

**Format for the Protocol on Pollutant Release and Transfer Registers Implementation Report in accordance with Decision I/5 (ECE/MP.PRTR/2010/2/Add.1)**

**CERTIFICATION SHEET**

The following report is submitted on behalf of

UNITED KINGDOM  
 [name of the Party or the Signatory] in accordance with decision I/5

Name of officer responsible for submitting the national report:	Nicholas Obe
Signature:	
Date:	November 2013

**IMPLEMENTATION REPORT**

Please provide the following details on the origin of this report.

<i>Party/Signatory</i>	<i>UNITED KINGDOM</i>
<i>NATIONAL FOCAL POINT</i>	
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Designated competent authority responsible for managing the national or regional register (if different):	
Full name of the institution:	
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<p><b>Provide a brief description of the process by which this report has been prepared, including information on which types of public authorities were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account and on the material which was used as a basis for preparing the report.</b></p>
<p><i>Answer:</i> This report has been produced Defra in consultation with government organisations and stakeholders in industry, non-governmental organisations (NGOs) and the public. Public authorities consulted include the devolved administrations in Wales, Scotland and Northern Ireland, government departments (ministries), and some environmental agencies. The public was consulted using the Department for Environment Food and Rural Affairs Citizen Space (Call for Views). The public's views were analysed and, where relevant, incorporated into the final draft of this report.</p>

**Articles 3, 4 and 5**

<p><b>List legislative, regulatory and other measures that implement the general provisions in articles 3 (general provisions), 4 (core elements of a pollutant release and transfer register system (PRTR)) and 5 (design and structure).</b></p>
<p>In particular, describe:</p>
<p>(a) With respect to <b>article 3, paragraph 1</b>, measures taken to ensure the implementation of the provisions of the Protocol, including enforcement measures;</p>
<p><i>Answer:</i> The United Kingdom Pollutant Release and Transfer Register framework is underpinned by a combination of domestic Regulations. In England and Wales, regulation 60 of the Environmental Permitting (England and Wales) Regulations 2010 establishes the main basis for collecting information from industrial sources more generally but it is used to give effect to PRTR in particular. In Scotland, PRTR data is collected using an Information Notice under the Pollution Prevention and Control (Scotland) Regulations 2000, the Waste Management Licensing Regulations 1994 and the Waste Management Licensing (Scotland) Regulations 2011 and the Water Environment (Controlled Activities) Regulations (Scotland) 2005 and 2011. In Northern Ireland, PRTR relies on Regulation 29 (2) and 29 (3) of the Pollution Prevention and Control Regulations (Northern Ireland) 2003 and Regulations 32(2) and 32(3) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 to obtain the information required. These regulations provide a power to issue a notice requiring information for the purpose of compiling an inventory of emissions. Failure to comply with such a notice 'without reasonable excuse' is a criminal offence punishable by a fine, or on indictment, imprisonment.</p> <p>More generally, the E-PRTR Regulation, 166/2006/EC, is directly binding on all</p>

competent authorities and installations. In addition, the Environmental Information Regulations 2004 and the Environmental Information (Scotland) Regulations 2004 set conditions for the handling of information received by public authorities from operators of installations subject to the requirements of the Protocol.

(b) With respect to **article 3, paragraph 2**, measures taken to introduce a more extensive or more publicly accessible PRTR than required by the Protocol;

*Answer:* The UK's implementation of the Kiev Protocol covers all requirements of the Protocol and includes five additional substance which derive from EU legislation. The total number of substances covered by the UK PRTR is therefore 91. The dataset is displayed, freely and publicly accessible at <http://prtr.defra.gov.uk/>. The UK also makes a submission of its dataset to the European Union PRTR database (E-PRTR) which is published by the European Environment Agency. This ensures that the UK PRTR data reaches a wider audience, globally.

(b) With respect to **article 3, paragraph 3**, measures taken to require that employees of a facility and members of the public who report a violation by a facility of national laws implementing this Protocol to public authorities are not penalized, persecuted or harassed for their actions in reporting the violation;

*Answer:* We treat all members of the public equally, regardless of nationality, citizenship and domicile. Any person has equal access to the courts.

