

**Juan Luis Martin Ortega**  
**Chair of the Compliance Committee under the Protocol on Pollutant Release and Transfer Registers to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters**

Madrid, 12 June 2020

Dear Mr. Lahtela,

The Compliance Committee, at its eighth meeting (30-31 March 2020), considered the issue of whether European Union member States that were Parties to the Protocol were required under the Protocol to introduce their own national pollutant release and transfer registers to supplement what was done at the European Union level. The Committee agreed that it requires more information in order to further explore the issue. To this end, taking into consideration the related information provided by Finland in its 2017 national implementation report, the Committee agreed to send questions to Finland in order to clarify the matter further. Please now find enclosed the questions prepared by the Committee for your attention.

The Committee would be very grateful to receive your replies on or before Friday, 14 August 2020. Please send your replies to [prtr.survey@un.org](mailto:prtr.survey@un.org) and do not hesitate to contact the secretariat if you have any questions regarding the above.

Yours sincerely,

Juan Luis Martin Ortega



Enc.: Questions from the Committee to the Party

Mr. Juha Lahtela  
Senior Officer  
Ministry of the Environment  
Finland

## Questions to Finland

The Committee acknowledges that in its 2017 NIR Finland mentioned the existence of a national register/information system that doesn't meet the criteria of the Protocol in particular in term of searchability and accessibility. Finland also mentioned that it fulfils its obligation through the E-PRTR. In this regard the Committee wish to ask the following questions.

	Provision of the Protocol	Text of the provision	Potential issue	Question to Party
1	Art 3(1)	3.1 Each Party shall take the necessary legislative, regulatory and other measures, and appropriate enforcement measures, to implement the provisions of this Protocol	<p>In its 2017 NIR Finland indicates that it <b>has a release and transfer register</b> which is open to citizens, which meets all other requirement of the Protocol except for the search feature. Also, in its 2017 NIR answering question on Art.11 Finland wrote that <b>“the Finnish national information system</b>, which, as it is, does not meet the requirements of the PRTR Protocol, is also open to all, but viewing certain information requires signing in to the system.”</p> <p>In its 2017 NIR at pp. 2-3 states that the Protocol is enforced at the national level by Presidential Decree of the Republic (SopS 58/2009) yet says nothing about what this provision actually does.</p> <p>With respect to article 9 of the Protocol, Finland mentions that the Finnish authorities receive the information after which data is transferred to the environmental protection data register referred to in section 222 of the Environmental Protection Act (527/2014). This provision and similar provisions should be in the article 3(1) reporting but are not.</p> <p>Moreover, Finland's NIR for the Aarhus Convention, at paras. 94-95 states with respect to article 5(9) of the Convention that Section 223 of the Environmental Protection Act 527/2014 provides that certain information to be saved in the environmental protection database, an environmental protection database with certain information. This provision is not mentioned in the 2017 Protocol NIR</p>	<p>1. Please clarify whether “the Finnish national information system” and “release and transfer register” which you refer to in the 2017 NIR. are the same systems. Please describe their main elements.</p> <p>2. Please provide the text of the Presidential Decree of the Republic (SopS 58/2009), referenced at pages 2-3 of Finland's 2017 National Implementation Report concerning the Protocol (NIR), together with an English translation thereof.</p> <p>The text of the annex to the Decree need not be provided.</p> <p>3. Please provide the text of sections 222 and 223 of the Environmental Protection Act (527/2014) (EPA) referenced at page 7 of Finland's NIR and at paragraphs 94-95 of Finland's National Implementation Report concerning the Convention, respectively, together with an English translation thereof.</p> <p>4. To the extent not already addressed in your replies to questions (2)-(3) above, please provide the text of any provisions of national law which regulate the Finnish “release and transfer register” referred to at page 3 of Finland's NIR, together with an English translation thereof.</p> <p>5. Should there have been any amendments of the provisions identified in reply to questions (2)-(3) above since Finland's 2017 NIR that are relevant to the implementation of the Protocol, please provide the text of the provision(s), as currently in force, together with an English translation thereof.</p> <p>6. Please describe any regulatory measures or practice that supplement the provisions of national</p>

