

**To:**

Swedish Minister for Climate and Environment  
Chair of Council WPE  
European Commission, DG ENV C.

**Cc:**

COM Executive Vice President Margrethe Vestager A Europe Fit for the Digital Age  
COM Commissioner Virginijus Sinkevičius, Environment, Oceans and Fisheries  
COM Commissioner Věra Jourová, Values and Transparency  
European Ombudsman, Emily O'Reilly  
Secretariat of the UNCE Kyiv Protocol

by electronic mail

## **EU institutional failure to provide for proper public participation in the revision process of the E-PRTR review OEIL 2022/0105(COD)**

Brussels, 16/05/2023

Dear Minister Ms. Romina PUORMOKHTARI,  
Dear Mr. Frederik LANGDAL,  
Dear Ms. Veronica MANFREDI,

The [E-PRTR Regulation](#) (2004)<sup>1</sup> sets the framework for the legal reporting requirements of industrial facilities in the EU. In 2022, the Commission proposed to revise the E-PRTR Regulation with its [proposal establishing an Industrial Emissions Portal](#)<sup>2</sup> (herewith IEP-R Proposal), currently under co-decision (Inter-institutional file COD 2022/0105).

The [Industry Portal](#) should offer timely access to more meaningful information serving various purposes such as compliance promotion, benchmarking of performance (including comparability of permit ambition stringency) and improved information exchange for EU standards-making. In order to give proper meaning to contextual information, consumption and production output data should be made publicly available at installation level, reporting thresholds removed and the list of pollutants groups extended (see 10 points asks of the EEB [here](#)).

The current **revision process of the IEP-R Proposal within the Council has been completely in-transparent and not enabling civil society organisations to contribute or exchange** with the Council Presidency nor the European Commission on the substance of the amendments being

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<sup>1</sup> Consolidated text: 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 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02006R0166-20200101>

<sup>2</sup> Proposal for a Regulation of the Industrial Emissions Portal, published on 4 April 2022: [https://environment.ec.europa.eu/publications/proposal-regulation-industrial-emissions-portal\\_en](https://environment.ec.europa.eu/publications/proposal-regulation-industrial-emissions-portal_en)

discussed, **despite an explicit obligation in Article 12 of the Regulation establishing the Pollutant Release and Transfer Register (E-PRTR) to allow for public participation in decision making and legislative process** (see Annex to this letter for detailed rationale).

A final WPE meeting discussing on a possible compromise text to be prepared by the Swedish EU presidency is foreseen on the 23<sup>rd</sup> May 2023. Institutions have an obligation to give the public, or at least NGOs representing interest of the public such as the EEB formal opportunity to comment and participate in the compromise set.

**The EEB calls on the institutions to refrain from circulating any further amendment proposals to the Council WPE unless:**

- 1) a formal exchange procedure on the content of amendment proposals is provided with the public beforehand that satisfies the meaning of “effective and early opportunities”, and
- 2) the Bureau of the UNECE Kyiv Protocol on PRTRs has been able to assist, considering inputs from interested stakeholders, on possible amendments on the IEP-R.

For the reasons stated above and the detailed rationale explained in the Annex to this letter, **we ask the Commission and the Swedish EU Presidency to have a formal exchange with the EEB on their draft proposal(s) for a possible compromise text for the upcoming 23rd May Council WPE on IEP-R, prior to any circulation and any further technical discussions with representatives of the Member States.**

**The WPE meetings should also enable public participation of NGO representatives for that specific file (see Annex for detailed rationale).**

**Furthermore, we expect all the upcoming WPE meetings on this file to be public and recordings publicly available.**

The EEB is an organisation representing the interests of the main end-user group of the Industry Portal. We therefore ask with legitimate reason that our inputs be fully taken into account in the development of those amendments. Looking forward to your reply.

For further information on this matter, and to for the proposed consultation, please could your teams leading these files contact [Christian.Schaible@eeb.org](mailto:Christian.Schaible@eeb.org) and [Olatz.Fines@eeb.org](mailto:Olatz.Fines@eeb.org).

Yours sincerely,



Patrick ten Brink, Secretary General