

EVALUATION AND FITNESS CHECK (FC) ROADMAP			
TITLE OF THE EVALUATION/FC	REFIT Evaluation of Regulation (EC) No 166/2006 concerning the establishment of a European Pollutant Release and Transfer Register (E-PRTR)		
LEAD DG RESPONSIBLE UNIT	ENV.C.4	DATE OF THIS ROADMAP	06/2015
TYPE OF EVALUATION	Evaluation Ex-post Mixed	PLANNED START DATE	01/2015
		PLANNED COMPLETION DATE	12/2016
		PLANNING CALENDAR	http://ec.europa.eu/smart-regulation/evaluation/index_en.htm
This indicative roadmap is provided for information purposes only and is subject to change.			

A. Purpose
(A.1) Purpose
<p>The evaluation will assess the effectiveness, efficiency, relevance, coherence and EU-added value of the Regulation and will include detecting and assessing regulatory burden and identifying opportunities for simplification.</p> <p>The evaluation will result in a number of findings and lessons based on collection of available evidence including a consultation of stakeholders. It will present those findings, along with a set of recommendations, in a report designed primarily to provide aid for the continued implementation of the current legal acts and for further planning, including to inform any future modifications.</p>
(A.2) Justification
<p>The Commission is systematically reviewing EU legislation in order to check that it is, and remains, 'fit for purpose' through its Regulatory Fitness and performance Programme (REFIT). REFIT emphasises the importance of EU regulation efficiently pursuing public policy objectives which are best achieved at the EU level.</p> <p>In the Communications “Regulatory Fitness and Performance (REFIT): results and next steps” COM(2013)685 final and “Better Regulation for Better Results – An EU Agenda” COM(2015)215 final, accompanied by the document “State of play and outlook” SWD(2015)110 final the E-PRTR Regulation was identified as an evaluation to be carried out under the REFIT programme.</p> <p>In addition, Article 17 of the E-PRTR Regulation calls on the Commission to review the Member States’ emission reports submitted through the E-PRTR and, more generally, to provide an assessment of experience gained during the second three year period of operating the register.</p> <p>The two tasks are conducted in parallel because of the close links between them.</p>

