# 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 (Text with EEA relevance)

## 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

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee[(1)],

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty[(2)],

Whereas:

(1) The Sixth Community Environment Action Programme adopted by Decision No 1600/2002/EC of the European Parliament and of the Council[(3)] requires supporting the provision of accessible information to citizens on the state and trends of the environment in relation to social, economic and health trends as well as the general raising of environmental awareness.

(2) The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (hereinafter 'the Aarhus Convention'), signed by the European Community on 25 June 1998, 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.

(3) Pollutant release and transfer registers (hereinafter 'PRTRs') are a cost-effective tool for encouraging improvements in environmental performance, for providing public access to information on releases of pollutants and off-site transfers of pollutants and waste, and for use in tracking trends, demonstrating progress in pollution reduction, monitoring compliance with certain international agreements, setting priorities and

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evaluating progress achieved through Community and national environmental policies and programmes.

(4) An integrated and coherent PRTR gives the public, industry, scientists, insurance companies, local authorities, non-governmental organisations and other decision-makers a solid database for comparisons and future decisions in environmental matters.

(5) On 21 May 2003 the European Community signed the UNECE Protocol on Pollutant Release and Transfer Registers (hereinafter 'the Protocol'). Provisions of Community law should be consistent with that Protocol with a view to its conclusion by the Community.

(6) A European Pollutant Emission Register (hereinafter 'EPER') was established by Commission Decision 2000/479/EC[(4)]. The Protocol builds on the same principles as EPER, but goes beyond, by including reporting on more pollutants, more activities, releases to land, releases from diffuse sources and off-site transfers.

(7) The objectives and goals pursued by a European PRTR can only be achieved if data are reliable and comparable. An adequate harmonisation of the data collection and transfer system is therefore needed to ensure the quality and comparability of data. In accordance with the Protocol the European PRTR should be designed for maximum ease of public access through the Internet. Releases and transfers should be easily identified in different aggregated and non-aggregated forms in order to access a maximum of information in a reasonable time.

(8) In order to further promote the objective of supporting the provision of accessible information to citizens on the state and trends of the environment as well as the general raising of environmental awareness, the European PRTR should contain links to other similar databases in Member States, non-Member States and international organisations.

(9) In accordance with the Protocol, the European PRTR should also contain information on specific waste disposal operations, to be reported as releases to land; recovery operations such as sludge and manure spreading are not reported under this category.

(10) In order to achieve the objective of the European PRTR to provide reliable information to the public and to allow for knowledge-based decisions it is necessary to provide for reasonable but strict timeframes for data collection and reporting; this is particularly relevant for reporting by Member States to the Commission.

(11) Reporting of releases from industrial facilities, although not yet always consistent, complete and comparable, is a well established procedure in many Member States. Where appropriate, reporting on releases from diffuse sources should be improved in order to enable decision-makers to better put into context those releases and to choose the most effective solution for pollution reduction.

(12) Data reported by the Member States should be of high quality in particular as regards their completeness, consistency and credibility. It is of great importance to coordinate future efforts of both operators and Member States to improve the quality of the reported

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data. The Commission will therefore initiate work, together with the Member States, on quality assurance.

(13) In accordance with the Aarhus Convention, the public should be granted access to the information contained in the European PRTR without an interest to be stated, primarily by ensuring that the European PRTR provides for direct electronic access through the Internet.

(14) Access to information provided by the European PRTR should be unrestricted and exceptions from this rule should only be possible where explicitly granted by existing Community legislation.

(15) In accordance with the Aarhus Convention, public participation should be ensured in the further development of the European PRTR by early and effective opportunities to submit comments, information, analysis or relevant opinions for the decision-making process. Applicants should be able to seek an administrative or judicial review of the acts or omissions of a public authority in relation to a request.

(16) In order to enhance the usefulness and impact of the European PRTR, the Commission and the Member States should cooperate in developing guidance supporting the implementation of the European PRTR, in promoting awareness of the public and in providing appropriate and timely technical assistance.

(17) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[(5)].

