PRTR DATA COLLECTION, DISSEMINATION AND ACCESS TO INFORMATION

THE INSTITUTIONAL AND REGULATORY FRAMEWORK

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International legal framework on PRTR data CDA

• UNECE PRTR Protocol to the Aarhus Convention (PRTR Protocol):
  ✓ What constitutes data in the meaning of PRTR Protocol; Article 3, (General Provisions), Article 4 (Core elements of PRTR system), Article 5 (Design and structure), Article 6 (Scope of the register).

  ✓ What constitutes collection of PRTR data: a turning point between the design and dissemination; Article 7. (Reporting requirements), Article 8. (Reporting cycle), Article 9.(Data collection and record-keeping), and Article 10. (Quality assessment).

  ✓ What constitutes dissemination and access to PRTR information: Article 11. (Public access to information).

• E-PRTR Regulation concerning the establishment of a European Pollutant Release and Transfer Register:
  ✓ Article 5. (Reporting by operators), Article 7. (Reporting by Member States).
  ✓ Some 30,000 industrial facilities covering 65 economic activities across Europe
  ✓ Periodic review of effectiveness by the European Commission
National regulatory framework for data collection

- Regulatory paths for PRTR data collection:
  1) Regulation through legislation on emission permitting (in the EECCA region also permitting on the use of natural resources),
  2) Regulations through the legislation on compulsory system of reporting, or
  3) Combination of both.

- According to the first national reporting cycle under PRTR Protocol all the Parties to the PRTR protocol have relevant PRTR regulations in place.

  **United Kingdom:** i.e. Regulation 60 of the Environmental Permitting (England and Wales) Regulations 2010 –the basis for data collection, the power of authorities to issue notices
  **Sweden:** Environmental Code-permitting and notification for hazardous activities. Swedish EPA Regulation on Environmental Reports -annual reporting of operators.
  **Germany:** Specific Law on implementation of PRTR Protocol and E-PRTR regulation.
  **Israel:** Environmental Protection Law.
  **Norway:** Pollutant Control Act- reporting both permit data and PRTR data.
  **Spain:** Law 16/2002 on Integrated Prevention and Pollution Control, Real Decreto 508/2007 -imposes obligation on operators to submit data to Spanish PRTR.
  **Switzerland:** Ordinance on the Register relating to Pollutant Release and the Transfer of Waste and of Pollutants in Waste Water.
National regulatory framework for data collection; challenges and solutions

- Possible challenges and solutions at the stage of establishing country-specific regulatory framework for PRTR
  - Tailor-made legislation?
  - Contrasting the existing regulatory framework on permitting, data collection, competences of various authorities with PRTR Protocol requirements on reporting of data, thresholds of pollutants and of activities.
  - Making sure that regulations on pollution and transfer data collections and reporting sufficiently cover the obligations of facilities (operators).

- Existence of norm-guarantees to ensure:
  1) non-failure in reporting and in on time reporting,
  2) reporting of correct and complete data,
  3) non-failure in making data available and not-making incomplete data available.
National institutional framework for data collection

• What constitutes institutional framework of PRTR data collection?

• Prior to establishment of PRTR system;
  • Comparing and contrasting the requirements of PRTR Protocol with the existing national institutions and their competences.
  • Initial voluntary system of reporting to identify facilities and check the flow of information (i.e. Serbia).

• Institutional framework of an operating PRTR system;
  • Clearly defined scope of facilities falling under the reporting requirements of PRTR Protocol and relevant national legislation- Ongoing evaluation for inclusion of new facilities or existing facilities introducing new installations, i.e. in Switzerland.
  • A single authority in charge of final collection and management of the data and the PRTR system, if the data flow from facilities to more than one public authority - i.e. Germany: collection and assessment of data by constitutional states and submission to Federal Environmental Agency.
  • System of data transfer that ensures data flow; electronic submission, magnetic or optic media, paper forms.
National institutional framework for data collection: challenges and solutions

- The challenge of quality assurance of PRTR data for completeness, consistency and credibility;
  - **Belgian** methodology of quality assurance by environmental media;
    - Verification of the calculation methods, comparison of the results of measurements,
    - Comparison of data received with data resulted from other reporting obligations,
    - Consistency of a reporting year declaration with previous years,
    - A code of good practice.

- **Dutch** PRTR Guideline “Road Map”;
  - Assessment of monitoring and registration system of facilities, as well as performance of those systems.
  - Monitoring and registration system geared to E-PRTR.
  - The system check is a step giving the authorities background information and can be followed by the validation of data.

- **Danish** automatic quality assurance system combined with manual assessment;
  - If data entered considerably differ from the data of previous year, the system automatically asks to revise the entry.
  - Forwarding the information to the supervisory authority or quality assessment.
  - Data from livestock farming, aquaculture and treatment plants are manually reviewed by Danish EPA.
National institutional framework for data collection: challenges and solutions

- Methodologies applied for the collection of data;
  - **Germany:** the collection of data has to be based on measurement, calculation or estimation. Operators are required to report on the methodology applied.
  - **Spain:** Per each datum it should be indicated if it is measured, calculated or estimated. In every case, methods, methodologies, standards, emission factors, mass balances, etc. must be indicated, as appropriate. When measured, the type of chemical analysis used must be also specified.

- Following up with the schedule of reporting cycles- *presentation of information by calendar year, incorporation within fifteen months.*

- Maintenance of the system of data transfer that ensures smooth flow and quality of data; *Dutch online instrument: the Annual Environmental Report (AER)-e-MJV-applicatie and storage of data in the PBL Netherlands Environmental Assessment Agency.*

- For the countries of EECCA region-specific challenges may be;
  - Underdeveloped IPPC systems.
  - Underdeveloped information collection systems on a level of facility or on a state level.
Access to and dissemination of PRTR data in nation states according to NIRs reviewed by PRTR Compliance Committee

- Public as final check for quality and reliability of PRTR data: Article 11. (Public access to information).

- Almost all the Parties to the PRTR Protocol provide complete access via direct electronic means. Estonia, Romania were in the process of building PRTR system.

- User-friendliness of the information, availability in English of Austrian, Belgian (Flanders), Dutch, Irish, Norwegian, Swedish and Swiss PRTR web pages.

- The high level of direct electronic access, low level of data enquires through administrative procedures, e.g. Spain 95% direct access through electronic means and 5% via administrative procedures.

- Importance of disseminating information to promote PRTR web pages, providing cross references. Events to announce availability of data in Spain and posting about availability of new data on governmental websites in the UK.
Access to and dissemination of PRTR data in nation states according to NIRs reviewed by PRTR Compliance Committee

- **Is there a demand for PRTR data?**
  - Positive answer based on the experience of Sweden and Croatia. As a proxy the number of visitors
    - Sweden 50% increase in three years; from approximately 16,000 per year in 2011 to approximately 24,000 per year in 2013.
    - Croatia, 1 March 2010 - 18 September 2013, the total number of visits was 227,087, i.e., on average 56,771 visits per year. From 12 December 2012 - 18 September 2013 the percentage of new visitors increased by 73.87 per cent.

- **Always a room to improve;**
  - Complete and quality-controlled data availability to the public.
  - Public interest in PRTR data, thus more simplified presentation of the data.
  - Public awareness when a PRTR system fulfils the technical requirements.
  - Public access to information technologies.

- **How to improve:**
  - measuring stakeholder awareness,
  - analysing how PRTR systems are used,
  - identifying potential stakeholder groups that can benefit from the use of PRTR data,
  - understanding what kind of further information they would like to consult.
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THANK YOU!

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