Several legal and administrative measures are available in the UK to protect people from penalization, persecution or harassment in pursuing matters covered by the Convention. Some of these measures relate to the avoidance of discrimination against particular members of the public, such as at work or in the provisions of services (e.g., the Equality Act 2010). Others have more general application, or are based on fundamental human rights. Examples include the Protection from Harassment Act 1997, which makes it a criminal offence to behave in a way amounting to the harassment of another person, or the Human Rights Act 1998, which makes rights from the European Convention of Human Rights enforceable in UK courts (<https://www.gov.uk/government/topics/equality-rights-and-citizenship>). Or, in relation to Northern Ireland, <http://www.nidirect.gov.uk/index/information-and-services/government-citizens-and-rights/your-rights-and-responsibilities.htm>.

(c) With respect to **article 3, paragraph 5**, whether the PRTR system has been integrated into other reporting mechanisms and, if such integration has been undertaken, into which systems. Did such integration lead to elimination of duplicative reporting? Were any special challenges encountered or overcome in undertaking the integration, and how?

*Answer:* The UK PRTR dataset is derived primarily from the Environment Agency's Pollution Inventory (covering England and Wales), the Scottish Environment Protection Agency's pollution inventory, the Northern Ireland Environment Agency, the Department for Energy and Climate Change and local authorities. Data from all inventories are fed into the PRTR data systems with some format exercises but without the need to request installations to resubmit the same data. As a result, there is close integration between the all systems (PRTR and the national inventories) which prevents unnecessary duplication. Although there have been challenges around formatting data to ensure full compliance with the Protocol's requirements, these have been overcome.

(d) With respect to **article 5, paragraph 1**, how releases and transfers can be searched and identified according to the parameters listed in subparagraphs (a) to (f);

*Answer:* The UK PRTR website makes information on pollutants and waste available in a variety of ways:

- facility information including its name, activity (or activities), geographical location (including using Google maps and Google Earth), address and regulatory authority;
- pollutants and waste reported over thresholds by each reporting facility;
- the medium to which the each reported pollutant is released
- the destination of waste transferred abroad including details of receiving installation.

In addition the UK PRTR database also allows searches using river basins, sectors and pollutant groups.

- (e) With respect to **article 5, paragraph 4**, provide the Universal Resource Locator (url) or Internet address where the register can be continuously and immediately accessed, or other electronic means with equivalent effect;

*Answer:* <http://prtr.defra.gov.uk/>

<p>(g) With respect to <b>article 5, paragraphs 5 and 6</b>, provide information on links from the Party's register to relevant existing, publicly accessible databases on subject matters related to environmental protection, if any, and a link to PRTRs of other Parties.</p>
<p><i>Answer:</i> There are links on the UK PRTR website to the National Atmospheric Emissions Inventory (NAEI) which holds information on diffuse sources and emissions factors, and the UK Air resource website. These are <a href="http://naei.defra.gov.uk/">http://naei.defra.gov.uk/</a> and <a href="http://uk-air.defra.gov.uk/">http://uk-air.defra.gov.uk/</a> . The former (NAEI) site also has a link to the UK PRTR site.</p>

