



Strasbourg, 5.4.2022  
COM(2022) 157 final

2022/0105 (COD)

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on reporting of environmental data from industrial installations and establishing an  
Industrial Emissions Portal**

(Text with EEA relevance)

{SEC(2022) 169 final} - {SWD(2022) 111 final} - {SWD(2022) 112 final} -  
{SWD(2022) 113 final}

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

#### **• Reasons for and objectives of the proposal**

Regulation (EC) No 166/2006<sup>1</sup> (the Regulation) established the European Pollutant Release and Transfer Register (E-PRTR), as the Europe-wide register providing public access to key environmental data from industrial facilities located in the EU, Iceland, Liechtenstein and Norway. The E-PRTR contains data reported annually by some 30,000 industrial facilities which cover 65 economic activities across the EU. The Regulation implements the 2006 Kyiv Protocol on Pollutant Release and Transfer Registers (Protocol)<sup>2</sup>, which entered into force in 2009. It is the only legally binding international instrument on pollutant release and transfer registers.

Every year, Member States send the Commission a report containing data submitted by the operators of industrial facilities on the releases and transfers of each facility. The data are then published by the Commission on a public website, with the support of the European Environment Agency.

The Regulation's effectiveness, efficiency, relevance, coherence and EU added value were assessed as part of the Commission's Regulatory Fitness and Performance (REFIT) programme<sup>3</sup>. The assessment looked at the benefits of the E-PRTR as well as the potential for simplifying it and reducing regulatory costs and burdens. On the basis of this assessment, the Commission's second report on the Regulation's implementation<sup>4</sup> concluded the following.

- The E-PRTR has proven to be a pivotal knowledge base on releases from EU industrial activities. It provides easily accessible and high-quality data. It gives the public access to this valuable information, thereby supporting environmental decision-making.
- However, the E-PRTR can be further improved and made more effective by being aligned with reporting obligations set out in other environmental legislation, as well as by having it report additional contextual information.

As a follow-up to this implementation report, several initiatives were carried out.

- The Industrial Emissions Portal (the Portal)<sup>5</sup> was created. It contains the data reported annually under the E-PRTR Regulation, together with the data reported in line with Directive 2010/75/EU on industrial emissions (the Industrial Emissions Directive –

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<sup>1</sup> Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (OJ L 33, 4.2.2006, p.1).

<sup>2</sup> Kyiv Protocol on Pollutant Release and Transfer Registers to the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters: <https://unece.org/environment-policy/public-participation/prtrs-protocol-text>.

<sup>3</sup> COM(2012) 746 final.

<sup>4</sup> COM(2017) 810 final.

<sup>5</sup> <https://industry.eea.europa.eu/>

IED)<sup>6</sup>. This Portal, having replaced the E-PRTR website, brings together data on industrial activities reported under these two EU environmental laws.

- For additional contextual information, Commission Implementing Decision 2022/142<sup>7</sup> has established units and metrics that enable operators to report each year on the production volume of each E-PRTR facility. Production volume reporting becomes mandatory for the first time for the 2023 reporting year.

The European Green Deal<sup>8</sup> is Europe's growth strategy aiming for a climate-neutral, clean and circular economy by 2050. It recognises the need for deeply transformative policies, to optimise resource management and minimise pollution. The Commission has committed itself to revising EU rules in order to reduce pollution from large industrial installations. It will revise legislation and see how to make it fully consistent with the Green Deal's zero pollution ambitions and its climate, energy and circular economy policies, bearing in mind the benefits of doing so for both public health and biodiversity.

The IED and the Regulation are complementary laws aimed at monitoring the environmental impact of industry:

- the IED lays down command and control rules to gradually reduce pollution from the EU's largest industrial and livestock rearing installations, while maintaining a competitive level playing field;
- the Regulation helps monitor efforts to reduce pollution by improving public information on how installations are performing.

Further analysis was carried out to identify potential improvements to the Regulation, including an impact assessment. What follows is the impact assessment's main conclusions.

- The Regulation's sectoral scope should be revised to be more consistent with activities covered by related environmental laws. This concerns the IED in particular, but also Directive (EU) 2015/2193 on medium combustion plants (MCPD)<sup>9</sup> and Council Directive 91/271/EEC on urban waste water treatment (UWWT Directive)<sup>10</sup>. To be further aligned, activities should be reported at installation level – as in the case of these other laws – rather than at facility level.
- The E-PRTR Regulation should cover all relevant pollutants. This means certain pollutants should be added to Annex II of the Regulation, including:
  - priority substances under the 2000/60/EC Water Framework Directive<sup>11</sup> and the 2008/105/EU Surface Water Directive<sup>12</sup>;

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<sup>6</sup> OJ L 334, 17.12.2010, p. 17.

<sup>7</sup> Commission Implementing Decision of 2022/142 amending Implementing Decision (EU) 2019/1741 as regards the reporting on production volume and correcting that Implementing Decision (OJ L XXX, XX.XX.XXXX, p. XX).

<sup>8</sup> COM(2019) 640 final.

<sup>9</sup> OJ L 313, 28.11.2015, p. 1.

<sup>10</sup> OJ L 135, 30.5.1991, p. 40.

<sup>11</sup> OJ L 327, 22.12.2000, p. 1.

<sup>12</sup> OJ L 348, 24.12.2008, p.8.

- substances identified as of very high concern in Regulation (EC) No 1907/2006 (REACH)<sup>13</sup>;
- substances covered by EU laws on groundwater and air quality, including the Groundwater Directive<sup>14</sup>, the Ambient Air Quality Directive<sup>15</sup> and Directive 2004/107/EC on the concentrations of certain pollutants in ambient air<sup>16</sup>.
- To be consistent with EU policies on the circular economy and decarbonisation and to enable better environmental benchmarking of E-PRTR data, operators should report on production volume and complementary data, especially the use of resources (energy, water, and raw materials).
- Current shortcomings affecting the Regulation's implementation should also be addressed by:
  - updating the analytical methods operators use to determine their releases and off-site transfers;
  - asking operators to confirm explicitly in their report to the competent authorities that a release of a given pollutant or an off-site transfer of waste or waste water is below the applicable reporting thresholds;
  - allowing Member States to report certain data on behalf of operators rearing livestock, who may lack the resources to report accurate data.

The need to revise the Regulation was confirmed in the European Green Deal, and it is being revised at the same time as the IED. This will ensure the overall consistency and efficiency of these two laws.

In this context, given the nature and extent of the necessary modifications to the Regulation and the need to enhance consistency and legal clarity, this proposal should repeal and replace it while taking over its substantive obligations whenever still needed.

- **Consistency with existing policy provisions in the policy area**

The Regulation is linked to many other EU environmental laws, since it covers a wide range of agro-industrial installations and relevant substances, including greenhouse gases. The laws it is linked to include pollution legislation e.g. the IED, the MCPD, the UWWT Directive and Council Directive 1999/31/EC on the landfill of waste (Landfill Directive)<sup>17</sup>. It is also linked to EU law protecting environmental media from pollutant releases (including surface water, groundwater and ambient air), because pollutant releases may affect the status of those media.

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<sup>13</sup> OJ L 396, 30.12.2006, p. 1.

<sup>14</sup> OJ L 372, 27.12.2006, p. 19.

<sup>15</sup> OJ L 152, 11.6.2008, p. 1.

<sup>16</sup> OJ L 23, 26.1.2005, p. 3.

<sup>17</sup> OJ L 182, 16.7.1999, p. 1.

Lastly, the Regulation is linked to climate law, including the EU Emissions Trading System<sup>18</sup> and the Effort Sharing Regulation<sup>19</sup>.

Europe's first pollutant register, the European Pollutant Emissions Register (EPER)<sup>20</sup>, was set up under the first EU industrial pollution control legislation – the Integrated Pollution Prevention and Control Directive (the IPPC Directive<sup>21</sup>). The aim of the EPER was to provide information on the main emissions from activities regulated by the IPPC Directive.

However, there are now differences between the IED regulatory system and its inventory of releases because of changes to both laws. In 2006, the EPER became the European Pollutant Release and Transfer Register (E-PRTR), in fulfilment of the EU's Protocol obligations. In 2010, the scope of the IED was extended to more activities than the IPPC Directive covers. As a result, there is less consistency between the regulatory system for IED agro-industrial activities and the Regulation, its principal monitoring tool. In 2015, regulatory checks on smaller combustion plants were introduced in the MCPD, but without a requirement for an inventory of releases.

This is why, so that the Regulation supports the IED's implementation, it is proposed to amend Annex I to the Regulation, to extend its coverage to all IED activities and to some smaller combustion plants. By creating an inventory of releases, the E-PRTR also supports the UWWT and Landfill Directives' implementation.

- **Consistency with other Union policies**

The European Green Deal specifically mentions the revision of the Regulation. Revising it also contributes to realisation of the EU's zero pollution vision for 2050<sup>22</sup>, by providing data on agro-industrial releases to air, water and soil. Along with other related EU environmental laws, revising the Regulation will help reduce pollution to levels that are not considered harmful to health or natural ecosystems. It will also respect the limits the planet can cope with, thereby removing toxicity from the environment.

## **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

- **Legal basis**

The main objective of the proposed act relates to protecting the environment and human health. Therefore the legal basis of the proposed Regulation is Article 192(1) of the Treaty on the Functioning of the European Union.

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<sup>18</sup> Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).

<sup>19</sup> Regulation (EU) 2018/842 of the European Parliament and of the Council of 30 May 2018 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 (OJ L 156, 19.6.2018, p. 26)

<sup>20</sup> Commission Decision 2000/479/EC of 17 July 2000 on the implementation of a European Pollutant Emission Register (EPER) according to Article 15 of Council Directive 96/61/EC concerning integrated pollution prevention and control (IPPC) (OJ L 192, 28.7.2000, p. 36).

<sup>21</sup> Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control (OJ L 257, 10.10.1996, p. 26).

<sup>22</sup> COM (2021) 400 final.

- **Subsidiarity (for non-exclusive competence)**

Both the EU and individual Member States have signed the Protocol. Since the Protocol includes options for implementing some rules (e.g. activities can be defined using either capacity or employee thresholds), the Regulation adopts a common approach and ensures that it is applied consistently across the EU.

The Regulation also adds value as it has led to the development of an EU guidance document<sup>23</sup>, with rules and advice on data collection, quality assurance and presentation. This guidance makes data more consistent and easier to compare between Member States.

The European Environment Agency carries out further quality assurance checks. This helps make data more complete and accurate. These checks at EU level identify issues that are then corrected at national level – something that would not happen without a European register.

EU expert groups, workshops and analytical reports also support and help Member States maintain their national registers.

For the public, the Regulation brings significant EU added value by making it possible to easily compare release data for different EU industries and by providing cumulative EU release data. This data would be much harder to collect and combine from 27 separate national registers.

The Regulation therefore brings significant added value, compared with what could be achieved by the individual action of 27 countries, and the Regulation's subject matter continues to justify EU action.

