

Cefic views on the revision of the E-PRTR

Additional paper in response to the Public Consultation

The European Pollutant Release and Transfer Register E-PRTR (166/2006/EU) provides the framework for the reporting of large industrial emissions since 2006. An evaluation carried out by DG ENV showed that it is efficient, fit for purpose and has achieved its goals to a large degree. It has been reviewed and is intended for replacement via the new Industrial Emission Portal IEP by January 1, 2026.

Whilst Cefic appreciates the attempts to further improve the transparency of industrial emissions and the alignment between the IED and the new IEP, the IEP will cause additional burden on operators in the future.

Already today industry is required to report emissions to the national authorities in Europe, e.g. to the thru-database in Germany (→ Thru.de or the Dutch e-MJV <https://www.e-mjv.nl/>). Above and beyond there are reporting requirements for water, required by the Seveso Directive and much more.

Every new reporting requirement requires additional effort and we question whether this effort is rewarded by a real improvement of transparency and will subsequently lead to a further reduction of emissions.

Cefic's main concerns are:

1. Extensive and unnecessary reporting

Already today, other than in case of most industrial sectors, ALL of the chemical installations (with a few exceptions for a limited number of subsectors under the LVOC BREF) are falling under the IED and hence obliged to report emission data to their competent authorities. While we appreciate this being considered in Art.5 of the future IEP, there will still be different reporting obligations: based on activity (and based on the permits issued) via IED and based on installation (which carries out ONE or MORE activities) via Art 2(1) IEP. In short, whilst Art. 5.1 excludes the reporting of data 'already available to the competent authority', datasets reported under IED and datasets to be reported under IEP will not be the same. We fear that in order to follow both IED and IEP, basically the same data, just aggregated in a different manner, have to be reported twice. The change of the reporting requirement from E-PRTR (based on facility) to IEP (based on installation), will not improve the situation, as leads to even more granular – and hence more time consuming – different reporting obligations without any positive impact on the environment. Conclusion: without proper alignment of the reporting under IED and IEP, the IEP will cause double reporting requirements. Extending the scope will no longer allow for comparison of emission data of the E-PRTR vs. IEP.

2. Lower thresholds and more substances

We are further concerned that the reporting obligations will drastically increase once the Commission has exercised its rights under Art. 14 and issued a delegated act for changes to Annex I and II. As outlined in Art. 14.2 many more substances (e.g. SVHC under REACH, priority substances under Water Framework Directive, to name a few) can be added. According to Art 5.2 the operator has to declare even the non-release for all substances regardless whether such declaration is even applicable for the activity at issue. Since this must be kept on record we fear an unreasonable burden of necessary measurements, certifications or monitoring for substance only 'because they are on the list'. We hence suggest to limit any reporting requirement to a set of 'relevant' substances, e.g. as it is defined in several recently reviewed BREFs.

3. Confidentiality

Finally sensitive data such as consumption on raw materials, energy, actual production, operating hours and employees are to be reported. None of this information relates to actual emissions into the environment, but if publicly disclosed, would enable competing companies to get an understanding on the economics of the installation at issue. As several BREF reviews have shown, there is no general approach possible, hence detailed scrutiny is essential for avoiding the intentional or unintentional release of confidential business information. It is therefore important that where data is collected by Member States, industry operators have an opportunity to flag some datasets as confidential, either because data is sensitive under competition law or for other legitimate reasons.