## Article 7

<p><b>List legislative, regulatory and other measures that implement article 7 (reporting requirements).</b></p>
<p>Describe or identify as appropriate:</p>
<p>(a) With respect to <b>paragraph 1</b>, whether the reporting requirements of paragraph 1 (a) are required by the national system, or whether those of paragraph 1 (b) are required by the national system:</p> <p><i>Answer:</i> The UK's PRTR implementation follows the option in Article 7(1)(a) of the Kiev Protocol, i.e. applicable descriptions and thresholds in Annex I and II are applied to determine who should report.</p>
<p>(b) With respect to <b>paragraphs 1, 2 and 5</b>, whether it is the owner of each individual facility that is required to fulfil the reporting requirements or whether it is the operator;</p> <p><i>Answer:</i> The operator is required to prepare and submit the report.</p>
<p>(c) With respect to <b>paragraph 1 and annex I</b>, any difference between the list of activities for which reporting is required under the Protocol, or their associated thresholds, and the list of activities and associated thresholds for which reporting is required under the national PRTR system;</p> <p><i>Answer:</i> There is no difference in the list of activities covered by the UK PRTR required by the Protocol. The UK PRTR uses only the capacity threshold and not the employee threshold. The UK PRTR uses the waste specific approach for its waste data.</p>
<p>(d) With respect to <b>paragraph 1 and annex II</b>, any difference between the list of pollutants for which reporting is required under the Protocol, or their associated thresholds, and the list of pollutants and associated thresholds for which reporting is required under the national PRTR system;</p> <p><i>Answer:</i> The UK PRTR includes all of the substances in Annex I of the Protocol in addition to requiring (where over reporting thresholds) the reporting on five additional pollutants: octylphenols and octylphenol ethoxylates; fluoranthene; Isodrin; hexabromobiphenyl; benzo(g,h,i)perylene; and imposing more stringent thresholds for another 6 pollutants; PCDD (dioxins), PCDF (furans), tetrachloroethylene, tetrachloromethane, trichlorobenzene, trichloroethylene and trichloromethane. These differences reflect the additional requirements of EU legislation (E-PRTR Regulation).</p>
<p>(e) With respect to <b>paragraph 3 and annex II</b>, whether for any particular pollutant or pollutants listed in annex II of the Protocol, the Party applies a type of threshold other than the one referred to in the responses to paragraph (a) above and, if so, why;</p> <p><i>Answer:</i> For transfer of pollutants in waste water, the thresholds in the UK PRTR are more stringent for many pollutants compared to the thresholds in the PRTR Protocol. This, again, derives from the EU Regulation on PRTRs which is directly binding in its</p>

entirety across the EU.	
(f)	With respect to <b>paragraph 4</b> , the competent authority designated to collect the information on releases of pollutants from diffuse sources specified in paragraphs 7 and 8;  <i>Answer:</i> Data relating to releases from diffuse sources to air is collected by the Department for Environment Food and Rural Affairs using a variety of sources.
(g)	With respect to <b>paragraphs 5 and 6</b> , any differences between the scope of information to be provided by owners or operators under the Protocol and the information required under the national PRTR system, and whether the national system is based on pollutant-specific (paragraph 5 (d) (i)) or waste-specific (paragraph 5 (d) (ii)) reporting of transfers;  <i>Answer:</i> The UK PRTR also requires the operator to provide additional information, in line with EU legislation, on Nomenclature of Territorial Units for Statistics (NUTS code), river basin information (closest river to the installation) and main economic activity description (NACE).
(h)	With respect to <b>paragraphs 4 and 7</b> , where diffuse sources have been included in the register, which diffuse sources have been included and how these can be searched and identified by users, in an adequate spatial disaggregation; or where they have not been included, provide information on measures to initiate reporting on diffuse sources;  <i>Answer:</i> Information on diffuse sources is included via a link to the National Atmospheric Emissions Inventory (NAEI) from the PRTR page: <a href="http://naei.defra.gov.uk/">http://naei.defra.gov.uk/</a> . This site shows diffuse source to air. The resource shows spatial data on a 1km by 1km grid and includes transport, agriculture. Spatial maps be viewed here: <a href="http://naei.defra.gov.uk/data/map-uk-das?pollutant_id=15">http://naei.defra.gov.uk/data/map-uk-das?pollutant_id=15</a> . Detailed information on methodology used to compile the NAEI can be found here: <a href="http://naei.defra.gov.uk/about/methodology">http://naei.defra.gov.uk/about/methodology</a> . Detailed source data can be downloaded through available spreadsheets and manipulated depending on need.
(i)	With respect to <b>paragraph 8</b> , the types of methodology used to derive the information on diffuse sources.  <i>Answer:</i> Detailed information on methodology used to compile the NAEI can be found here: <a href="http://naei.defra.gov.uk/about/methodology">http://naei.defra.gov.uk/about/methodology</a>

## Article 8

<b>For each reporting cycle since the last national implementation report (or date of entry into force of the Protocol), please indicate:</b>	
(a)	The reporting year (the calendar year to which the reported information relates);  <i>Answer:</i> the report covers the 2007 to 2012 calendar years and includes some part of 2013.
(b)	The deadline(s) by which the owners or operators of facilities were required to report to the competent authority;  <i>Answer:</i> The end of February in England , Wales and Scotland. End of January in Northern Ireland.
(c)	The date by which the information was required to be publicly accessible on the register, having regard to the requirements of <b>article 8</b> (reporting cycle);