- **Proportionality**

It is difficult to measure the E-PRTR's costs and benefits. However, stakeholders judge the estimated costs of the E-PRTR to be relatively small compared to its significant contribution to data transparency and public participation.

Article 16, an inefficient provision in the E-PRTR Regulation, has already been removed – it required Member States to report on general E-PRTR implementation every 3 years.

- **Choice of the instrument**

While Regulation (EC) No 166/2006 constitutes the starting point for this Proposal, it is appropriate to repeal and replace it for the sake of legal clarity. Annex III contains the correlation table. Since the proposal aims at repealing and replacing an EU Regulation, the proposal takes the form of a Regulation.

### **3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

- **Ex-post evaluations/fitness checks of existing legislation**

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<sup>23</sup> Guidance Document for the implementation of the European PRTR (2006): [https://ec.europa.eu/environment/industry/stationary/e-prtr/pdf/en\\_prtr.pdf](https://ec.europa.eu/environment/industry/stationary/e-prtr/pdf/en_prtr.pdf)

The 2017 REFIT evaluation of the Regulation concluded that it was fit for purpose and considered an important EU environmental law because of the information it makes publicly available on the environmental performance of large industries.

Stakeholders appreciate the E-PRTR. They recognise that it is easy to access and has a valuable and consistent dataset, with no comparable alternative for EU industrial release data.

The evaluation did not identify how to significantly improve or simplify the existing Regulation. However, it did identify aspects that could be improved on in the following areas:

- while Member States appeared to be converging on good practices, updating the existing EU guidance could help data be interpreted more consistently;
- the E-PRTR could be more efficient and consistent if further aligned with other closely related environmental reporting obligations;
- the obligation for Member States to report on their implementation of the E-PRTR Regulation every 3 years was not considered very useful, suggesting there was scope for simplification;
- adding more contextual data to the existing E-PRTR could make it more useful as a comprehensive source of environmental information.

An impact assessment of the Regulation was completed in 2021, giving more detailed consideration to the following issues.

- ***Ineffectual aspects of legislation*** – how to address areas where the current rules could be more effective and efficient.
- ***Contribution to resource efficiency and less toxic production*** – determine possible new pollutants to add to the Regulation, especially to align it better with environmental quality standards (for air and water) and the REACH Regulation; consider how the Regulation could contribute to developing and maintaining the circular economy e.g. by reporting on the use of energy, water and raw materials.
- ***Contribution to decarbonisation*** – how the Regulation could help make various industrial activities more carbon-efficient.
- ***Sectoral scope*** – determine whether the Regulation omits important environmental activities and how it is aligned with and supports related legislation (especially the IED, the MCPD and the UWWT Directive).

- **Stakeholder consultations**

Initial feedback was provided on the inception impact assessment published on the Commission's 'Have Your Say' website. The consultation ran from 28 September 2020 to 26 October 2020, and got 37 responses.

As part of the impact assessment, an open public consultation on the revision of the IED and the Regulation ran for 13 weeks from 22 December 2020 to 23 March 2021. There were 24 questions, 4 of which directly covered the Regulation. The public and organisations were encouraged to complete an online questionnaire on the EU Survey platform. The consultation

was publicised on the ‘Have your say’ website, and stakeholders were also told about its launch by email. Respondents to the consultation could also send position papers.

The consultation was followed by a targeted stakeholder survey. The survey was open for 8 weeks (from 8 March to 30 April 2021), then extended by 2 weeks (until 14 May 2021), so more responses could be submitted. Invitations to fill in the survey were sent by email to over 800 IED and E-PRTR stakeholders.

The survey asked stakeholders to identify and assess different options. It consisted of 61 questions, grouped around six identified problem areas (see below). Some questions were tailored to specific stakeholders: Member State authorities (at any level of administration), industry (individual companies or trade associations) or other groups (environmental NGOs, technical experts, academics and researchers). Word and PDF versions of the survey were sent by email to help collect information and for complete transparency. Three industrial associations and one NGO submitted accompanying material, such as position papers, explanatory remarks and summaries of key messages.

In addition, 30 interviews were conducted with representatives of international bodies, EU institutions, national authorities, industry or trade associations, non-governmental and other organisations.

The main input received on the six problems identified is outlined below.

1. ***Activities and activity thresholds:*** Most respondents, from all stakeholder groups, considered it important to align the Regulation and IED activity categorisations. Most researchers, NGOs and public authorities believed this would help their work, while most industry respondents thought it would make no difference to their current E-PRTR tasks. This alignment was seen as an opportunity to make data collection and reporting easier, and to make environmental control activity and data quality more consistent.
2. ***Pollutants and thresholds for reporting releases:*** Respondents were asked about the importance of adding 52 identified pollutants to Annex II to the Regulation. There was general support for this proposal, but the results reflect the respondents’ expertise and the importance of these pollutants in the respective industrial sectors. Survey participants also suggested a number of other pollutants that should be included.
3. ***Information to track progress being made towards developing the circular economy and decarbonising industry:*** Many researchers, NGOs and public authorities considered it very or fairly important to report additional contextual information on energy consumption and energy recovery/reuse. However, only a small percentage of industry stakeholders thought it was important, often raising the additional administrative burden as a concern.
4. ***Reporting methods and data flow:*** Most respondents, from all stakeholder groups, thought it was important or at least slightly important to allow flexibility for top-down reporting (by Member States) in some industrial sectors. On shortening reporting deadlines, many industry stakeholders indicated that the quality of data was more important than the speed of data reporting.
5. ***Access to E-PRTR information:*** Researchers, NGOs, public authorities and the public supported the requirement to report releases at a ‘sub-facility level’. Industry representatives were less supportive, believing it would have a significant effect on their workload.



6. **Releases from diffuse sources and products:** All respondents thought that the proposed options would help improve current E-PRTR information on releases from diffuse sources, with particular support for standardised templates and release factors. Most industry stakeholders thought releases from products were unimportant, while researchers, NGOs and authorities thought them fairly or very important.

- **Impact assessment**

On 20 December 2021, the Regulatory Scrutiny Board gave a ‘positive opinion with reservations’. This will be published once the Commission has adopted this proposal<sup>24</sup>. In the meantime, the staff working document has been amended to take into account the Board’s findings.

- **Regulatory fitness and simplification**

In line with the Commission’s commitment to better regulation, this proposal has been prepared inclusively, based on full transparency and continuous engagement with stakeholders, taking due account of both external feedback and external scrutiny to ensure the proposal strikes the right balance.

The E-PRTR is recognised as a best practice in streamlined and coherent reporting<sup>25</sup>. Whilst this limits the potential for further streamlining, the proposals have been designed to minimise additional burden.

The reporting at installation level instead of facility level will ensure full coherence with reporting under Directive 2010/75, thereby reducing any administrative burden related to reporting at different technical levels in industrial sites.

Simplified top-down reporting for rearing of livestock and aquaculture will alleviate the administrative burden on livestock farms and aquaculture businesses by 11.8 M€/y and for public administration: €0.670 million.

Since the existing E-PRTR Regulation (EC) No 166/2006 needs to be substantially modified, it will be repealed and replaced by a new Regulation in order to provide legal certainty, clarity and transparency.

- **Fundamental rights**

The proposal respects fundamental rights, in particular those in the Charter of Fundamental Rights of the European Union. It also contributes to the right to a high level of environmental protection in line with the principle of sustainable development, as laid down in Article 37 of the Charter<sup>26</sup>.

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<sup>24</sup> <https://ec.europa.eu/transparency/documents-register/>

<sup>25</sup> Fitness Check of Reporting and Monitoring of EU Environment Policy SWD(2017)230 final.

<sup>26</sup> OJ C 326, 26.10.2012, p. 391.

#### **4. BUDGETARY IMPLICATIONS**

The proposal will have budgetary implications for human and administrative resources in the Commission and the European Environment Agency. The financial statement in the Annex provides these details.

The Commission will have more work to do to implement the Regulation's broader scope (i.e. wider sectoral coverage) and intensified action (e.g. additional factors such as resource use and reporting at installation level). It will do this work in line with the existing resource allocation.

The European Environment Agency will support the Commission by managing the Industrial Emissions Portal (Portal) and implementing the practical arrangements to accommodate the broader scope and intensified action. This requires a total of two additional full-time equivalents.

#### **5. OTHER ELEMENTS**

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The total releases of pollutants per sector, based on data reported by operators to the E-PRTR, will remain key indicators to track progress against this initiative's objectives. The improved E-PRTR will improve monitoring of the environmental performance of different industrial sectors.

- More detailed reporting of pollutants at installation level will enable the analysis of the main processes in sectors where environmental performance is improving or is lagging behind.
- Including reporting of resource use will allow new indicators on use of materials, water and energy to be defined. This will make it possible to track improvements in resource efficiency.
- Regular updates of the substances covered by E-PRTR will make it possible to release indicators of substances of emerging or current concern to be defined. This will in turn make it possible to track improvements in how these substances are used and managed.

These improvements will also help ensure that this monitoring can be effectively used in the broader zero pollution monitoring and outlook framework, to be published every 2 years from 2022. Data on air, water and soil pollution available as part of the zero pollution monitoring framework will help evaluate the impact of reduced pollution from installations covered by the IED and the Regulation.

For the E-PRTR measures, the key indicators will include the timeliness and completeness of reporting – by Member State, sector and environmental medium. Portal web statistics will measure public access to combined IED/E-PRTR information.

Reaction to legislative improvements will be monitored using IED and E-PRTR stakeholder surveys.

- **Detailed explanation of the specific provisions of the proposal**

**Article 1** specifies the subject-matter i.e. establishing the Industrial Emissions Portal (the Portal) as the new online electronic database replacing the E-PRTR and containing all data reported under the Regulation; the implementation of the UNECE Protocol on Pollutant Release and Transfer Registers; the facilitation of public access to environmental information and of public participation in environmental decision-making; and the ability to better evaluate and assess the environmental impacts of industrial emissions legislation.

**Article 2** defines key terms with a view to providing legal certainty and clarity and ensuring its correct and complete implementation. These definitions address *inter alia* the terms ‘installation’, ‘release’, ‘off-site transfer’, ‘diffuse sources’, ‘operator’. For the sake of consistency with other related EU legislation, some definitions refer to definitions set out in the IED and in the 2008/98/EU Waste Framework Directive.

**Article 3** specifies what data the Portal will contain, i.e. data reported by the operators and the Member States in accordance with Article 5 and additional relevant environmental information reported under other related EU legislation.

**Article 4** addresses the design and structure of the Portal and specifies that data are presented in both aggregated and non-aggregated forms to enable Portal users to undertake specific searches by *inter alia* installation or activity. The objective is to ensure maximum ease and usefulness for Portal users in terms of access to relevant reported data.

**Article 5** outlines the data to be reported annually by the operators of industrial installations concerned, as listed in Annex I, to their Member States. This includes releases to the environment of the pollutants listed in Annex II, off-site transfers of waste and of waste water, the use of resources (e.g. water, raw materials), information contextualising those data (e.g. annual production volume) and whether the installation is covered by other EU related legislation, such as the IED.

