

# Experiences on the implementation of the Protocol on PRTRs

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# Content

- Institutional and legal implementation
- Activities, substances, categories of releases, off-site transfers
- Data collection and management
- **Data dissemination, public participation and access to information**

# The Protocol text

Covers the various aspects of PRTR implementation which will be reflected in the sessions of this workshop, including:

Article 4	<b>Core Elements of a PRTR System</b>
Article 5	<b>Design and Structure of the database</b>
Article 6	<b>Scope of the Register</b>
Article 7,8	<b>Reporting Requirements and Reporting Cycle</b>
Article 9,10	<b>Data Collection, Record-Keeping and Quality Assessment</b>
Article 11,12	<b>Public Access to information, Confidentiality</b>
Article 13	<b>Public Participation</b>
Article 14	<b>Access to Justice</b>
Article 15	<b>Capacity-Building</b>
Article 16	<b>International Cooperation</b>

# Institutional and Legal Implementation..

## Checklist of elements for which **institutional structures** may be needed (1/3)

- **Institution to manage the national PRTR system (art. 2, para. 5)**
- **Structure for inter-agency coordination**
- **Appropriate systems for enforcement (art. 3, para. 1)**

### *Collection, validation and management of data*

- **Collection of data** submitted by owners or operators of reporting **facilities (art. 7, paras. 2 and 5)**
- Assessment of the **quality** of the data collected in terms of **completeness, consistency and credibility (art. 10, para. 2)**
- Collection of information on releases of pollutants from **diffuse sources (art. 7, para. 4)**
- Development and management of a register comprising a **structured, computerized database (art. 4, para. (j) and art. 5, para. 3)**
- **Dissemination of information and training (arts. 8, 11 and 15)**

# Institutional and Legal Implementation..

## Checklist of elements for which **institutional structures** may be needed (2/3)

### *Awareness raising and capacity-building*

- Promotion of public awareness of the national PRTR and provision of assistance and guidance in accessing and using the information contained therein (art. 15, para. 1)
- Capacity-building and guidance to responsible authorities for carrying out their duties under the Protocol (art. 15, para. 2)

### *Access to information; confidentiality; access to justice*

- Structures for provision of information to the public on request, in cases where the information is not easily accessed by the public by direct electronic means (art. 11, para. 2), optionally, charging a reasonable amount for this service (art. 11, para. 4)
- Facilitation of electronic access to the register in publicly accessible locations where access is not available by direct electronic means (art. 11, para. 5)
- Processing of requests for keeping certain information confidential, including taking decisions on when information can be excluded (art. 12, para. 1)
- Processing of requests to disclose information that is considered confidential, including provision of generic chemical information and the reason the other information has been withheld (art. 12, para. 3)

# Institutional and Legal Implementation..

## Checklist of elements for which **institutional structures** may be needed (3/3)

### *Public participation*

- Provision of opportunities for public participation in the development of the national PRTR within the constraints of national law (art. 13, para. 1)
- Provision of information to the public when a decision is taken to establish or significantly change the register (art. 13, para. 3)

# Institutional and Legal Implementation..

## Checklist of legislative elements on **data collection and dissemination** (1/3)

### *General provisions*

1. Authority (or obligation) to establish and maintain a public register (art. 4)
2. **Designation of competent authority for managing the PRTR** (art. 2, para. 5 and art. 3, para. 1 in connection with Article 4 (j)) (Management of the PRTR, data collection, and enforcement of reporting obligations will not necessarily be carried out by the same authority.)
3. **Definitions**, e.g. facility, pollutant, release, off-site transfer (compare art. 2 where necessary)
4. **Designation of which point source facilities** will be subject to mandatory reporting on a periodic basis
5. What **information** needs to be **reported** and in what **format** (art. 7, paras. 5 and 6)
6. Reporting cycle and **deadlines for reporting** (art. 8)
7. Measures providing for the **effective enforcement** of the provisions of the Protocol, for example provisions making it an offence to submit information known to be false, and **sanctions** for so doing.

# Institutional and Legal Implementation..

## Checklist of legislative elements on **data collection and dissemination** (2/3)

### *Obligations for owners and operators*

1. To **collect data** and keep records for five years (art. 9, para. 1)
2. To use the best available information when reporting, and to **use internationally approved methodologies where appropriate** (art. 9, para. 2)
3. To **assure the quality** of information reported (art. 10, para. 1)

# Institutional and Legal Implementation..

## Checklist of legislative elements on **data collection and dissemination** (3/3)

### *Obligations for Parties*

1. Obligation to **provide direct electronic access to the register** through public telecom networks and, failing this, in publicly accessible locations (art. 11, para. 1 and art. 11, para. 5)
2. Obligations to **carry out quality assessments of the data** in the register in particular assess whether & to ensure that the data are **complete, consistent and credible** (art. 10, para. 2)
3. Provisions on **what information on the register may be kept confidential**, as well as the procedure (criteria) for taking the determination and for providing information on what data have been withheld and why (art. 12, paras. 1, 2 and 3)
4. Measures to ensure that employees or members of the public who report a violation by a facility are not penalized, persecuted or harassed (art. 3, para. 3)
5. Technical measures for collection of information on diffuse pollution (art. 7, paras. 4 and 7)

# Institutional and Legal Implementation..

## Check list of elements of national legislation on **public participation**

1. To ensure appropriate **opportunities for public participation** in the development of the PRTR (art. 13, para. 1);
2. To ensure that the **public has access to information** on the proposed measures **in a timely manner** (art. 13, para. 3);
3. To provide the opportunity for access to information on proposed measures concerning the development of the PRTR (art. 13, para. 2).

# Activities, substances, categories of releases, off-site transfers

- 65 activities (capacity/employee thresholds)
- 86 substances/substance categories, such as greenhouse gases, acid rain pollutants, ozone-depleting substances, heavy metals, substances covered by POP's Convention and certain carcinogens such as dioxins
- Releases to air, land, water.
- Parties choose the capacity threshold system or employee threshold system for determining which facilities report.
- Off-site transfers of waste / wastewater. A threshold system defines which waste transfers have to be reported.
- Progressively include available data on diffuse releases.
- The Protocol sets minimum requirements. Parties developing PRTRs may go further, according to their national priorities and may include activities and substances that are additional to those listed in Annex I and Annex II).

# Data collection and management

- Link to reporting on other Multilateral Environmental Agreements
- Data collection is not limited to PRTR reporting by private sector
- Data management should be sustainable, expecting changes of relevance of substances and activities over time
- Thresholds are often an obstacle to data use

# Data dissemination, public participation and access to information

- Data dissemination, public participation and access to information is the focus of current discussions on the usefulness of existing PRTR systems
- Political support is needed to increase resources to improve usefulness of PRTRs
- Political support is based on public awareness about the issues related to pollution and the private sector making use of the possibilities to promote their activities through PRTR

<http://www.unece.org/env/pp/prtr.html>

<http://www.prtr.net/>



**Thank you for your attention!**