<p><i>Answer:</i> Information should be published on the register by the third Monday in December.</p> <p>(d) Whether the various deadlines for reporting by facilities and for having the information publicly accessible on the register were met in practice; and if they were delayed, the reasons for this;</p> <p><i>Answer:</i> Deadlines were missed on occasion by a small number of facilities due to a combination of factors including technical difficulties with online forms which were eventually resolved.</p> <p>(f) Whether methods of electronic reporting were used to facilitate the incorporation of the information required in the national register, and if such methods were used, the proportion of electronic reporting by facilities and any software applications used to support such reporting.</p> <p><i>Answer:</i> All competent authorities use electronic reporting while three of five authorities use an online system to collect data from operators.</p> <p><i>Answer:</i></p>
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**Article 9**

<p><b>Describe the legislative, regulatory and other measures ensuring the collection of data and the keeping of records, and establishing the types of methodologies used in gathering the information on releases and transfers, in accordance with article 9 (data collection and record-keeping).</b></p>
<p><i>Answer:</i> In England and Wales, regulation 60 of the EPR 2010 establishes the main basis for collecting information from industrial sources more generally but is used to give effect to PRTR in particular by giving authorities the power to issue notices requiring persons to provide specified information. In Scotland, PRTR data is collected using an Information Notice under the Pollution Prevention and Control (Scotland) Regulations 2000, the Waste Management Licensing Regulations 1994 and the Waste Management Licensing (Scotland) Regulations 2011 and the Water Environment (Controlled Activities) Regulations (Scotland) 2005 and 2011.</p> <p>More generally, the EU’s E-PRTR Regulation 166/2006 is directly binding on all competent authorities and installations. In Northern Ireland, PRTR relies on Regulation 29 (2) and 29 (3) of the Pollution Prevention and Control Regulations (Northern Ireland) 2003 and Regulations 32(2) and 32(3) of the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 to obtain the information required. These regulations provide a power to issue a notice requiring information for the purpose of compiling an inventory of emissions. Failure to comply with such a notice ‘without reasonable excuse’ is a criminal offence punishable by a fine, or on indictment, imprisonment.</p> <p>Various sector guidance documents are also available to operators which have been developed to ensure the best possible method are used to derive data before submission.</p>

**Article 10**

<p><b>Describe the rules, procedures and mechanisms ensuring the quality of the data contained in the national PRTR and what these revealed about the quality of data reported, having regard to the requirements of article 10 (quality assessment).</b></p>
<p><i>Answer:</i> The UK PRTR data quality assurance use the following process:</p> <ol style="list-style-type: none"> <li>1. Online data entry system allows for initial validation of submitted data to ensure mandatory data is complete with given rules, e.g. releases are above reporting</li> </ol>

threshold.

2. Non release data is reviewed for changes from previous year, e.g. company name change, new reporting facility etc.

3. Release data: outlier check - all values greater than +/- 50% of previous year's values (in regional PRTR database) and sent to operator and competent authority to review for accuracy.

4. Pollutant and sector level checks are made for consistency, e.g. use of indicative lists. Also PRTR compared to other reporting requirements.

5. Data is published on regional PRTR system at least four months before deadline to allow for public validation/verification.

The quality of data has seen year on year improvements since additional checks were introduced although it has to be recognised that no system is perfect. The requirements of quality assurance in Article 10 have generally been met.

#### Article 11

**Describe the way(s) in which public access to the information contained in the register is facilitated, having regard to the requirements of article 11 (public access to information).**

*Answer:* The UK PRTR inventory is web-based thereby enabling access by a wide range of people, globally. Each year's publication is announced on the Defra website and other government agencies. Links are also created from various competent authority websites to the national PRTR site so as to promote enhanced speed of access. The database itself is searchable and various aspects of it can be downloaded without charge. Additionally, the competent authority in Northern Ireland makes paper copies available to the public through its offices. The UK makes a submission of its data to the European Commission E-PRTR website which is also publicly and freely available.

#### Article 12

**Where any information on the register is kept confidential, give an indication of the types of information that may be withheld and the frequency with which it is withheld, having regard to the requirements of article 12 (confidentiality). Please provide comments on practical experience and challenges encountered with respect to dealing with confidentiality claims, in particular with respect to the requirements set out in paragraph 2.**

*Answer:* Information on quantities of off-site waste transfer for a very small number of waste sites has been kept confidential. The reason is in keeping with the provision of Article 4(2)(d) of the 2003/4/EC - EU Directive on public access to environmental information - i.e. commercial confidentiality.