To avoid double reporting, Article 5(1)(b) clarifies that off-site transfers of waste which are subject to disposal by ‘land treatment’ or ‘deep injection’ should only be reported as a release to land by the operator of the installation from where the waste originates.

Data on releases and transfers are to be reported as annual totals of all deliberate, accidental, routine and non-routine activities. Article 5(1) and Annex II set out threshold values which trigger the reporting obligation. Where those threshold values are not exceeded, operators should declare expressly that their annual releases and/or off-site transfers were below those threshold values. This seeks to address an implementation shortcoming i.e. ambiguity of whether operator null returns reflect reporting failure or releases and transfers below the applicable reporting thresholds. Likewise, Article 5(3) addresses another implementation shortcoming, regarding the methods used by operators to quantify their releases and off-site transfers, by establishing the quantification hierarchy of 1. Measurement; 2. Calculation; and 3. Estimation. To enable auditing of operator reports, operators should keep records, of the data from which the reported information was derived, for a period of five years.

The operators of some installations may lack the necessary resources to quantify their deliberate, annual releases of the pollutants listed in Annex II. Therefore, as an administrative simplification, Member States may quantify such releases on behalf of the operators of installations for the rearing of poultry, pigs and cattle (Activity 2 of Annex I) and for aquaculture (Activity 7 of Annex I).

It also requires Member States to set a deadline for operators to provide the data to their competent authorities.

**Article 6** addresses the subsequent annual data reporting to the Commission by Member States. The format and date by when Member States are to report data are to be set by means of implementing acts. In this respect, Commission Implementing Decision (EU) 2019/1741<sup>27</sup>, which establishes the data format and reporting deadline, remains applicable. The Commission, assisted by the European Environment Agency, should incorporate Member State data into the Portal within one month of receipt from Member States.

**Article 7** addresses the reporting of pollutant releases from diffuse sources. Where no such data is reported, the Commission is empowered to adopt delegated acts to initiate such reporting.

**Article 8** concerns the quality of reported data. Operators are required to ensure data quality and competent authorities must assess the accuracy, completeness, consistency and credibility of those data. The Commission may adopt relevant guidelines by means of implementing acts.

**Articles 9, 10 and 11:** In compliance with the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, the Protocol and relevant EU legislation, including Directive 2003/4/EC of the European Parliament and the Council<sup>28</sup>, these provisions seek to ensure:

- (i) free of charge and online public access to the data contained in the Portal whilst specifying that this is without prejudice to the restrictions set out in EU law on access to environmental information e.g. protection of operators' commercial interests and confidential information;
- (ii) public participation in the further development of the Portal; and
- (iii) the public's right to access to justice regarding access to environmental information.

**Article 12** refers to development and regular updating of guidance to support implementation of this Regulation. The guidance is to address *inter alia* reporting procedures and the quality assurance of reported data.

**Article 13** requires the Commission and Member States to promote public awareness of the Portal.

**Articles 14 and 15:** Article 14 empowers the Commission to adopt delegated acts to amend Annexes I and II in order to ensure that the Regulation remains topical.

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<sup>27</sup> Commission Implementing Decision (EU) 2019/1741 of 23 September 2019 establishing the format and frequency of data to be made available by the Member States for the purposes of reporting under Regulation (EC) No 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (OJ L 267, 21.10.2019, p. 3).

<sup>28</sup> Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).

Regarding Annex I, it provides the ability to add new industrial or agricultural activities that adversely affect, or may affect, the environment or human health as a result of significant pollutant releases or resource use. Activities may also need to be added to effect changes that are made to the Protocol on PRTRs.

Similarly there is a provision to update Annex II by adding pollutants which are subject to specific regulatory controls under EU chemicals, water and air quality legislation, and owing to their potential hazardousness for the environment or human health. Pollutants may also need to be added to effect changes that are made to the Protocol on PRTRs. Furthermore, this provision allows the setting of reporting thresholds that ensure at least 90% capture of pollutant releases from Annex I activities.

Article 15 lays down the conditions for the exercise of these delegations.

**Article 16** is the comitology provision specifying that the Commission will be assisted by a committee and that the examination procedure laid down in the comitology Regulation (EU) No 182/2011 applies. It foresees the possible adoption of Commission implementing acts for establishing or updating the date and format of reporting under Article 6(1).

**Article 17** specifies the criteria to be considered by Member States when establishing penalties for infringements of the Regulation's provisions and calls on Member States to adopt compliance assurance measures to prevent and detect infringements.

**Articles 18, 19 and 20:** Article 18 concerns the repeal and replacement of Regulation (EC) 166/2006. Article 20 addresses the date of entry into force, whilst Article 19 concerns the transitional provisions pending that date.

**Annex I** specifies the activities to which the Regulation applies, namely:

- installations undertaking one or more activity specified in Annexes I or Ia to Directive 2010/75/EU and above the applicable thresholds specified therein;
- medium-sized combustion plants above a capacity of 20 MW (megawatts);
- additional activities that are specified in the Protocol but not covered by the above legislation, namely: underground mining (including the extraction of crude oil or gas); opencast mining and quarrying; larger urban waste water treatment plants; aquaculture; and ship building/dismantling or painting/paint removal.

This scope of application aims at achieving coherence with other EU related environmental legislation, including Directive 2010/75/EU and Directive (EU) 2015/2193.

**Annex II** sets the list of pollutants to be reported and the accompanying thresholds that trigger the reporting of releases.

**Annex III** is a correlation table listing the provisions of Regulation (EC) 166/2006 and the corresponding provisions of this proposal.

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on reporting of environmental data from industrial installations and establishing an  
Industrial Emissions Portal**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>29</sup>,

Having regard to the opinion of the Committee of the Regions<sup>30</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Eighth Environment Action Programme of the European Union adopted by Decision No XXX/202X/EU of the European Parliament and of the Council<sup>31</sup> requires the Commission, Member States, regional and local authorities and stakeholders, to effectively apply high standards of transparency, public participation and access to justice in accordance with the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters<sup>32</sup> ('the Aarhus Convention'), both at Union and Member State level.
- (2) The Aarhus Convention, ratified by the European Community on 17 February 2005 by Council Decision 2005/370/EC, recognises that increased public access to environmental information and the dissemination of such information contribute to a greater awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment.

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<sup>29</sup> OJ C , , p. .

<sup>30</sup> OJ C , , p. .

<sup>31</sup> Decision XXX/XXX/XX of the European Parliament and of the Council on a General Union Environment Action Programme to 2030 (OJ L XXX, XX.XX.XX, p. XX)

<sup>32</sup> OJ L 124, 17.5.2005, p. 4.

- (3) On 2 December 2005, the European Community ratified the UNECE Protocol on Pollutant Release and Transfer Registers ('the Protocol') by Council Decision 2006/61/EC .
- (4) Regulation (EC) No 166/2006 of the European Parliament and of the Council<sup>33</sup>, established a European Pollutant Release and Transfer Register in order to implement the Protocol.
- (5) The Commission's second report<sup>34</sup> on implementation of Regulation (EC) No 166/2006 concluded that reporting obligations should be streamlined by further exploring synergies with other related Union environmental legislation on pollution from industrial installations, including in particular Directive 2010/75/EU of the European Parliament and of the Council<sup>35</sup> and Council Directive 91/271/EEC<sup>36</sup>. The report also highlighted the need to explore options for additional contextual information to make reported data more effective.
- (6) Commission communication 'Towards Zero Pollution for Air, Water and Soil'<sup>37</sup>, established a Union action plan on zero pollution, energy, decarbonisation and circular economy, and promoted the effective use of reported information in the wider zero pollution monitoring and outlook framework and under the monitoring framework provided for in the Eighth Environmental Action Programme.
- (7) In line with the conclusions of the Commission's second report on implementation of Regulation (EC) No 166/2006, the Commission, supported by the European Environment Agency ('the Agency'), developed in June 2021 an Industrial Emissions Portal ('the Portal')<sup>38</sup> to replace the European Pollutant Release and Transfer Register and therefore improve synergies with reporting under Directive 2010/75/EU.
- (8) The Portal should provide the public with free-of-charge and online access to a further integrated and coherent dataset on key environmental pressures generated by industrial installations since such data constitute a cost-effective tool for drawing comparisons and taking decisions in environmental matters, encouraging better environmental performance, tracking trends, demonstrating progress in pollution reduction, benchmarking installations, monitoring compliance with relevant international agreements, setting priorities and evaluating progress achieved through Union and national environmental policies and programmes.
- (9) The Portal should present the data it contains in aggregated and non-aggregated forms to permit users to undertake targeted searches.
- (10) The reporting requirements should apply at 'installation level' in order to implement synergies between the Portal and databases on environmental pressures from industrial

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<sup>33</sup> Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (OJ L 33, 4.2.2006, p.1).

<sup>34</sup> COM(2017) 810 final.

<sup>35</sup> Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

<sup>36</sup> Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment (OJ L 135, 30.5.1991, p. 40).

<sup>37</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil' of 12 May 2021 (COM(2021) 400 final).

<sup>38</sup> <https://industry.eea.europa.eu/>

installations, including those covered by Directive 2010/75/EU, and to ensure coherence with, and support to, the implementation of that Directive.

- (11) To comply with requirements of the Protocol, reporting requirements should apply to all activities listed in its Annex I. In addition, and with a view to achieving synergies with related Union environmental legislation affecting industrial installations, the scope of this Regulation should also align with the industrial activities under Annexes I and Ia to Directive 2010/75/EU and with selected activities covered by Directive (EU) 2015/2193 of the European Parliament and of the Council<sup>39</sup>.
- (12) In order to monitor the environmental performance of industrial installations, the data to be included in the Portal should cover, above quantitative thresholds, releases to the environment of certain pollutants, off-site transfers of waste water containing these pollutants and off-site transfers of waste.
- (13) The Portal should also include data on the use of water, energy and raw materials by the concerned installations to allow monitoring of progress towards a circular, highly resource-efficient economy
- (14) The Aarhus Convention, ratified by the European Community on 17 February 2005 by Council Decision 2005/370/EC<sup>40</sup>, recognises that increased public access to environmental information and the dissemination of such information contribute to a greater awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment.
- (15) Operators of installations should also report information concerning the production volume, number of employees and operating hours of the concerned installation as well as information on accidents that have led to releases, in order to enable the contextualisation of reported data on pollutant releases and off-site transfers of waste and waste water.
- (16) The overall benefit of the Portal for access to environmental information concerning industrial installations should be maximised by including links to other information flows that stem from Union environmental legislation on climate change, air, water and land protection and on waste management, including reporting under Directive 2012/18/EU of the European Parliament and of the Council<sup>41</sup>, Directive 2008/98/EC of the European Parliament and of the Council<sup>42</sup> and Directive 2010/75/EU. Moreover, in order to maximise the Portal's value to users, it should be designed to facilitate future integration with other relevant environmental data flows.
- (17) For the purpose of legal certainty, operators of installations should be required to enter a nil return when releases and off-site transfers of waste and of waste water from their installations are below reporting thresholds.

