

EPER - European Pollutant Emission Register/ PRTR - Pollutant Release and Transfer Register

1. Overview of Legal Regulations

On 4 February 2006, the European “Regulation concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689EEC and 96/61/EC” was published. The Regulation came into force in all EU member states on 24 February 2006.

The PRTR register (PRTR = Pollutant Release and Transfer Register) introduced together with this regulation is requested by the UN-ECE PRTR protocol. By signing the protocol in May 2003 next to 35 other countries, Germany and the EU have undertaken to implement such a register in the form of an electronic database accessible to the public.

Up until now, there has been a European Pollutant Emission Register (EPER) – also accessible to the public via the Internet – listing in detail the emissions into the air and water by large industrial plants, so-called “IPPC plants”.

In order to avoid the establishment and maintenance of two parallel registers with similar data, it was decided to develop the EPER into a PRTR. The European PRTR (E-PRTR) therefore entirely replaces the previous register.

By publishing the law on the “Implementation of the Protocol on Pollutant Release and Transfer Registers of 21 May 2003 and on the Implementation of Regulation (EC) No 166/2006” (PRTR Law) in the Federal Law Gazette, the Law came into effect in Germany on 13 June 2007.

Art. 2 of the PRTR Law governs the establishment of a national register by the Federal Environment Agency (Umweltbundesamt, UBA) and the information contained therein. The data reported will be included in the register not later than 15 months after the end of each reporting year (i.e. the calendar year for which the report is submitted).

Art. 3 of the PRTR Law provides that the operator must submit its report to the competent authorities in electronic form on or before 31 May of the year following on the reporting year.

The PRTR Law can be found on the Internet as a read-only version of the Federal Law Gazette at:

<http://frei.bundesgesetzblatt.de/index.php?teil=I&jahr=2007&nr=25>

2. What information does the EPER contain?

EPER contains data on the main pollutant emissions to air and water reported by more than 10,000 large and medium industrial facilities in the EU 15 member states, Hungary, and Norway, submitted for the first reporting cycle and about 12,000 facilities for the EU 25 member states and Norway, which were submitted for the second reporting cycle.

Comparisons between the two reporting years on a European level are possible only for those countries which have submitted data in both years, i.e. for the EU 15 member states, Hungary, and Norway.

EPER lists 50 pollutants. All emissions data reported are publicly accessible through the EPER website. The website is hosted by the European Environment Agency (EEA) in Copenhagen. The website also provides descriptions of each of the pollutants, of their uses, the major emission sources, and their potential impacts on human health and the environment.

3. What impact does the extension of the European Pollutant Emission Register have on enterprises?

Annexes I and II of the Regulation are of particular relevance for plant operators: Annex I covers all activities/plants that are generally subject to reporting while Annex II contains substances whose emissions into the air, water, and soil are subject to reporting, plus the specified threshold values.

Under the E-PRTR, in addition to all IPPC facilities other facilities (e.g. industrial waste water treatment plants and very large quarries) are subject to reporting, too; the number of activities affected has been increased by 9 from 56 to a total of 65.

The activity "2. Manufacture and processing of metals", in particular mentions "2.6 Facilities for the surface treatment of metals and plastics using an electrolytic or chemical process". The duty to report applies if the volume of the processing baths is higher than 30 cubic metres. Compared with IPPC Directive 96/61/EC, there has been no change.

Now the facilities subject to reporting must report not only their emissions into the air and water ("direct discharge") but also emissions into the soil (the latter being limited to special cases only). This, however, applies only if the emissions exceed a certain threshold value for a certain substance.

What is also new is that companies must report their hazardous waste quantities if these go beyond 2 tonnes per year.

Also, companies must now submit a report on pollutants in waste water which is treated outside the facility ("indirect discharge").

The number of substances that (may) have to be reported has risen from 50 to 91. In the list of substances, some new entries were added which no longer have any impact in Germany while others (substances such as asbestos, toluol, and xylol) may still affect companies.

It is also noteworthy that for many substances threshold values for waste water have been introduced. The threshold values from which emissions of air pollutants have to be reported have been left unchanged (with the exception of the substance groups of dioxins and furans).

Reports have to be submitted annually now. The first reporting year is 2007 already. The deadline for submission of the first emission report therefore is 31/05/2008.

Conclusion:

- Most of the information necessary for meeting the PRTR reporting requirements is in place.
- The annual reporting requirements and the required details on the quality of the data will result in increased costs incurred in compiling such data.
- The 11th Federal Immission Control Ordinance (11. BImSchV) does not cover the annual PRTR reporting requirements as of 2007. Therefore, on the air side there will be an increase in costs for operators.

A guideline for the execution of the European PRTR can be downloaded from the following link:

<http://www.eper.ec.europa.eu/eper/Gaps.asp?i=>

For information on EPER and PRTR you can also visit:

<http://www.eper.ec.europa.eu/eper/default.asp>

and

<http://www.prtr.ec.europa.eu/>

You can submit any questions you may have directly via mail@prtr.de or via the PRTR forum at <http://www.forum.prtr.de/forum.php>.

If you require more detailed information on our products in connection with the reporting requirements under E-PRTR, please contact:

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