				law regarding Finland's "national release and transfer register".
2	Art 5(1)	<p>5.1 Each Party shall ensure that the data held on the register referred to in article 4 are presented in both aggregated and non-aggregated forms, so that releases and transfers can be searched and identified according to:</p> <p>(a) Facility and its geographical location;  (b) Activity;  (c) Owner or operator, and, as appropriate, company;  (d) Pollutant or waste, as appropriate;  (e) Each of the environmental media into which the pollutant is released; and  (f) As specified in article 7, paragraph 5, the destination of the transfer and, where appropriate, the disposal or recovery operation for waste.</p>	<p>In its 2017 NIR Finland indicated that it <b>has a national release and transfer register</b> which is open to citizens, which meets all other requirement of the Protocol except for the search feature. (see p. 3). Information regarding Finland can be found in the register maintained by the EEA (<a href="http://prtr.ec.europa.eu/">http://prtr.ec.europa.eu/</a>), the (E-PRTR). Finland claims that the E-PRTR meets the Protocol's requirements with respect to search criteria as the information can be searched by specific facility, ownership, polluter, target environment, or transfer target. The information is continuously and immediately available in the EEA register.</p> <p>The Committee notes that, in contrast to the system established at the national level, the E-PRTR isn't available in any of the national languages.</p>	<p>7. According to page 3 of Finland's 2017 NIP, its "national release and transfer register" has no search function. What, if any, legislative provision including Presidential Decree of the Republic (SopS 58/2009) or the EPA determines the criteria for searchability? Please provide the text of any such provision, together with an English translation thereof.</p> <p>8. Please confirm whether or not Finland's national "release and transfer register" is in both official languages of Finland.</p> <p>9. Has Finland introduced a search function in national language(s) to its national "release and transfer register" since its 2017 NIR?</p> <p>(a) If so, please provide evidence of this, including the legal texts of any laws, decrees, or regulations, as amended, to demonstrate such a change;</p> <p>(b) If not, please indicate whether or not Finland plans to introduce a search function into its national "release and transfer register", including any draft legislation or other proposals to provide evidence of such a plan, together with a timeline for the plan's implementation.</p>
3	Art 5(4)	<p>5.4. The register shall be designed for maximum ease of public access through electronic means, such as the Internet. The design shall allow that, under normal operating conditions, the information on the register is continuously and immediately available through electronic means.</p>	<p>Also, in its 2017 NIR answering question on Art.11 Finland wrote that "<b>the Finnish national information system</b>, which, as it is, does not all meet the requirements of the PRTR Protocol, is also open to all, but viewing certain information requires signing in to the system."</p>	<p>10. Is it sufficient to satisfy the requirement of article 5(4) of the Protocol that "the register shall be designed for maximum ease of public access" if:</p> <p>(a) the search function is only available in the E-PRTR for Finland, which is in English, and not for Finland's "national release and transfer register"? Why/why not?</p> <p>(b) members of the public have to register in order to access the information available in Finland's "national release and transfer register"? Why/why not?</p>