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<sup>39</sup> Directive (EU) 2015/2193 of the European Parliament and of the Council of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants (OJ L 313, 28.11.2015, p. 1).

<sup>40</sup> Council Decision 2005/370/EC of 17 February 2005 on the conclusion, on behalf of the European Community, of the Convention on access to information, public participation in decision-making and access to justice in environmental matters (OJ L 124, 17.05.2005, p. 1).

<sup>41</sup> Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJ L 197, 24.7.2012, p. 1).

<sup>42</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).



- (18) To improve the quality of reported data and to ensure their comparability, it is appropriate to harmonise quantification methods to be used by operators when reporting releases, off-site transfers of waste, off-site transfers of waste water and resource use. Operators should therefore be required to use, as a priority, measurement as the most accurate quantification method and, if not practicable, calculation, whereas estimation should only be used as a last resort.
- (19) As the operators of livestock production and aquaculture installations may lack the necessary resources to accurately quantify their deliberate releases of pollutants, Member States should be entitled to quantify them on their behalf.
- (20) In order to ensure uniform conditions for the implementation of the provisions of this Regulation regarding reporting by Member States, implementing powers should be conferred on the Commission to establish the type and format of information to be provided and the reporting deadlines. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>43</sup>.
- (21) Given the importance for the Union citizens of quick access to environmental information, it is essential that Member States and the Commission make data publicly available as fast as technically feasible. To that end, whereas the precise reporting deadline is to be established in an implementing act, it should be no later than 11 months after the end of the reporting year.
- (22) Where appropriate, the Portal should also facilitate access to information on releases from diffuse sources in order to enable decision-makers to better put into context those releases and to choose the most effective solution for pollution reduction.
- (23) Data reported by the Member States should be of high quality in particular as regards their accuracy, completeness, consistency and credibility. Competent authorities should therefore assess the quality of the data provided by operators.
- (24) Public access to environmental information reported by Member States should be unrestricted and exceptions from this rule should only be possible in accordance with Directive 2003/4/EC of the European Parliament and of the Council<sup>44</sup> or with Regulation (EC) No 1049/2001 of the European Parliament and of the Council<sup>45</sup>, as appropriate.
- (25) Public participation should be ensured in further development of the Portal by providing early and effective opportunities to submit comments, information, analysis and opinions for the decision-making process.
- (26) In order to enhance the usefulness and impact of the Portal, the Commission, supported by the Agency, should develop guidance supporting the implementation of this Regulation.
- (27) It should be possible for the Commission to update the list of industrial or agricultural activities in relation to which reporting requirements apply. The Commission should therefore be empowered to adopt delegated acts in accordance with Article 290 of the

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<sup>43</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

<sup>44</sup> Directive 2003/4/EC of the European Parliament and of the Council on access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).

<sup>45</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

Treaty amending Annex I to this Regulation to add activities that have, or are expected to have, an impact on health or the environment and to align the Annex with amendments to the Protocol.

- (28) The Commission should also be empowered to adopt delegated acts in accordance with Article 290 of the Treaty to amend Annex II to this Regulation to determine reporting thresholds, to add pollutants which are subject to specific regulatory measures under Union law on water and air quality and on chemicals, including Regulation (EC) No 1907/2006 of the European Parliament and of the Council<sup>46</sup>, Directives 2000/60/EC<sup>47</sup>, 2004/107/EC<sup>48</sup>, 2006/118/EC<sup>49</sup>, 2008/50/EC<sup>50</sup> and 2008/105/EU<sup>51</sup> of the European Parliament and of the Council, to reflect changes made to the Protocol with regard to the pollutants to be reported or their reporting thresholds, and to adapt that Annex to scientific or technical progress.
- (29) The Commission should also be empowered to adopt delegated acts in accordance with Article 290 of the Treaty to amend Annex II to this Regulation to determine reporting thresholds, to add pollutants which are subject to specific regulatory measures under Union law on water and air quality and on chemicals, including Regulation (EC) No 1907/2006 of the European Parliament and of the Council<sup>52</sup>, Directives

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<sup>46</sup> Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

<sup>47</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

<sup>48</sup> Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air (OJ L 23, 26.1.2005, p. 3).

<sup>49</sup> Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration (OJ L 372, 27.12.2006, p. 19).

<sup>50</sup> Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (OJ L 152, 11.6.2008, p. 1).

<sup>51</sup> Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (OJ L 348, 24.12.2008, p. 84).

<sup>52</sup> Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

2000/60/EC<sup>53</sup>, 2004/107/EC<sup>54</sup>, 2006/118/EC<sup>55</sup>, 2008/50/EC<sup>56</sup> and 2008/105/EU<sup>57</sup> of the European Parliament and of the Council, to reflect changes made to the Protocol with regard to the pollutants to be reported or their reporting thresholds, and to adapt that Annex to scientific or technical progress.

- (30) When adopting delegated acts, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>58</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (31) In order to ensure effective implementation of this Regulation, Member States should lay down rules on penalties applicable to its infringements and should ensure that they are implemented.
- (32) Since Regulation (EC) No 166/2006 needs to be substantially modified, it should be repealed and replaced by this Regulation for reasons of legal certainty, clarity and transparency.
- (33) Since the objective of this Regulation, namely to enhance public access to environmental information through the establishment of an integrated, coherent Union-wide electronic database, cannot be sufficiently achieved by the Member States as the need for comparability of data in Member States argues for a high level of harmonisation, but can rather be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (34) The reporting requirements established by this Regulation should apply as from the reporting year 2025 in order to provide sufficient time for Member States and concerned operators to take the necessary measures.
- (35) In order to ensure data continuity and legal certainty, Regulation (EC) No 166/2006 should continue to apply for the reporting year 2024.

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<sup>53</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

<sup>54</sup> Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air (OJ L 23, 26.1.2005, p. 3).

<sup>55</sup> Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration (OJ L 372, 27.12.2006, p. 19).

<sup>56</sup> Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (OJ L 152, 11.6.2008, p. 1).

<sup>57</sup> Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (OJ L 348, 24.12.2008, p. 84).

<sup>58</sup> OJ L 123, 12.5.2016, p. 1.

HAVE ADOPTED THIS REGULATION:

*Article 1*  
**Subject matter**

This Regulation implements the UNECE Protocol on Pollutant Release and Transfer Registers ('the Protocol') by laying down rules on the collection and reporting of environmental data on industrial installations and establishes an Industrial Emissions Portal ('Portal') at Union level in the form of an online database giving access to such data.

*Article 2*  
**Definitions**

For the purposes of this Regulation, the following definitions shall apply:

- (1) 'installation' means a stationary technical unit where one or more activities listed in Annex I are carried out, and any other directly associated activities which have a technical connection with the activities carried out on that site and which could have an effect on emissions and pollution;
- (2) 'site' means the geographical location of the installation;
- (3) 'the public' means the public as defined in Article 3, point (16), of Directive 2010/75/EU;
- (4) 'release' means any introduction of pollutants into the environment as a result of any human activity, whether deliberate or accidental, routine or non-routine, including spilling, emitting, discharging, injecting, disposing or dumping, or through sewer systems without final waste water treatment;
- (5) 'pollutant' means a substance or a group of substances that may be harmful to the environment or to human health on account of its properties and of its introduction into the environment;
- (6) 'substance' means a substance as defined in Article 3, point (1), of Directive 2010/75/EU;
- (7) 'operator' means an operator as defined in Article 3, point (15), of Directive 2010/75/EU;
- (8) 'off-site transfer' means the movement beyond the boundaries of an installation of waste destined for recovery or disposal and of pollutants in waste water destined for waste water treatment;

- (9) 'waste' means waste as defined in Article 3, point (1), of Directive 2008/98/EC of the European Parliament and of the Council<sup>59</sup>;
- (10) 'waste water' means urban, domestic and industrial waste water, as defined in Articles 2, points (1), (2) and (3), of Directive 91/271/EEC, and any other used water which is subject, due to the substances or objects it contains, to regulation by Union law;
- (11) 'diffuse sources' means the many smaller or scattered sources from which pollutants may be released to land, air or water, whose combined impact on those media may be significant and for which it is impractical to collect reports from each individual source;
- (12) 'competent authority' means the national authority or authorities, or any other competent body or bodies, designated by Member States;
- (13) 'hazardous waste' means hazardous waste as defined in Article 3(2) of Directive 2008/98/EC;
- (14) 'recovery' means any of the operations referred to in Annex II to Directive 2008/98/EC;
- (15) 'disposal' means any of the operations referred to in Annex I to Directive 2008/98/EC;
- (16) 'reporting year' means the calendar year for which data must be gathered.

### *Article 3* **Content of the Portal**

1. The Portal shall include data on:
  - (a) releases of pollutants as referred to in Article 5(1), point (a);
  - (b) off-site transfers of waste as referred to in Article 5(1), point (b), and of pollutants in waste water as referred to in Article 5(1), point (c);
  - (c) use of water resources, energy and raw materials as referred to in Article 5(1), point (d);
  - (d) contextual information as referred to in Article 5(1), point (e);
  - (e) where available, data on releases of pollutants from diffuse sources as referred to in Article 7(1).
  
2. The Portal shall include links to the following:
  - (a) national pollutant release and transfer registers established by Member States in accordance with the Protocol;

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<sup>59</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

- (b) other existing publicly accessible registers, databases or websites, established at Member State or Union level, that provide access to the reporting requirements set out in Union legislation on climate change, air, water and land protection, and on waste management.

#### *Article 4*

### **Design and structure of the Portal**

1. The Commission shall make the Portal publicly accessible, presenting the data in both aggregated and non-aggregated forms with a view to enabling searches by:
  - (a) installation, including the installation's parent company where applicable, and its geographical location, including the river basin;
  - (b) activity;
  - (c) occurrence at Member State or Union level;
  - (d) pollutant, waste or resource, as appropriate;
  - (e) the environmental medium (air, water, land) into which the pollutant is released;
  - (f) off-site transfers of waste and, as appropriate, their destination;
  - (g) off-site transfers of pollutants in waste water;
  - (h) diffuse sources;
  - (i) installation owner or operator.
  
2. The Portal shall be designed for maximum ease of public access to allow the data, under normal operating conditions, to be continuously and readily accessible on the internet. Its design shall take into account the possibility of its future expansion and shall include all data reported for previous reporting years, up to at least the previous ten reporting years.

