbased industry
	2. Offshore petroleum industry
	3. Waste water treatment plants
	4. Aqua culture plants
	5. Landfills
	6. Climate gasses
	7. Transboundary shipment of waste

The competent authority decides whether a facility has to report or not. We do not use the capacity thresholds in annex 1 to determine which companies are obliged to report. In practice, we have more reporting facilities than just the PRTR-facilities. 1. All pollutants are required, and also more pollutants than those listed in Annex 2. The Norwegian PRTR-system does not have a fixed list of pollutants with corresponding thresholds. The permits require operators to report all releases that can be harmful to the environment. The competent authority will provide guidance to the facility on what pollutants to report when necessary. The facility has the burden of evidence, to make sure that any potentially harmful release is reported.
2. No, see d.
3. Diffuse emissions are presented on the website for the pollutants included in the national emission inventory. The spatial disaggregation of the data is not adequate as of today.
4. The system is based on the waste specific approach
5. Diffuse sources include releases from transport, households, agriculture and products in use. Diffuse releases from the three first sectors are presented in the list below, depending on presence in the relevant sector.

Pollutants released to air:* + Ammonia
	+ Arsenic
	+ Cadmium
	+ Carbon dioxide fossil
	+ Carbon monoxide
	+ Chromium
	+ Copper
	+ Dioxins
	+ Lead
	+ Mercury
	+ Methane
	+ Nitrogen oxides
	+ Nitrous oxide
	+ Non-methane volatile organic
	+ PAH Total
	+ PAH-4
	+ PAH-6
	+ Particulate matter
	+ Sulphur hexafluoride
	+ Sulphur dioxide
	+ Suspended Particles
	+ Total Suspended Particles

Releases to water (agriculture):* + Phosphorus total
	+ Total nitrogen

Release from products in use include the following pollutants (to either air, water and/or soil)* Arsenic
* Bisphenol A
* Cadmium
* Certain surfactants (DTDMAC, DSDMAC, DHTDMAC)
* Chromium
* Copper
* Di-(2-ethylhexyl)phthalate
* Lead
* Medium-chain chlorinated paraffins
* Mercury
* Musk xylene
* Perfluorooctanoic Acid and related compounds
* Polycyclic aromatic hydrocarbons
* Tetrachloroethene
* Tributyltin and triphenyltin
* Trichloroethene
* Triclosan

 1. Emission inventory methods from the UNFCCC and the LRTAP convention.
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 **Article 8**

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|  **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. |
| *Answer:*1. Reporting years starting at different years for the various sectors on the PRTR website:
	1. Landbased industry: all years from 1994
	2. Offshore petroleum: all years from 1999
	3. Waste water treatment plants: all years from 2005
	4. Aqua culture plants: Currently missing on the website, but data series starts in 2002
	5. Landfills: data for the last two years,
2. March 1 the year after the releases took place
3. July 1 the year after the releases took place
4. Met in practice for most facilities
5. Electronic reporting formats for all sectors
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 **Article 9**

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|  **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).**  |
| *Answer:*It is not explicitly stated in any act that facilities have to keep record of data at least five years. Facilities normally keep record of their data more than five years. |

 **Article 10**

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|  **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).** |
| *Answer:*Data quality is partly ensured by conditions in the permits. The permits refer to guidance documents on measurements and calculations, and also the use of relevant standards. The permit requires the facility to have an updated monitoring programme. Some important features of the monitoring programme is listed below: * It shall include all substances that are specifically regulated by limits in the permit or other regulations, but also other substances that are released and which can have an environmental impact. (This is described further in the Guidance to the facilities' PRTR-reporting. The guide is posted on www.miljodir.no.).
* A description of all emission sources and measuring points.
* A description of the various steps and methods in emission calculations:
	+ Use of standards
	+ Flow measurement
	+ Sampling technique
	+ Analysis
	+ Calculation and reporting of emissions
* A justification of the chosen sampling frequency in order to ensure a representative picture of the actual emissions. Facilities have to choose a sampling frequency to ensure that the standard deviation is sufficiently low so that the samples are representative. This shall be based on knowledge about variations in the processes and emissions. Therefore, it may be necessary to perform a higher number of measurements for a period, in order to determine an appropriate frequency.
* For the most important substances the facility must assess the total uncertainty of the calculations and reported emission data. When evaluating whether the uncertainty is too high or acceptable, the facility must consider the impact on the environment of the given substance. Such an evaluation is subject to control during audits and inspections. Each company must determine if they have sufficient expertise to estimate the uncertainties and the need for changes in the measurements, or if they need external assistance from consultants.
* A description of the frequency of accredited third party inspections.

The data quality is also ensured in the facilities' annual reports to the authorities. There are automatic quality checks for emissions and waste reporting that inform the rapporteur about possible errors during the completion of the report. Such automatic checks will appear when a given number deviate significantly from the previous year. The incoming data are also checked manually by the officers in the Agency or by the County Governors. Data quality is also an important subject during audits and inspections, and all aspects of data quality can be subject to control. |
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 **Article 11**

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|  **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).** |
| Answer: An internet website is established. Web address: [www.norskeutslipp.no](http://www.norskeutslipp.no), (English [www.prtr.no](http://www.prtr.no)). The website provides free access to PRTR-data to the public. Depending on the available resources for NEA, the website will undergo further development in the future.  |

 **Article 12**

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|  **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.** |
| Answer: No data is confidential apart from production volume data concerning one facility. |

 **Article 13**

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|  **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.** |
| *Answer:* NGOs and representatives of the public were consulted in user-tests of the PRTR website. The public can contact the agency to provide input and opinion on the PRTR website. During the hearing of the implementation report, the agency received valuable feedback from The Federation of Norwegian Industry, which will be taken into account in the further development of the website.  |

 **Article 14**

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|  **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.** |
| *Answer:*Access to information is ensured by the Act of 9 May 2003 No.31 Relating to the Right to Environmental Information and Public Participation in Decision-making Processes Relating to the Environment: <http://www.regjeringen.no/en/doc/laws/Acts/environmental-information-act.html?id=173247>  |

 **Article 15**

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|  **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. |
| *Answer:* Pressrelases on datarelease on the website. Campaigns explaining journalists how to use the website. |

 **Article 16**

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|  **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)**. |
| *Answer:*1. Through active participation in workshops and other meetings arranged by UNECE and others
2. Assisting Poland in a bilateral project on their development of a PRTR website
3. Information is open at [www.norskeutslipp.no](http://www.norskeutslipp.no)
4. Publishing data concerning waste transfers to other parties as part of the dataset delivered to the European PRTR-system
5. Through active participation in workshops and other meetings arranged by UNECE and others
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|  **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.** |
| *Answer:*No Comment |

1. Small and medium sized enterprises [↑](#footnote-ref-1)