			<p>11. Is the information available on Finland's national release and transfer register "continuously and immediately available" through electronic means in accordance with article 5(4) of the Protocol? Please provide reasoning for your answer.</p> <p>12. Please provide the "general information on the PRTR," and an English translation thereof, and the link to the EEA register, which are referred to at page 10 of Finland's NIR as being on the website of the Ministry of the Environment.</p> <p>13. Please provide any further information to demonstrate that Finland has taken sufficient measures to ensure that a member of the public knows:</p> <p>(a) Where to go to find information concerning releases and transfers subject to the PRTR in Finland; and</p> <p>(b) How to easily find information concerning releases and transfers subject to the PRTR in Finland; and</p> <p>(c) How any information on the "national release and transfer register" relates to information in the E-PRTR on the EEA's website.</p> <p>In answering question (13), Finland is invited to provide any information it considers relevant, which may include:</p> <ul style="list-style-type: none"><li>- The relevant passages of any publications of the Ministry of the Environment and the Finnish Environment Institute (SKYE) which have information regarding the PRTR, referred to at page 10 of Finland's 2017 NIR;</li><li>- Further information regarding the customer service points of the Centres for Economic Development, Transport, and the Environment, also referred to at page 10 of Finland's 2017 NIR;</li></ul> <p>Any statistics concerning information requests with respect to PRTR data, and the handling thereof.</p>
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4	Art 8(2) (reporting)	<p>2. Each Party that is not a regional economic integration organization shall ensure that the information is incorporated into its register within fifteen months from the end of each reporting year. However, the information for the first reporting year shall be incorporated into its register within two years from the end of that reporting year.</p>	<p>In its 2017 NIR Finland indicates in its NIR that « release data is collected and reviewed in the spring of the year following the year during which the releases took place. The information has been submitted and published on EAA's PRTR website in a timely manner." In parallel in its NIR the EU indicates that data is available at E-PRTR level within 16 months.</p>	<p>14. To the extent not addressed in your replies to answers (2)-(4) above, please indicate what, if any, national legislative provision including Presidential Decree of the Republic (SopS 58/2009) or the EPA that determines the deadlines for incorporating information into Finland's "national release and transfer register"? Please provide the text of any such provision, together with an English translation thereof.</p> <p>15. Please specify precisely within how many months from the end of each reporting year information is incorporated into:  (a) Finland's "national release and transfer register"; and  (b) The E-PRTR.</p> <p>16. To the extent not addressed in reply to question (15) above, please explain how Finland ensures that the time limit of 15 months from the end of each reporting year for all the registers of all Parties that are not regional economic integration organizations is met under article 8(2) of the Protocol.</p>
5	Art 11 (access to information) and 4(h)	<p>Art.11</p> <p>1. Each Party shall ensure public access to information contained in its pollutant release and transfer register, without an interest having to be stated, and according to the provisions of this Protocol, primarily by ensuring that its register provides for direct electronic access through public telecommunications networks.</p> <p>2. Where the information contained in its register is not easily publicly accessible by direct electronic means, each Party shall ensure that its competent authority upon request provides that information by any other effective means, as soon as possible and at the latest within one month after the request has been submitted.</p> <p>3. Subject to paragraph 4, each Party shall ensure that access to information contained in its register is free of charge.</p> <p>4. Each Party may allow its competent authority to make a charge for reproducing and mailing the specific information referred to in paragraph 2, but such charge shall not exceed a reasonable amount.</p> <p>5. Where the information contained in its register is not easily publicly accessible by direct electronic means,</p>	<p>In its 2017 NIR Finland refers both to the E-PRTR and the Finish information system, once again stating that obligations are fulfilled through publication of data within E-PRTR.</p> <p>The Committee notes that contrary to the national system, the E-PRTR isn't available in any of the national languages.</p>	<p>17. Does Finland consider that information in English is sufficient to ensure proper information and dissemination of the data at national level?</p> <p>18. If a Party ensures that all requirements for a PRTR register under the Protocol are met as regards to information that is only available in English on the E-PRTR, but only partially fulfils the requirements for a PRTR register under the Protocol in its national language(s), is this sufficient to meet:</p> <p>(a) article 11 of the Protocol; and</p> <p>(b) article 4(h) of the Protocol.</p> <p>Please provide substantiation for your answers to questions (17) and (18), for example by reference to any relevant legislation, measures, and practice.</p>

		<p>each Party shall facilitate electronic access to its register in publicly accessible locations, for example in public libraries, offices of local authorities or other appropriate places.</p> <p>Art 4 (h) In accordance with this Protocol, each Party shall establish and maintain a publicly accessible national pollutant release and transfer register that: (h) Is coherent and designed to be user-friendly and publicly accessible, including in electronic form;</p>		
6	Article 13 (public participation)	<p>1. Each Party shall ensure appropriate opportunities for public participation in the development of its national pollutant release and transfer register, within the framework of its national law.</p> <p>2. For the purpose of paragraph 1, each Party shall provide the opportunity for free public access to the information on the proposed measures concerning the development of its national pollutant release and transfer register and for the submission of any comments, information, analyses or opinions that are relevant to the decision-making process, and the relevant authority shall take due account of such public input.</p> <p>3. Each Party shall ensure that, when a decision to establish or significantly change its register has been taken, information on the decision and the considerations on which it is based are made publicly available in a timely manner.</p>	Regarding participation of the public in development of the register, in its 2017 NIR Finland reaffirmed that it relies on the European register, however provide no information about how the national public can participate in the development of the register.	<p>19. Please clearly explain how Finland ensures the rights of the public of Finland within the scope of the Protocol as to each obligation under article 13 of the Protocol</p> <p>Please provide reasoning for your answers</p> <p>20. To the extent not addressed in your replies to answers (2)-(4) above, please indicate what, if any, national legislative provision including Presidential Decree of the Republic (SopS 58/2009) or the EPA ensures that Finland's obligations under article 13 of the Protocol are met with respect to Finland's "national release and transfer register"/ "information system" which you refer to in the 2017 NIR?</p> <p>21. Did Finland provide opportunities for the public to participate in development or modification of Finland's "national release and transfer register"/ "information system" which you refer to in the 2017 NIR?</p> <p>If so, please provide information to demonstrate whether or not each of the obligations under article 13 of the Protocol were met.</p>