#### *Article 5*

### **Reporting by operators to competent authorities**

1. The operator of each installation that undertakes one or more of the activities specified in Annex I, which meet the applicable capacity thresholds specified in that Annex, shall report annually, to its competent authority, the following data, unless that data is already available to the competent authority:
  - (a) releases to air, water and land of any pollutant specified in Annex II for which the applicable threshold value specified in Annex II is exceeded;

- (b) off-site transfers of hazardous waste exceeding 2 tonnes per year or of non-hazardous waste exceeding 2 000 tonnes per year, for any operations of recovery or disposal with the exception of the disposal operations of land treatment and deep injection disposal operations, as specified in Annex I to Directive 2008/98/EC, indicating with 'R' or 'D' respectively whether the waste is destined for recovery or disposal and, for transboundary movements of hazardous waste, the name and address of the recoverer or the disposer of the waste and the actual recovery or disposal site. Waste which is subject to land treatment or deep injection disposal operations shall be reported as a release to land only by the operator of the installation from which the waste originates;
  - (c) off-site transfers of any pollutant specified in Annex II in waste water destined for waste water treatment for which the threshold value specified in Annex II, column 1b, is exceeded;
  - (d) use of water, energy and raw materials;
  - (e) information allowing contextualisation of the data reported under points (a) to (d), including production volume, number of employees, number of operating hours, and information on accidents that have led to releases;
  - (f) information on whether the installation is also covered by Directive 2003/87/EC of the European Parliament and of the Council<sup>60</sup>, Directive 91/271/EEC, Directive 2010/75/EU, Directive 2012/18/EU, Directive (EU) 2015/2193 or any other Union environmental legislation identified in the reporting format referred to in Article 6.
2. Where the releases referred to in paragraph 1, point (a), or off-site transfers of pollutants referred to in paragraph 1, point (c), do not exceed the applicable threshold values specified in Annex II, or where off-site transfers of waste do not exceed the thresholds set out in paragraph 1, point (b), the operator of the installation concerned shall declare, in its report, that releases or off-site transfers are below those values or thresholds.
  3. Operators shall obtain the data referred to in paragraph 1 by means of measurement. Where measurement is not practicable, operators shall use calculation. Where neither measurement nor calculation is practicable, operators may obtain the data by estimation.
  4. Operators shall specify in the report the methods used for obtaining the data. Where the data were obtained by measurement, the analytical method shall be indicated. Where the data were obtained by calculation, the method of calculation shall be indicated.
  5. When preparing the report referred to in paragraph 1, operators shall make use of the best available information, which may include monitoring data, emission factors, mass

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<sup>60</sup> Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).

balance equations, indirect monitoring or other calculations, engineering judgements and other methods in line with Article 8(1) and in accordance with internationally approved methodologies, where these are available.

6. The releases referred to in Annex II reported under paragraph 1, point (a), shall include all releases from all sources included in Annex I at the site of the installation.
7. The data referred to in paragraph 1 shall include releases and transfers reported as totals of all deliberate, accidental, routine and non-routine activities. In providing this data, operators shall specify, where available, any data that relate to accidental releases.
8. The operator of each installation shall collect with appropriate frequency the data needed to determine which of the installation's releases and off-site transfers are subject to reporting requirements under paragraph 1.
9. The operator of each installation concerned shall keep available for its competent authority the records from which the reported data were derived for a period of 5 years, starting from the end of the reporting year concerned. These records shall also describe the methodology used for data gathering.
10. Member States may decide to quantify themselves deliberate releases referred to in paragraph 1, point (a), on behalf of operators of installations covered by Activity 2 listed in Annex I and by Activity 7 listed in Annex I. In these cases, paragraphs 1 to 9 shall not apply to those operators in respect of such releases.
11. Having regard to the requirements set out in Article 6, Member States shall determine a date by when operators shall provide the data referred to in this Article to its competent authority.

#### *Article 6*

#### **Reporting by Member States to the Commission**

1. Member States shall provide, each year, to the Commission, by electronic means, a report containing all the data referred to in Article 5 in a format and by a date to be established by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 17(2). The reporting date shall be, in any case, no later than 11 months after the end of the reporting year.
2. The Commission services, assisted by the European Environment Agency ('the Agency') shall incorporate the data reported by Member States into the Portal within 1 month of completion of reporting by Member States in accordance with paragraph 1.



*Article 7*  
**Data on releases of pollutants from diffuse sources**

1. The Commission, assisted by the Agency, shall include in the Portal data on releases of pollutants from diffuse sources where such data exists and has already been reported by Member States.
2. The data available on the Portal shall allow users to search for and identify releases of pollutants from diffuse sources according to an adequate geographical disaggregation and shall include information on the type of methodology used to derive the data.
3. Where it determines that no data on the releases from diffuse sources exist, the Commission is empowered to adopt delegated acts in accordance with Article 15 in order to supplement this Regulation by initiating reporting on releases of relevant pollutants from one or more diffuse sources using, where appropriate, internationally approved methodologies.

*Article 8*  
**Quality assurance and assessment**

1. The operators of the installation subject to the reporting requirements set out in Article 5 shall ensure the quality of the data that they report.
2. The competent authorities shall assess the quality of the data provided by the operators of the installations referred to in paragraph 1, in particular as to their accuracy, completeness, consistency and credibility.

*Article 9*  
**Access to information**

1. The Commission, assisted by the Agency, shall make the data contained in the Portal publicly accessible and free of charge on the internet within 1 month of completion of reporting by Member States in accordance with Article 6(1).
2. Where the data contained in the Portal is not easily accessible to the public on the internet, the Member State concerned and the Commission shall facilitate electronic access to the Portal in publicly accessible locations.

3. Each Member State shall make available to the public its data, reported in accordance with Article 5 and, where available, Article 7(1), in a continuous manner, free of charge and without restricting access to registered users.

#### *Article 10*

### **Confidentiality**

When data is considered confidential by a Member State in accordance with Article 4(2) of Directive 2003/4/EC, the report referred to in Article 6(2) of this Regulation for the reporting year concerned shall indicate separately for each installation which data cannot be made public and provide the reasons for this.

#### *Article 11*

### **Public participation**

1. The Commission shall provide the public with early and effective opportunities to participate in the further development of the Portal, including capacity-building and the preparation of amendments to this Regulation.
2. The public shall have the opportunity to submit comments, information, analyses and opinions within a reasonable timeframe.
3. The Commission shall take due account of such input and shall inform the public about the outcome of the public participation.

#### *Article 12*

### **Guidance**

The Commission, assisted by the Agency, shall draw up and periodically update guidance supporting the implementation of this Regulation, addressing at least the following:

- (a) reporting procedures;
- (b) the data to be reported;
- (c) quality assurance and assessment;
- (d) indication of type of withheld data and reasons why they were withheld in the case of confidential data;
- (e) reference to internationally approved methods for release determination, analysis and sampling;
- (f) indication of parent companies.

#### *Article 13*

## Awareness raising

Member States and the Commission shall promote public awareness of the Portal and understanding and use of the data contained in it.

### *Article 14*

#### **Amendments to the Annexes**

1. The Commission is empowered to adopt delegated acts in accordance with Article 15 in order to amend Annex I for one or more of the following purposes:
  - (a) to add an industrial or agricultural activity which has, or is expected to have, an impact on health or the environment as a consequence of its pollutant releases, waste or waste water transfers or resource use; releases or transfers above the respective reporting thresholds, as set out in Article 5(1), point (b) and in Annex II, will be a primary factor in determining impact on health or the environment;
  - (b) to align it with the Protocol following the adoption of amendment to its annexes.
  
2. The Commission is empowered to adopt delegated acts in accordance with Article 15 in order to amend Annex II for one or more of the following purposes:
  - (a) to adapt it to scientific or technical progress;
  - (b) to add pollutants, the release of which to air, water and land has, or may have, an adverse impact on the environment or human health, including those that are released from activities referred to in Annex I to this Regulation, and that meet one of the following conditions:
    - (i) are designated as substances of very high concern in Annex XIV to Regulation (EC) No 1907/2006;
    - (ii) are designated as priority substances under Directives 2000/60/EC or 2008/105/EC,
    - (iii) are included in the watch lists established in the framework of Directives 2006/118/EC or 2008/105/EC;
    - (iv) are subject to limit values or other restrictions under Directives 2008/50/EC, 2004/107/EC or 2006/118/EC;
  - (c) to set and update thresholds for releases so as to achieve the goal of capturing at least 90% of releases of each pollutant to air, water and land from activities referred to in Annex I; including thresholds of zero for substances displaying a particularly high hazard to the environment or human health;
  - (d) to align it with the Protocol following the adoption of amendment to its annexes.

### *Article 15*

## **Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 7(3) and Article 14 shall be conferred on the Commission for a period of five years from ... [Office of Publication: please insert the date = the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Article 7(3) and Article 14 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 7(3) and Article 14 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

### *Article 16*

#### **Committee Procedure**

1. The Commission shall be assisted by a committee.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

### *Article 17*

#### **Penalties and compliance assurance measures**

1. Member States shall lay down the rules on penalties applicable to infringements of national measures adopted pursuant to this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall without delay notify the Commission of those rules and of those measures and shall notify it without delay of any subsequent amendment affecting them.
2. The penalties referred to in paragraph 1 shall include fines proportionate to the turnover of the legal person or to the income of the natural person who has committed the infringement. The level of the fines shall be calculated in such a way as to make sure that they effectively deprive the person responsible for the infringement of the economic benefits derived from that infringement. The level of the fines shall be gradually increased for repeated infringements.
3. Member States shall ensure that the penalties referred to in paragraph 1 give due regard to the following, as applicable:
  - (a) the nature, gravity, and extent of the infringement;
  - (b) the intentional or negligent character of the infringement;
  - (c) the population or the environment affected by the infringement, bearing in mind the impact on the objective of achieving a high level of protection of human health and the environment.
4. Member States shall adopt compliance assurance measures to prevent and detect the infringements referred to in paragraph 1.

### *Article 18*

#### **Repeal**

Regulation (EC) No 166/2006 is repealed with effect from 1 January 2026.

References to the repealed Regulation (EC) No 166/2006 shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex III.

### *Article 19*

#### **Transitional provisions**

Notwithstanding Article 18, first paragraph, Regulation (EC) No 166/2006 shall continue to apply as regards reporting for the year 2024.

*Article 20*  
**Entry into force**

This Regulation shall enter into force on the twentieth day following its publication in *the Official Journal of the European Union*.

It shall apply from 1 January 2026.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

## LEGISLATIVE FINANCIAL STATEMENT

### FRAMEWORK OF THE PROPOSAL/INITIATIVE

#### Title of the proposal/initiative

Proposal for a Regulation of the European Parliament and of the Council concerning the reporting of environmental data from industrial installations and establishing an Industrial Emissions Portal

#### Policy area(s) concerned

Policy area: 09 Environment & Climate Change

#### The proposal relates to

- a new action
- a new action following a pilot project/preparatory action<sup>61</sup>
- the extension of an existing action
- a merger of one or more actions towards another/a new action

#### Objective(s)

##### General objective(s)

The objective of this proposal is to:

- (1) Update the European Pollutant Release and Transfer Register (E-PRTR) in line with findings of the recently completed impact assessment by creating an Industrial Emissions Portal (Portal);
- (2) Improve EU access to environmental information on industrial installations;
- (3) Re-establish the Portal as a supporting instrument to the Industrial Emissions Directive (IED) and related EU environmental law.

In particular, this proposal will help achieve the objectives set out in:

- the European Green Deal: “The Commission will review EU measures to address pollution from large industrial installations.”;
- the Zero Pollution Action Plan: “[Revision of the IED and E-PRTR Regulation].. will aim to... improve public access to information ... and make it easier to compare Member States’ performances in tackling industrial emissions.”.