(18) Since the objective of the action to be taken, namely to enhance public access to environmental information through the establishment of an integrated, coherent Community-wide electronic database, cannot be sufficiently achieved by the Member States, because the need for comparability of data throughout the Member States argues for a high level of harmonisation, and can therefore be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. 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.

(19) In order to simplify and streamline reporting requirements, Council Directive 91/689/EEC of 12 December 1991 on hazardous waste[(6)] and Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control[(7)] should be amended.

(20) The European PRTR aims, among other things, at informing the public about important pollutant emissions due, in particular, to activities covered by Directive 96/61/EC. Consequently, under this Regulation, information should be provided to the public on emissions from installations covered by Annex I of that Directive.

(21) To reduce duplicate reporting, pollutant release and transfer register systems may, under the Protocol, be integrated to the degree practicable with existing information sources such as reporting mechanisms under licences or operating permits. In accordance with

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the Protocol, the provisions of this Regulation should not affect the right of the Member States to maintain or introduce a more extensive or more publicly accessible pollutant release and transfer register than required under the Protocol,

HAVE ADOPTED THIS REGULATION:

*Article 1*

**Subject matter**

This Regulation establishes an integrated pollutant release and transfer register at Community level (hereinafter 'the European PRTR') in the form of a publicly accessible electronic database and lays down rules for its functioning, in order to implement the UNECE Protocol on Pollutant Release and Transfer Registers (hereinafter 'the Protocol') and facilitate public participation in environmental decision-making, as well as contributing to the prevention and reduction of pollution of the environment.

*Article 2*

**Definitions**

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

(1) 'the public' means one or more natural or legal persons, and, in accordance with national legislation or practice, their associations, organisations or groups;

(2) 'competent authority' means the national authority or authorities, or any other competent body or bodies, designated by the Member States;

(3) '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;

(4) 'facility' means one or more installations on the same site that are operated by the same natural or legal person;

(5) 'site' means the geographical location of the facility;

(6) 'operator' means any natural or legal person who operates or controls the facility or, where this is provided for in national legislation, to whom decisive economic power over the technical functioning of the facility has been delegated;

(7) 'reporting year' means the calendar year for which data on releases of pollutants and off-site transfers must be gathered;

(8) 'substance' means any chemical element and its compounds, with the exception of radioactive substances;

(9) '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;

(10) '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

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spilling, emitting, discharging, injecting, disposing or dumping, or through sewer systems without final waste-water treatment;

(11) 'off-site transfer' means the movement beyond the boundaries of a facility of waste destined for recovery or disposal and of pollutants in waste water destined for waste-water treatment;

(12) '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;

(13) 'waste' means any substance or object as defined in Article 1(a) of Council Directive 75/442/EEC of 15 July 1975 on waste[(8)];

(14) 'hazardous waste' means any substance or object as defined in Article 1(4) of Directive 91/689/EEC;

(15) 'waste water' means urban, domestic and industrial waste water, as defined in Article 2(1), (2) and (3) of Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment[(9)], and any other used water which is subject, because of the substances or objects it contains, to regulation by Community law;

(16) 'disposal' means any of the operations provided for in Annex IIA to Directive 75/442/EEC;

(17) 'recovery' means any of the operations provided for in Annex IIB to Directive 75/442/EEC.

*Article 3*

**Content of the European PRTR**

The European PRTR shall include information on:

(a) releases of pollutants referred to in Article 5(1)(a) that must be reported by the operators of the facilities carrying out the activities listed in Annex I;

(b) off-site transfers of waste referred to in Article 5(1)(b) and of pollutants in waste water referred to in Article 5(1)(c), that must be reported by the operators of the facilities carrying out the activities listed in Annex I;

(c) releases of pollutants from diffuse sources referred to in Article 8(1), where available.

*Article 4*

**Design and structure**

1 The Commission shall publish the European PRTR, presenting the data in both aggregated and non-aggregated forms, so that releases and transfers can be searched for and identified by:

a facility, including the facility's parent company where applicable, and its geographical location, including the river basin;

b activity;

c occurrence at Member State or Community level;