

Brussels, 14 November 2018

**Open letter: First Trilogue on the proposal for amendment of reporting obligations in the field of the environment (2018/0205 (COD), Rapporteur Ms. Adina-Ioana VĂLEAN)**

Dear Ms Adina-Ioana Vălean MEP, Mr Massimo Paolucci MEP, Mr Rupert Matthews, Mr Bolesław G. Piecha, Mr Fredrick Federley, Mr Stefan Eck, and Mr Davor Škrlec,

Ahead of tomorrow's trilogue on the Proposal for amendments of reporting obligations in the field of the environment (2018/0205 COD), we are writing to you to express our concerns about the views expressed on this matter by some Member States. We welcome the opinion of the Parliament's Environment Committee (amendment 24) confirmed in plenary (amendment 43) (PE625.332v02-00) by the Rapporteur to shorten the reporting deadline for Member States on the main pollution information of the EU's largest facilities under the EU's Pollutant Release and Transfer Register (E-PRTR) **to a reasonable limit of 3 months ("no later than 31 March every year")**.

**We call on you to resist any attempts from Member States to undermine EU citizens' right to know about harmful industrial pollution. It is not acceptable to delay reporting obligations to 15 months after the reporting year for three main reasons (outlined in more detail in the Annex):**

- 1) The reporting deadline of 15 months is based on the UNECE PRTR Protocol that is now more than 15 years old. The EU PRTR of 2004 is aligned to this outdated framework and does not live up to 21st century IT tools nor best practice in Member States on improved reporting.*
- 2) Such an unjustifiably long reporting deadline would undermine the 'right to know' principle and reduce the possibility for EU citizens to take timely action when damage is occurring or when non-compliance is detected.*
- 3) Lack of timely reporting exacerbates the general deficit in public availability of data on pollution from the largest EU facilities.*

We take the view that improved and more timely reporting is a fundamental right of EU citizens to meaningfully exercise their 'right to know' as set out in the EU-PRTR and we trust that you will defend the public interest in the trilogue negotiations.

Yours sincerely,



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Jeremy Wates  
Secretary General

Cc: Assistants to the MEPs acting as Rapporteurs and Shadow rapporteurs  
Mr. Daniel Calleja-Crespo, Director General, DG Environment, European Commission

## Annex

- 1) **The reporting deadline of 15 months is based on the UNECE PRTR Protocol that is now more than 15 years old. The EU PRTR of 2004 is aligned to this outdated framework and does not live up to 21st century IT tools nor best practice in Member States on improved reporting.**
  - Certain industries or regions have even already put Continuous Emissions Monitoring (CEM) data online on a daily basis in 'real time'. These datasets are much larger than the annual emissions loads reported through the PRTR. US industry reports every 3 months to the United States Environmental Protection Agency and CEM datasets are made publicly available with only a one-day delay. [1]
  - The [US Federal TRI PRTR system manages](#) to get further data reported every 6 months and online with a month delay, despite having over 650 pollutants/groups covered. As a comparison the E-PRTR covers just 91 pollutants.
  - In 2020 the IED registry, which Member States have signed up to, should be operational. There will be a limited practical impact on certain Member States that need to catch up.
  
- 2) **Undermining the 'right to know' principle means that the public is kept in the dark about the pollution levels they are exposed to. Unlike citizens in the United States, EU citizens cannot take any timely action when damage is occurring or when non-compliance is detected.** Accessing data that is 15 months out of date is of more limited value and also harms the level playing field for industry to carry out sector-level benchmarking. The EU must catch up with common practice in the United States and within industry regarding timely access to certain industrial pollution information. The general public in the United States is informed within 1 month (PRTR data) or just 1 day (CEM real monitoring data) after the data is made available to the authorities by the operators (every 6 months for the TRI and every 4 months for the AMPD) , so it takes up to 7 months (TRI) or 4 months + 1 day (AMPD database) to see the data. This is in line with much shorter reporting deadlines on industry as practiced in other countries such as Japan (3 months), Canada (5 months) or some Member States like Spain (6 months), Slovakia (5 months) or Croatia (3 months).
  
- 3) A 2017 EEB study 'Burning: the evidence" [2] finds that there is a **general deficit in making data on the largest EU facilities covered by this instrument publicly available**. However, there is also good practice in many cases that can be replicated. As a minimum, reporting deadlines should be harmonised to a more sensible and reasonable date. The EEB thinks that reporting four months (31 March) after the time when the data is already available is too late, given that we are referring to the largest EU facilities with automatic reporting systems in place.  
**MEPs should make sure the information is not just reported to the European Commission but that it is made publicly available by that date or no later than 1 month after.**

[1] Under the US AMPD system, see US EPA video at 2min 27 <https://ampd.epa.gov/ampd/newtutorialfiles/ampd/video1.html>

[2] <https://eeb.org/most-eu-countries-failing-to-ensure-effective-access-to-industrial-pollution-information/>