The proposals is also fully in line with the Agenda 2030, in particular in relation to the following Sustainable Development Goals:

- “3.9: Substantially reduce the number of deaths and illnesses from hazardous chemicals and air, water and soil pollution and contamination;
- 9.4: Upgrade infrastructure and retrofit industries to make them sustainable, with increased resource-use efficiency and greater adoption of clean and environmentally sound technologies and industrial processes, with all countries taking action in accordance with their respective capabilities;
- 12.4 Achieve the environmentally sound management of chemicals and all wastes throughout their life cycle, in accordance with agreed international frameworks, and

<sup>61</sup> As referred to in Article 58(2)(a) or (b) of the Financial Regulation.

significantly reduce their release to air, water and soil in order to minimize their adverse impacts on human health and the environment;

- 12.5 Substantially reduce waste generation through prevention, reduction, recycling and reuse;
- 12.6 Encourage companies, especially large and transnational companies, to adopt sustainable practices and to integrate sustainability information into their reporting cycle;
- 12.8 Ensure that people everywhere have the relevant information and awareness for sustainable development and lifestyles in harmony with nature.”

(4) Specific objective(s)

1. Improve the effectiveness of the Portal by addressing shortcomings identified in implementation feedback e.g. updating the pollutants reported, requiring reporting at installation level rather than facility level;
2. Contribute to circular economy objectives and non-toxic production by requiring additional data on resource consumption e.g. use of energy, water, raw materials and by making the list of reported substances more dynamic to take on board substances of emerging concern;
3. Contribute to the decarbonisation of industry by gathering more accurate data on greenhouse gas releases from industrial activities;
4. Expand the sectoral scope of the Portal in order to improve knowledge on other significant industrial releases / transfers and to improve coherence with related legislation, especially the IED and medium combustion plant directive.

(5) Expected result(s) and impact

*Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.*

The proposed amendment of the Regulation will address implementation shortcomings identified in the E-PRTR / IED evaluations and help deliver wider EGD policy goals.

The transition to reporting at installation level (rather than facility) will re-establish the link with the IED, thus providing a more reliable metric for environmental performance of industrial installations.

The provision of additional data on resource consumption and greenhouse gas releases will help promote resource efficient, circular and zero-carbon production methods by identifying good and bad performers.

Sectoral scope expansions will ensure that the Portal gives a more accurate picture of the main releases / transfers from EU industrial activities.

Updating the list of Annex II pollutants will ensure that current, and future, information needs are more precisely met.

Overall, the proposals will help ensure that the Portal continues to be a comprehensive and user-friendly database on the location and performance of EU industrial installations.

(6) Indicators of performance

*Specify the indicators for monitoring progress and achievements.*



The Portal will provide information including overall emissions of pollutants per installation and this will be a key indicator to track the revised IED's progress in reducing environmental impact. These indicators will continue to be produced annually in a comparable and easily accessible manner via the Portal, as managed by the European Environment Agency (EEA).

The increased granularity of reporting of pollutant emission at installation level will allow monitoring of the main activities i.e. whose environmental performance is improving or is lagging.

The inclusion of reporting of resource use will allow defining new indicators on use of materials, water and energy, that will enable tracking of resource efficiency improvements.

(7) Grounds for the proposal/initiative

(8) Requirement(s) to be met in the short or long term including a detailed timeline for roll-out of the implementation of the initiative

This financial statement will secure funding for the EEA to establish an upgraded, expanded, user friendly and fully operational Industrial Emissions Portal. The Portal replaces the E-PRTR (European Pollutant Release and Transfer Register).

**Timeline:**

- **Q1-Q2 2024** – preparatory work: analytical work to design additional modules to align the Portal with the widened IED scope and to secure reporting on resource use (materials, water, energy) in addition to pollutant releases.

- **Q3 2024** - test phase of the new Portal

- **Q1 2025** – launch of the updated Portal: data collection, quality assurance and publication

(9) Added value of Union involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this point 'added value of Union involvement' is the value resulting from Union intervention which is additional to the value that would have been otherwise created by Member States alone.

**Reasons for action at European level (ex-ante)**

In the absence of a common EU wide approach for setting reporting requirements, it would be extremely difficult to compare the environmental performance of installations in different Member States. In addition, EU reporting standards are adopted beyond the EU-27, meaning that comparable environmental data are also available for installations in EFTA and EU accession countries.

**Expected generated Union added value (ex-post)**

The Portal provides information used by all Member States, minimising the need for each Member State to establish its own national processes. This aids data comparability.

In addition, industrial plants regulated under the Regulation, the IED and Seveso-III Directive are often monitored by different Member State competent authorities. However, the Portal will integrate this information into a single, centralised 'one-stop-shop'. It will also make informed linkages to separate databases and information

sources providing contextual information, such as on air and water quality in the vicinity of installations. This provides a wealth of information on various aspects related to these industrial installations; information that is valuable to competent authorities, industries, NGOs, the public and the Commission (for policy making and implementation improvement purposes).

(10) Lessons learned from similar experiences in the past

This will be the second occasion on which Europe's inventory of industrial emissions has been amended.

In 2000, Europe's first inventory of emissions (the European Pollutant Emission Register; EPER) was created as a direct consequence of Article 15(3) of the 1996 IPPC Directive (the predecessor to the IED). Article 15(3) stated that:

*“An inventory of the principal emissions and sources responsible shall be published every three years by the Commission on the basis of the data supplied by the Member States. The Commission shall establish the format and particulars needed for the transmission of information in accordance with the procedure laid down in Article 19.*

*In accordance with the same procedure, the Commission may propose measures to ensure inter-comparability and complementarity between data concerning the inventory of emissions referred to in the first subparagraph and data from other registers and sources of data on emissions.”*

In 2006, the EPER was superseded by the E-PRTR (European Pollutant Release and Transfer Register) in order for the EU to fulfil its international obligations under the UNECE's Kyiv Protocol to the Aarhus Convention on access to environmental information.

(11) Compatibility with the Multiannual Financial Framework and possible synergies with other appropriate instruments

This action is consistent with other EU policies and ongoing initiatives stemming from the European Green Deal.

(12) Assessment of the different available financing options, including scope for redeployment

The retained option is EEA to continue managing the Portal and implement all additional changes under the supervision of DG ENV. This is favourable as:

(1) clear added value in ensuring a consistent approach across the EU, which will be exported to the Protocol, which is also the global benchmark used by other continents (e.g. south America, Japan and OECD in general).

(2) obvious synergies with the role of the EEA in managing environmental information related to air quality, water quality, etc.

**Other options investigated:**

Rely solely on PRTRs developed by *Member States*. As a party to the Aarhus Convention and its Protocol, the EU is required to implement its commitments. In theory, since Member States are parties to the Protocol as well, all the obligations it contains could have been established in Member State national legislation. However, there would have been no guarantee of consistent application across the EU in this case since the Protocol contains options for the implementation of some provisions. For instance, the activities falling within its scope can be defined using either capacity or

employee thresholds. Creation of the Portal minimises the need for each Member State to establish its own national processes and aids data comparability.

(13) Duration and financial impact of the proposal/initiative

**limited duration**

Proposal/initiative in effect from [DD/MM]YYYY to [DD/MM]YYYY

Financial impact from YYYY to YYYY

**unlimited duration**

Implementation with a start-up period from 2022 to 2025, followed by full-scale operation.

(14) Management mode(s) planned<sup>62</sup>

**Direct management** by the Commission through

executive agencies

**Shared management** with the Member States

**Indirect management** by entrusting budget implementation tasks to:

international organisations and their agencies (to be specified);

the EIB and the European Investment Fund;

bodies referred to in Articles 70 and 71;

public law bodies;

bodies governed by private law with a public service mission to the extent that they provide adequate financial guarantees;

bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that provide adequate financial guarantees;

persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.

(15) MANAGEMENT MEASURES

(16) Monitoring and reporting rules

*Specify frequency and conditions.*

Standard monitoring and reporting rules for EU subsidies to decentralised agencies will apply.

(17) Management and control system(s)

(18) Justification of the management mode(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed

Standard monitoring and reporting rules for EU subsidies to decentralised agencies will apply.

<sup>62</sup> Details of management modes and references to the Financial Regulation may be found on the BUDG Website: <https://myintracomm.ec.europa.eu/budgweb/EN/man/budgmanag/Pages/budgmanag.aspx>

- (19) Information concerning the risks identified and the internal control system(s) set up to mitigate them

N/A

- (20) Estimation and justification of the cost-effectiveness of the controls (ratio of "control costs ÷ value of the related funds managed"), and assessment of the expected levels of risk of error (at payment & at closure)

N/A

- (21) Measures to prevent fraud and irregularities

*Specify existing or envisaged prevention and protection measures, e.g. from the Anti-Fraud Strategy.*

Standard modalities for EU subsidies to the decentralised agencies will apply

- (22) ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL

- (23) Heading of the multiannual financial framework and expenditure budget line affected

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff. <sup>63</sup>	from EFTA countries <sup>64</sup>	from candidate countries <sup>65</sup>	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
3	09.10.02 – European Environment Agency (EEA)	Diff.	YES	YES	NO	NO

<sup>63</sup> Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

<sup>64</sup> EFTA: European Free Trade Association.

<sup>65</sup> Candidate countries and, where applicable, potential candidates from the Western Balkans.

- (24) Estimated financial impact of the proposal on appropriations
- (25) Summary of estimated impact on operational appropriations
- The proposal/initiative does not require the use of operational appropriations
- The proposal/initiative requires the use of operational appropriations, as explained below:

<b>Heading of multiannual financial framework</b>	Number	Heading 3 – Natural resources and environment
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EUR million (to three decimal places)

Agency: EEA			Year 2024	Year 2025	Year 2026	Year 2027	TOTAL
Title 1: Staff expenditure	Commitments	(1a)	0.430	0.438	0.447	0.456	<b>1.772</b>
	Payments	(2a)	0.430	0.438	0.447	0.456	<b>1.772</b>
Title 2: Administrative expenditure	Commitments	(1a)	0.050	0.050	0.020	0.020	<b>0.140</b>
	Payments	(2a)	0.050	0.050	0.020	0.020	<b>0.140</b>
Title 3: Operational expenditure	Commitments	(1b)	0.170	0.070	0.030	0.030	<b>0.300</b>
	Payments	(2b)	0.170	0.070	0.030	0.030	<b>0.300</b>
<b>TOTAL appropriations for EEA</b>	Commitments	=1a+1b +3	<b>0.650</b>	<b>0.558</b>	<b>0.497</b>	<b>0.506</b>	<b>2.212</b>
	Payments	=2a+2b +3	<b>0.650</b>	<b>0.558</b>	<b>0.497</b>	<b>0.506</b>	<b>2.212</b>

			2024	2025	2026	2027	Total
<b>TOTAL appropriations under HEADING 3 of the multiannual financial framework</b>	Commitments	=4+ 6	<b>0.650</b>	<b>0.558</b>	<b>0.497</b>	<b>0.506</b>	<b>2.212</b>
	Payments	=5+ 6	<b>0.650</b>	<b>0.558</b>	<b>0.497</b>	<b>0.506</b>	<b>2.212</b>

Justification for costs above:

EEA costs include cost of 2 additional FTE who will establish the IT infrastructure for collecting new data fields (on resource use and additional pollutants), modify and expand the XML schema to enable reporting at installation level and for newly captured agro-industrial activities, update the Manual for Reporters to ensure consistent returns by operators/MS, run training sessions for MS reporters to introduce these new requirements, and subsequently manage the reporting and related dataflow.