B. Content and subject of the evaluation

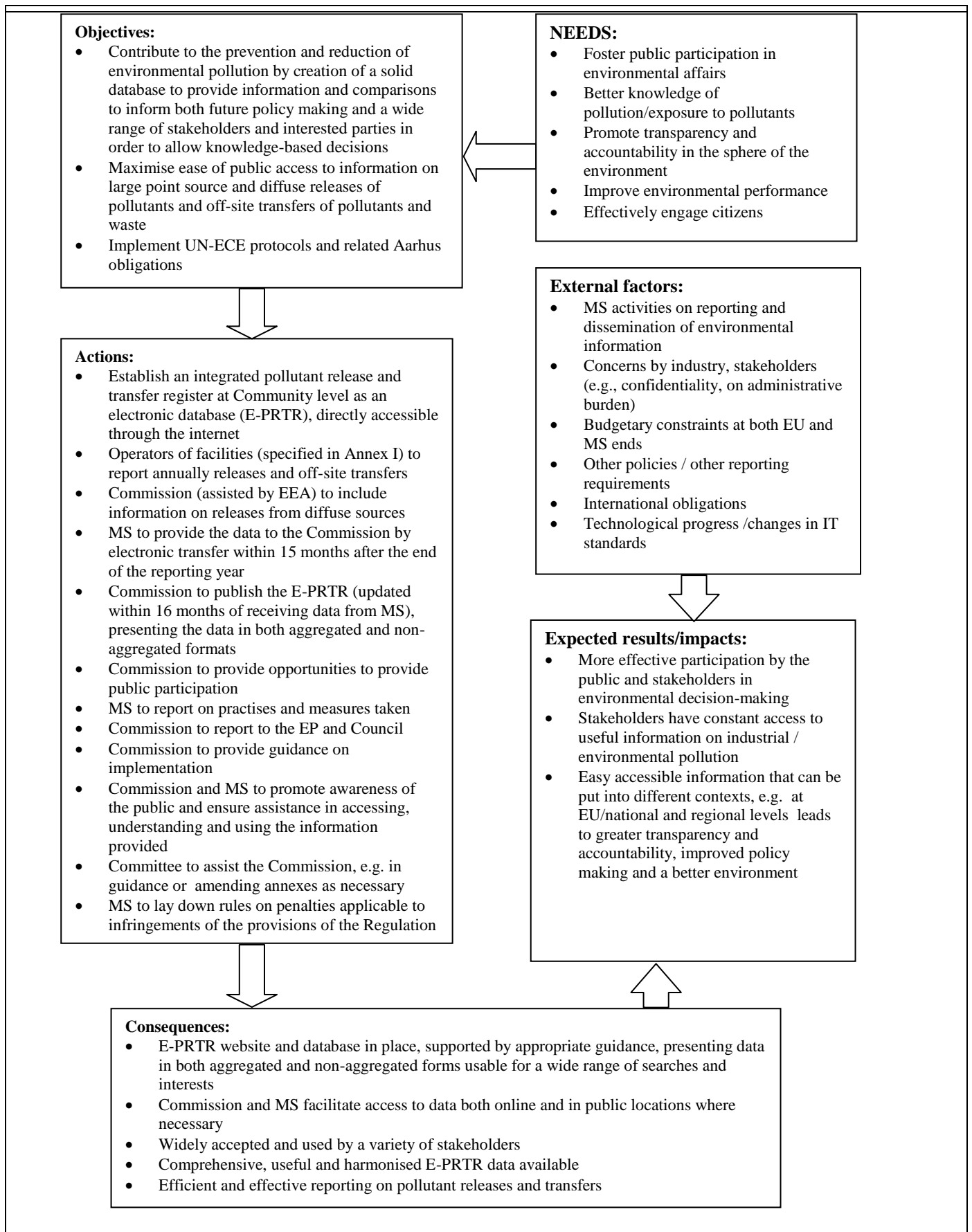
(B.1) Subject area

The European Pollutant Release and Transfer Register (E-PRTR) is the Europe-wide register that provides easily accessible key environmental data from industrial facilities in European Union Member States and in Iceland, Liechtenstein and Norway. It contributes to transparency and public participation in environmental decision-making and provides information used for policy assessment and development. It implements for the European Union the UNECE (United Nations Economic Commission for Europe) PRTR Protocol to the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

(B.2) Original objectives of the intervention

The E-PRTR Regulation aims at providing access to environmental information on the largest industrial facilities. Its purpose is furthermore to build a better knowledge and evidence base for a wide range of policy assessments, to promote assessments of progress in pollution reduction, to generate a greater awareness of environmental matters and thereby to trigger improvements in environmental performance.

(B.3) How the objectives were to be achieved



C. Scope of the evaluation/FC

(C.1) Topics covered

The objective of this evaluation is to assess the actual performance to the Regulation compared to initial expectations. The evaluation is being carried out in accordance with the Commission guidelines for such evaluations¹ and for public consultations² and as such includes:

- assessing the effectiveness, efficiency, relevance, coherence and EU added value of the Regulation;
- the detection and assessment of regulatory burden and identifying opportunities for simplification in the Regulation;

The scope of the evaluation covers all aspects of the Regulation since it entered into force and covers the whole European Union.

(C.2) Issues to be examined

¹ The Commission evaluation guidelines are part of the Better Regulation Guidelines and its Toolbox accompanying the Guidelines provides details (Chapter 6, tool 36-49 http://ec.europa.eu/smart-regulation/guidelines/toc_tool_en.htm).

² The Commission guidelines for public consultations are part of the Better Regulation Guidelines and its Toolbox accompanying the Guidelines provides details (Chapter 7, tool 50, http://ec.europa.eu/smart-regulation/guidelines/toc_tool_en.htm).

Criterion Effectiveness

- How well does any progress towards the objectives of the E-PRTR Regulation match the initial expectations?
- To what extent can this progress be reasonably linked to measures of the E-PRTR Regulation? What other influencing factors (e.g. implementation by Member States, action by stakeholders, interaction between industry and authorities) can be identified, that contributed to the changes?
- What unexpected or unintended changes resulting from the Regulation can be identified (positive or negative)? Why have they occurred?
- To what extent do the reported data and possibilities for search the data serve the objectives? Taking into account the objectives to improve the knowledge and evidence base for Union environment policy and to reduce the associated burdens in connection with the existing legislation related to industrial activities, to what extent did the reporting mechanism help to maximise the achievement of these objectives?