Costs of developing IT infrastructure will go down in the 3<sup>rd</sup> year, as only the IT infrastructure maintenance costs will remain. It's assumed that for the first two years EEA will need more financial resources to revamp the existing tools as a result of the legal proposal.

The EEA costs assume a 2% inflationary increase and a correction coefficient for remuneration for Denmark from 1 July 2021 - 1.342. This has been assumed unchanged for the years that follow.

The required increase of the EU contribution to EEA will be compensated by a corresponding reduction in the envelope of the LIFE programme (budget line 09.0202 - *Circular economy and quality of life*).

(26) Estimated output funded with operational appropriations

N/A

(27) Estimated impact on EEA resources

The proposal/initiative does not require the use of appropriations of an administrative nature

The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

	<b>Year 2024</b>	<b>Year 2025</b>	<b>Year 2026</b>	<b>Year 2027</b>	<b>TOTAL</b>
Temporary agents (AD Grades)	0.430	0.438	0.447	0.456	<b>1.772</b>
<b>TOTAL</b>	<b>0.430</b>	<b>0.438</b>	<b>0.447</b>	<b>0.456</b>	<b>1.772</b>

Staff requirements (FTE):

	<b>Year 2024</b>	<b>Year 2025</b>	<b>Year 2026</b>	<b>Year 2027</b>	<b>TOTAL</b>
Temporary agents (AD Grades)	2	2	2	2	<b>2/year</b>
<b>TOTAL</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2/year</b>

EEA staff will establish the IT infrastructure that will be required to implement the proposed revisions and subsequently manage the reporting and related dataflow. These IT enhancements relate to the physical capacity of the reporting stream (i.e. number and nature of reports) and the supporting systems (guidance, training etc.) to ensure their consistent application by industrial operators and Member States.

(28) Estimated requirements of human resources in the Commission

N/A

(29) Compatibility with the current multiannual financial framework

- The proposal/initiative:
  - can be fully financed through redeployment within the relevant heading of the Multiannual Financial Framework (MFF).
  - requires use of the unallocated margin under the relevant heading of the MFF and/or use of the special instruments as defined in the MFF Regulation.
  - requires a revision of the MFF.
  
- (30) Third-party contributions
  - The proposal/initiative does not provide for co-financing by third parties
  
- (31) Estimated impact on revenue
  - The proposal/initiative has no financial impact on revenue.



Strasbourg, 5.4.2022  
COM(2022) 157 final

ANNEXES 1 to 3

**ANNEXES**

**to the**

**Proposal for a**

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
on reporting of environmental data from industrial installations and establishing an  
Industrial Emissions Portal**

{SEC(2022) 169 final} - {SWD(2022) 111 final} - {SWD(2022) 112 final} -  
{SWD(2022) 113 final}



## ANNEX I

### Activities

Activity		Capacity Threshold
1	Activities listed in Annex I to Directive 2010/75/EU	Above the applicable capacity thresholds set out in Directive 2010/75/EU
2	Activities listed in Annex Ia to Directive 2010/75/EU	Above the applicable capacity thresholds set out in Directive 2010/75/EU
3	Activities referred to in Article 2 of Directive (EU) 2015/2193 (where not covered by Annex I to Directive 2010/75/EU)	Combustion plants with a rated thermal input of at least 20 MW and below 50 MW
4	Underground mining and related operations, including the extraction of crude oil or gas either onshore or offshore (where not covered by Annex I to Directive 2010/75/EU)	No capacity threshold (all installations are subject to reporting)
5	Opencast mining and quarrying (where not covered by Annex I to Directive 2010/75/EU)	Where the surface of the area effectively under extractive operation equals 25 hectares
6	Urban waste water treatment plants	With a capacity of 100 000 population equivalents or more
7	Aquaculture	With a production capacity of 100 tonnes of fish or shellfish per year
8	Installations for the building and/or dismantling of ships, and for the painting or removal of paint from ships	With a capacity for ships 100 m long

**ANNEX II**  
**Pollutants (\*1)**

No	CAS number	Pollutant <sup>(1)</sup>	Threshold for releases (column 1)		
			to air (column 1a) kg/year	to water (column 1b) kg/year	to land (column 1c) kg/year
1	74-82-8	Methane (CH <sub>4</sub> )	100 000	— <sup>(2)</sup>	—
2	630-08-0	Carbon monoxide (CO)	500 000	—	—
3	124-38-9	Carbon dioxide (CO <sub>2</sub> )	100 million	—	—
4		Hydro-fluorocarbons (HFCs) <sup>(3)</sup>	100	—	—
5	10024-97-2	Nitrous oxide (N <sub>2</sub> O)	10 000	—	—
6	7664-41-7	Ammonia (NH <sub>3</sub> )	10 000	—	—
7		Non-methane volatile organic compounds (NMVOC)	100 000	—	—
8		Nitrogen oxides (NO <sub>x</sub> /NO <sub>2</sub> )	100 000	—	—
9		Perfluorocarbons (PFCs) <sup>(4)</sup>	100	—	—
10	2551-62-4	Sulphur hexafluoride (SF <sub>6</sub> )	50	—	—
11		Sulphur oxides (SO <sub>x</sub> /SO <sub>2</sub> )	150 000	—	—
12		Total nitrogen	—	50 000	50 000
13		Total phosphorus	—	5 000	5 000
14		Hydrochlorofluorocarbons (HCFCs) <sup>(5)</sup>	1	—	—
15		Chlorofluorocarbons (CFCs) <sup>(6)</sup>	1	—	—
16		Halons <sup>(7)</sup>	1	—	—
17		Arsenic and compounds (as As) <sup>(8)</sup>	20	5	5
18		Cadmium and compounds (as Cd) <sup>(8)</sup>	10	5	5
19		Chromium and compounds (as Cr) <sup>(8)</sup>	100	50	50
20		Copper and compounds (as Cu) <sup>(8)</sup>	100	50	50
21		Mercury and compounds (as Hg) <sup>(8)</sup>	10	1	1
22		Nickel and compounds (as Ni) <sup>(8)</sup>	50	20	20
23		Lead and compounds (as Pb) <sup>(8)</sup>	200	20	20
24		Zinc and compounds (as Zn) <sup>(8)</sup>	200	100	100
25	15972-60-8	Alachlor	—	1	1

26	309-00-2	Aldrin	1	1	1
27	1912-24-9	Atrazine	—	1	1
28	57-74-9	Chlordane	1	1	1
29	143-50-0	Chlordecone	1	1	1
30	470-90-6	Chlorfenvinphos	—	1	1
31	85535-84-8	Chloro-alkanes, C <sub>10</sub> -C <sub>13</sub>	—	1	1
32	2921-88-2	Chlorpyrifos	—	1	1
33	50-29-3	DDT	1	1	1
34	107-06-2	1,2-dichloroethane (EDC)	1 000	10	10
35	75-09-2	Dichloromethane (DCM)	1 000	10	10
36	60-57-1	Dieldrin	1	1	1
37	330-54-1	Diuron	—	1	1
38	115-29-7	Endosulphan	—	1	1
39	72-20-8	Endrin	1	1	1
40		Halogenated organic compounds (as AOX) <sup>(9)</sup>	—	1 000	1 000
41	76-44-8	Heptachlor	1	1	1
42	118-74-1	Hexachlorobenzene (HCB)	10	1	1
43	87-68-3	Hexachlorobutadiene (HCBd)	—	1	1
44	608-73-1	1,2,3,4,5,6-hexachlorocyclohexane(HCH)	10	1	1
45	58-89-9	Lindane	1	1	1
46	2385-85-5	Mirex	1	1	1
47		PCDD + PCDF (dioxins + furans) (as Teq) <sup>(10)</sup>	0,0001	0,0001	0,0001
48	608-93-5	Pentachlorobenzene	1	1	1
49	87-86-5	Pentachlorophenol (PCP)	10	1	1
50	1336-36-3	Polychlorinated biphenyls (PCBs)	0,1	0,1	0,1
51	122-34-9	Simazine	—	1	1
52	127-18-4	Tetrachloroethylene (PER)	2 000	10	—
53	56-23-5	Tetrachloromethane (TCM)	100	1	—
54	12002-48-1	Trichlorobenzenes (TCBs) (all isomers)	10	1	—
55	71-55-6	1,1,1-trichloroethane	100	—	—
56	79-34-5	1,1,2,2-tetrachloroethane	50	—	—
57	79-01-6	Trichloroethylene	2 000	10	—
58	67-66-3	Trichloromethane	500	10	—

59	8001-35-2	Toxaphene	1	1	1
60	75-01-4	Vinyl chloride	1 000	10	10
61	120-12-7	Anthracene	50	1	1
62	71-43-2	Benzene	1 000	200 (as BTEX) <sup>(11)</sup>	200 (as BTEX) <sup>(11)</sup>
63		Brominated diphenylethers (PBDE) <sup>(12)</sup>	—	1	1
64		Nonylphenol and Nonylphenol ethoxylates (NP/NPEs)	—	1	1
65	100-41-4	Ethyl benzene	—	200 (as BTEX) <sup>(11)</sup>	200 (as BTEX) <sup>(11)</sup>
66	75-21-8	Ethylene oxide	1 000	10	10
67	34123-59-6	Isoproturon	—	1	1
68	91-20-3	Naphthalene	100	10	10
69		Organotin compounds(as total Sn)	—	50	50
70	117-81-7	Di-(2-ethyl hexyl) phthalate (DEHP)	10	1	1
71	108-95-2	Phenols (as total C) <sup>(13)</sup>	—	20	20
72		Polycyclic aromatic hydrocarbons (PAHs) <sup>(14)</sup>	50	5	5
73	108-88-3	Toluene	—	200 (as BTEX) <sup>(11)</sup>	200 (as BTEX) <sup>(11)</sup>
74		Tributyltin and compounds <sup>(15)</sup>	—	1	1
75		Triphenyltin and compounds <sup>(16)</sup>	—	1	1
76		Total organic carbon (TOC) (as total C or COD/3)	—	50 000	—
77	1582-09-8	Trifluralin	—	1	1
78	1330-20-7	Xylenes <sup>(17)</sup>	—	200 (as BTEX) <sup>(11)</sup>	200 (as BTEX) <sup>(11)</sup>
79		Chlorides (as total Cl)	—	2 million	2 million
80		Chlorine and inorganic compounds (as HCl)	10 000	—	—
81	1332-21-4	Asbestos	1	1	1
82		Cyanides (as total CN)	—	50	50
83		Fluorides (as total F)	—	2 000	2 000
84		Fluorine and inorganic compounds (as HF)	5 000	—	—
85	74-90-8	Hydrogen cyanide (HCN)	200	—	—
86		Particulate matter (PM <sub>10</sub> )	50 000	—	—

87	1806-26-4	Octylphenols and Octylphenol ethoxylates	—	1	—
88	206-44-0	Fluoranthene	—	1	—
89	465-73-6	Isodrin	—	1	—
90	36355-1-8	Hexabromobiphenyl	0,1	0,1	0,1
91	191-24-2	Benzo(g,h,i)perylene	—	1	—

(1) Unless otherwise specified, any pollutant specified in this Annex shall be reported as the total mass of that pollutant or, where the pollutant is a group of substances, as the total mass of the group.

(2) A hyphen (—) indicates that the parameter and medium in question do not trigger a reporting requirement.

(3) Total mass of hydrogen fluorocarbons: sum of HFC23, HFC32, HFC41, HFC4310mee, HFC125, HFC134, HFC134a, HFC152a, HFC143, HFC143a, HFC227ea, HFC236fa, HFC245ca, HFC365mfc.

(4) Total mass of perfluorocarbons: sum of CF<sub>4</sub>, C<sub>2</sub>F<sub>6</sub>, C<sub>3</sub>F<sub>8</sub>, C<sub>4</sub>F<sub>10</sub>, c-C<sub>4</sub>F<sub>8</sub>, C<sub>5</sub>F<sub>12</sub>, C<sub>6</sub>F<sub>14</sub>.

(5) Total mass of substances including their isomers listed in Group VIII of Annex I to Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer (OJ L 286, 31.10.2009, p. 1).

(6) Total mass of substances including their isomers listed in Groups I and II of Annex I to Regulation (EC) No 1005/2009.

(7) Total mass of substances including their isomers listed in Groups III and VI of Annex I to Regulation (EC) No 1005/2009.

(8) All metals shall be reported as the total mass of the element in all chemical forms present in the release.

(9) Halogenated organic compounds which can be adsorbed to activated carbon expressed as chloride.

(10) Expressed as I-TEQ.

(11) Single pollutants are to be reported if the threshold for BTEX (the sum parameter of benzene, toluene, ethyl benzene, xylenes) is exceeded.

(12) Total mass of the following brominated diphenylethers: penta-BDE, octa-BDE and deca-BDE.

(13) Total mass of phenol and simple substituted phenols expressed as total carbon.

(14) For reporting releases to air, polycyclic aromatic hydrocarbons (PAHs) are to be measured as benzo(a)pyrene (50-32-8), benzo(b)fluoranthene (205-99-2), benzo(k)fluoranthene (207-08-9) and indeno(1,2,3-cd)pyrene (193-39-5) as specified in Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants (OJ L 169, 25.6.2019, p. 45).

(15) Total mass of tributyltin compounds, expressed as mass of tributyltin.

(16) Total mass of triphenyltin compounds, expressed as mass of triphenyltin.

(17) Total mass of xylene (ortho-xylene, meta-xylene, para-xylene).

**ANNEX III*****Correlation table***

<b>Regulation (EC) No 166/2006</b>	<b>This Regulation</b>
Article 1	Article 1
Article 2(1)	Article 2(3)
Article 2(2)	Article 2(12)
Article 2(3)	Article 2(1)
Article 2(4)	-
Article 2(5)	Article 2(2)
Article 2(6)	Article 2(7)
Article 2(7)	Article 2(16)
Article 2(8)	Article 2(6)
Article 2(9)	Article 2(5)
Article 2(10)	Article 2(4)
Article 2(11)	Article 2(8)
Article 2(12)	Article 2(11)
Article 2(13)	Article 2(9)
Article 2(14)	Article 2(13)
Article 2(15)	Article 2(10)
Article 2(16)	Article 2(15)
Article 2(17)	Article 2(14)
Article 3, point (a)	Article 3(1), point (a)
Article 3, point (b)	Article 3(1), point (b)
Article 3, point (c)	Article 3(1), point (e)

Article 4(1)	Article 4(1)
Article 4(2)	Article 3(2)
Article 5(1), point (a)	Article 5(1), point (a)
Article 5(1), point (b)	Article 5(1), point (b)
Article 5(1), point (c)	Article 5(1), point (c)
Article 5(1), second subparagraph	-
Article 5(1), third subparagraph	Article 5(4)
Article 5(1), fourth subparagraph	Article 5(6)
Article 5(2)	Article 5(7)
Article 5(3)	Article 5(8)
Article 5(4)	Article 5(5)
Article 5(5)	Article 5(9)
Article 6	Article 5(1), point (b)
Article 7(1)	Article 5(11)
Article 7(2)	Article 6(1)
Article 7(3)	Article 6(2)
Article 8(1)	Article 7(1)
Article 8(2)	Article 7(2)
Article 8(3)	Article 7(3)
Article 9(1)	Article 8(1)
Article 9(2)	Article 8(2)
Article 9(3)	-
Article 9(4)	-
Article 10(1)	Article 9(1)
Article 10(2)	Article 9(2)

Article 11	Article 10
Article 12(1)	Article 11(1)
Article 12(2)	Article 11(2)
Article 12(3)	Article 11(3)
Article 13	Article 9(4)
Article 14	Article 12
Article 15	Article 13
Article 18	Article 14
Article 18a	Article 15
Article 19	Article 16
Article 20	Article 17
Article 21	-
Annex I	Annex I
Annex II	Annex II



## Information Note

### 1. Proposal

*Regulation of the European Parliament and of the Council on reporting of environmental data from industrial installations and establishing an Industrial Emissions Portal*

### 2. Date of Commission document

05/04/2022

### 3. Number of Commission document

COM (2022) 157

### 4. Number of Council document:

2022/0105

### 5. Dealt with in Strasbourg, France by

*Working Party on the Environment*

### 6. Department with primary responsibility

*Department of the Environment, Climate and Communications.*

### 7. Other Departments involved

*Departments of Housing, Local Government and Heritage, Department of Enterprise, Trade and Employment*

### 8. Background to, short summary and aim of the proposal

#### ***European Pollutant Release and Transfer Register (E-PRTR)***

*Regulation (EC) No 166/2006 established the European Pollutant Release and Transfer Register (E-PRTR), as the Europe-wide register providing public access to key environmental data from industrial facilities located in the EU, Iceland, Liechtenstein and Norway.*

*The E-PRTR contains data reported annually by some 30,000 industrial facilities which cover 65 economic activities across the EU.*

*Every year, Member States send the Commission a report containing data submitted by the operators of industrial facilities on the releases and transfers of each facility. The data are then published by the Commission on a public website, with the support of the European Environment Agency.*

#### ***Proposal summary***

- The Regulation's sectoral scope should be revised to be more consistent with activities covered by related environmental laws. This concerns the Industrial Emissions Directive (IED) in particular, but also Directive (EU) 2015/2193 on medium combustion plants (MCPD) and Council Directive 91/271/EEC on urban waste water treatment (UWWT Directive). To be further aligned,*

*activities should be reported at installation level – as in the case of these other laws – rather than at facility level.*

- *The E-PRTR Regulation should cover all relevant pollutants. This means certain pollutants should be added to Annex II of the Regulation, including:*
  - *priority substances under the 2000/60/EC Water Framework Directive and the 2008/105/EU Surface Water Directive;*
  - *substances identified as of very high concern in Regulation (EC) No 1907/2006 (REACH);*
  - *substances covered by EU laws on groundwater and air quality, including the Groundwater Directive, the Ambient Air Quality Directive and Directive 2004/107/EC on the concentrations of certain pollutants in ambient air.*
  
- *To be consistent with EU policies on the circular economy and decarbonisation and to enable better environmental benchmarking of E-PRTR data, operators should report on production volume and complementary data, especially the use of resources (energy, water, and raw materials).*
- *Current shortcomings affecting the Regulation’s implementation should also be addressed by:*
  - *updating the analytical methods operators use to determine their releases and off-site transfers;*
  - *asking operators to confirm explicitly in their report to the competent authorities that a release of a given pollutant or an off-site transfer of waste or waste water is below the applicable reporting thresholds;*
  - *allowing Member States to report certain data on behalf of operators rearing livestock, who may lack the resources to report accurate data.*

*The need to revise the Regulation was confirmed in the European Green Deal, and it is being revised at the same time as the IED. This will ensure the overall consistency and efficiency of these two laws.*

## **9. Legal basis of the proposal**

*Article 192(1) of the Treaty on the Functioning of the European Union*

## **10. Voting Method**

*QMV*

## **11. Role of the EP**

*Co-decision*

## **12. Category of proposal**

*The proposal relates to the improvement of an existing Regulation concerning the reporting emissions from industrial installations.*

## **13. Implications for Ireland & Ireland's Initial View'**

*Ireland's initial view is to support the proposed regulation on the basis that it contains necessary measures to help the EU achieve its climate and environment goals.*

#### **14. Impact on the public**

*The E-PRTR gives the public access to this valuable information, thereby supporting environmental decision-making. Improving the E-PRTR will impact positively on the public.*

*The Regulation brings significant EU added value by making it possible to easily compare release data for different EU industries and by providing cumulative EU release data. This data would be much harder to collect and combine from 27 separate national registers.*

#### **15. Have any consultations with Stakeholders taken place or are there any plans to do so?**

*At EU level, Initial feedback was provided on the inception impact assessment published on the Commission's 'Have Your Say' website. The consultation ran from 28 September 2020 to 26 October 2020, and got 37 responses.*

*As part of the impact assessment, an open public consultation on the revision of the IED and the Regulation ran for 13 weeks from 22 December 2020 to 23 March 2021. There were 24 questions, 4 of which directly covered the Regulation. The public and organisations were encouraged to complete an online questionnaire on the EU Survey platform. The consultation was publicised on the 'Have your say' website, and stakeholders were also told about its launch by email. Respondents to the consultation could also send position papers.*

*The consultation was followed by a targeted stakeholder survey. The survey was open for 8 weeks (from 8 March to 30 April 2021), then extended by 2 weeks (until 14 May 2021), so more responses could be submitted. Invitations to fill in the survey were sent by email to over 800 IED and E-PRTR stakeholders.*

#### **16. Are there any subsidiarity issues for Ireland?**

*No*

#### **17. Anticipated negotiating period**

*Q2 2022 – Q4 2023*

#### **18. Proposed implementation date**

*1 January 2026.*

#### **19. Consequences for national legislation**

*Domestic legislation may need to be reviewed and updated accordingly.*

#### **20. Method of Transposition into Irish law**

N/A

**21. Anticipated Transposition date**

N/A

**22. Consequences for the EU budget in Euros annually**

The proposal will have budgetary implications for human and administrative resources in the Commission and the European Environment Agency. The financial statement in the [Annex](#) to the proposal provides these details.

**23. Contact name, telephone number and e-mail address of official in Department with primary responsibility**

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**Date** 05/05/2022