Criterion Efficiency

- To what extent is the effort/are the costs justified compared to the benefits and usability of the reported information (monetary and non-monetary) associated with compliance with the Regulation in the different Member States and at EU-level? If any inefficient provisions or disproportionate sources of cost can be identified (e.g. in relation to implementation, administration, compliance, monitoring etc.), what is causing them?
- If there are any significant cost differences between Member States, what is causing them and do they have impacts on the benefits? What can be regarded as baseline costs on the basis of a complete implementation of the Regulation? What good practices in terms of cost-effective implementation can be identified?
- How can the costs be rated in comparison to other comparable reporting measures?
- What evidence for simplification and streamlining with applicable regulations in the field of industrial emissions and reporting can be detected?

Criterion Coherence

- To what extent is the E-PRTR Regulation coherent internally? What evidence is there that the Regulation could be simplified, making it clearer and easier to understand while maintaining the integrity and purpose of the Regulation?
- To what extent is the E-PRTR Regulation coherent with other applicable regulations in the field of industrial emissions and reporting which have similar objectives? What, if any, overlaps, discrepancies, contradictions or similar issues can be identified which hamper achievement of the E-PRTR objectives?

Criterion Relevance

- To what extent do the objectives (still) correspond to the current needs within the EU?
- What (if any) obsolete, unnecessary or missing provisions or gaps in the Regulation can be identified, which are affecting its performance? (explain how/why).
- To what extent does the Regulation contribute to the priority objective 5 of the 7th Environment Action Programme ‘to improve the knowledge and evidence base for Union environment policy’?
- How has the Regulation (and its implementation through the E-PRTR website) adapted to technical and scientific progress?
- Are there any new needs that could be addressed?

Criterion EU-added value

- What is the additional value resulting from the E-PRTR Regulation, compared to what could be achieved by Member States at national and/or regional levels? (e.g. comparisons at European scale, track trends at European level, compare MS, compare facilities across Europe, harmonisation of measuring and reporting practices, improving data quality,...)
- What is the overall perception of the E-PRTR and available information on industrial pollution among stakeholders and citizens in general?
- How have the different provisions of the Regulation been accepted by the stakeholders?
- Do the issues addressed by the Regulation continue to require action at EU level?

(C.3) Other tasks

A one day workshop in Brussels will be organised in which the contractor conducting the supporting study will present its provisional conclusions to stakeholders.

D. Evidence base

(D.1) Evidence from monitoring

The E-PRTR provides annually reported data on pollutant releases and transfers (emissions). The information can be accessed by its website <http://prtr.ec.europa.eu/>. In general, the data are of high quality.

All relevant documents related to the E-PRTR are available via CIRCABC at the following website: <https://circabc.europa.eu/w/browse/3da58e4a-be07-4c90-a585-f65341f9be0d>

(D.2) Previous evaluations and other reports

The First Commission report on the implementation of the E-PRTR COM(2013) 111 final covered data reported for years 2007 to 2009. The report was based on the first implementation reports from Member States and a study commissioned by the Commission available at <http://ec.europa.eu/environment/industry/stationary/eper/implementation.htm>.

(D.3) Evidence from assessing the implementation and application of legislation (complaints, infringement procedures)

Results of a first assessment of the implementation of the E-PRTR Regulation (2007-2009) were reported in the Commission report COM(2013) 111 final of 05/03/2013 (see under D.2). Whilst all Member States have implemented the Regulation several shortcomings were identified in respect of the information reported:

- Whereas reporting on emission of nitrogen oxides (NO_x), sulphur dioxide (SO₂) and carbon dioxide (CO₂) were mostly complete, reporting of other air pollutants show some inconsistencies with other national inventories (e.g. data missing);
- Reporting on emission releases to water was of an acceptable quality, albeit less complete than the reporting on air emissions (e.g. data missing regarding pollutant releases from urban waste water treatment plants);
- Only a handful of Member States reported releases of pollutants to land, and this only to a limited extent.

Accordingly, COM(2013) 111 identified scope for further improving the implementation of the E-PRTR, including via (i) the review of the Commission Guidance Document in respect of the scope and interpretation of the Regulation (e.g. need for more detailed definitions), (ii) a call on Member States to better ensure the completeness, consistency and credibility of the data submitted to them before they are delivered to the Commission, (iii) the promotion of the involvement of relevant expert groups to share

experience, (iv) the improvement of the E-PRTR website to enhance its user-friendliness.

An assessment of implementation will be carried out together with this evaluation.

There are no infringements or complaints pending.

(D.4) Consultation

Stakeholders include Citizens, Member States, industry, NGOs and individual experts. There will be two types of consultations during the evaluation:

- A public consultation in order to provide the public with the opportunity to participate in the further development of the E-PRTR, as required by Article 12 of the Regulation and,
- Consultations of stakeholders, i.e., the EEA, Member States, authorities, industry, NGOs, international organisations, science communities, etc.

The consultation of stakeholders (targeted consultation) is ongoing and the public consultation is planned to take place mid-2015. A workshop will be organised in the second half of 2015 where the contractor undertaking a supporting study will present and discuss its preliminary findings.

(D.5) Further evidence to be gathered

The E-PRTR Regulation is not the only legislative act dealing with reporting of environmental information on industrial activities.

While other legislative acts do not form part of the evaluation, they are nevertheless of relevance for the overall context in which the E-PRTR Regulation is embedded.

The table below provides for an indicative and not exhaustive list of legislation that addresses industrial activities and related reporting.

Subject / Topic / area	Legislation (not exhaustive)
Industrial Pollution	<ul style="list-style-type: none"> • Directive 2010/75/EU on industrial emissions (IED)³ • Directive 2001/80/EC on large combustion plants (LCPD)⁴ • Directive 2001/81/EC on National Emission Ceilings for certain pollutants (NEC Directive)⁵ and the reporting of air emission data under the Convention on Long-range Transboundary Air Pollution (CLRTAP)⁶, which also includes reporting on large point sources
Major accidents	<ul style="list-style-type: none"> • Directive 2012/18/EU on the control of major-accident hazards (Seveso-Directive)⁷
Greenhouse gases	<ul style="list-style-type: none"> • Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading (ETS)⁸
Emissions / Releases into waterbodies	<ul style="list-style-type: none"> • Council Directive 91/271/EEC concerning urban wastewater treatment (UWWT)⁹
Transfers of waste ¹⁰ (also transboundary)	<ul style="list-style-type: none"> • Regulation (EC) No 2150/2002 on waste statistics¹¹ • Commission Regulation (EU) No 849/2010 amending Regulation (EC) No 2150/2002 on waste statistics¹² • Regulation (EC) No 1013/2006 on shipments of waste¹³
Environmental information containing spatial information	<ul style="list-style-type: none"> • Directive 2007/2/EC establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)
Council Directive 91/692/EEC	<ul style="list-style-type: none"> • Council Directive of 23 December 1991 standardizing and rationalising reports on the implementation of certain Directives relating to the environment¹⁴

International agreements

There are also international agreements to which the European Union is a party that regulate the access to environmental information and in particular Pollutant Release and Transfer Registers. This includes the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental matters, adopted 25th June 1998 in Aarhus (the Aarhus Convention) and the UNECE Protocol on Pollutant Release and Transfer Registers, adopted on 21 May 2003 in Kiev.

E. Other relevant information/ remarks

An external report has been commissioned with contractors who will undertake an independent analysis of an evaluatory nature, including stakeholder consultation. This external report will be published, and will support and inform the final evaluation report that will be published by the Commission (in the form of a SWD accompanied by a Report to Council and European Parliament).

³ OJ L 334, 17.12.2010, p. 17

⁴ OJ L 309, 27.11.2001, p. 1

⁵ OJ L 309, 27.11.2001, p. 22

⁶ <http://www.unece.org/env/lrtap/welcome.html>

⁷ OJ L 197, 24.7.2012, p. 1

⁸ OJ L 275, 25.10.2003, p. 32

⁹ OJ L 135, 21.5.1991, p. 40

¹⁰ Eurostat Environmental data center on waste: <http://epp.eurostat.ec.europa.eu/portal/page/portal/waste/introduction>

¹¹ OJ L 332, 9.12.2002, p.1

¹² OJ L 253, 28.9.2010, p. 2

¹³ OJ L 190, 12.7.2006, p.1

¹⁴ OJ L 377, 31.12.1991, p. 48