The position on confidentiality is understood by industry and regulators. There have been no particular challenges around confidentiality as it has been strictly interpreted and only used where there is a strong and justifiable case and the balance of the public interest lies against disclosure..

#### Article 13

**Describe the opportunities for public participation in the development of the national PRTR system, in accordance with article 13 (public participation in the development of national pollutant release and transfer registers), and any relevant experience with public participation in the development of the system.**

*Answer:* The UK approached public participation in PRTR implementation in two ways. First, during the early phase of implementation, a large number of stakeholders, including NGOs and industry, were consulted on implementation and responses collated and taken



into account. Second, members of the public are encouraged to notify issues (errors, suspected under-reporting) with the data, missing sites, etc to Defra using the email link provided on the PRTR website. This means that the system of verification goes beyond the formal checks employed by competent authorities and, crucially, gives the public a voice in how the PRTR inventory is managed.

Access to the national PRTR data occurs in two primary ways. First, the data is displayed on the national PRTR website free of charge. Second, the same data is submitted to the European Commission's PRTR site as part of the UK's obligations under the EPTR Regulation thus ensuring that a wider audience can view the data. Also, the national PRTR site has an email link through which visitors to the site can request information. For example, the Defra PRTR team has supplied the overall UK data set for 2007 to 2010 to organisations requesting them without a charge. In Northern Ireland, the competent authority makes paper copies additionally available, but this is by appointment

#### Article 14

**Describe the review procedure established by law to which all individuals have access if they consider that their request for information has been ignored, wrongfully refused or otherwise not dealt with in accordance with the provisions of article 14 (access to justice), and any use made of it.**

*Answer:* Review of decisions on access to information are within the scope of EU legislation (Directive 2003/4/EC on access to environmental information) and domestic implementing legislation, including the Environmental Information Regulations 2004 and the Environmental Information (Scotland) Regulations 2004.

Following the exercise of a right to request an internal review by the public authority responsible for deciding whether or not to release the information, the Information Commissioner's Office examines complaints from members of the public who feel that their request for information has not been dealt with properly by the public authority. The First-tier Tribunal (Information Rights), Upper Tribunal and, ultimately, the Supreme Court give further and higher levels of appeal. The ICO, Tribunals and the Supreme Court have powers to order public authorities to release information. The Scottish Information Commissioner has broadly similar powers, although the appeal procedure operates without a tribunal.

#### Article 15

**Describe how the Party has promoted public awareness of its PRTR and provide detail, in accordance with article 15 (capacity-building), on:**

- (a) Efforts to provide adequate capacity-building for and guidance to public authorities and bodies to assist them in carrying out their duties under the Protocol;
- (b) Assistance and guidance to the public in accessing the national register and in understanding the use of the information contained in it.

*Answer:* Defra, as the lead department, publishes information on its website relating to PRTR and other associated measures. Data updates are brought to the attention of the public regularly. This is kept up to date using the latest news page which is accessible to the public and links in very well with the other information industrial emissions. In addition, competent authorities - including local authorities and the devolved administrations - publish relevant PRTR information with links to the main PRTR page - which can be viewed by the public.

The UK has developed various tools and templates which enable competent authorities to carry their PRTR functions more easily. These include a suite of guidance documents for each sector, an emissions factor database and sector expertise in each of the main agencies

to assist and guide industry providing credible data and the public in understanding it.

The UK PRTR site has an email link through which any member of the public can get in touch by, for example, asking questions on emissions or seeking more general information or for research purposes, all of which are dealt with promptly by the industrial emissions team. The site has an FAQ section as well as useful information on each of the 91 pollutants it covers. The UK also actively supports engagement with various stakeholders including NGOs and industry, through stakeholder meetings, who actively contribute to the development of the UK PRTR.

## Article 16

**Describe how the Party has cooperated and assisted other Parties and encouraged cooperation among relevant international organizations, as appropriate, in particular:**

- (a) In international actions in support of the objectives of this Protocol, in accordance with **paragraph 1 (a)**;

**Answer:** The UK shares its experience in implementing PRTR widely. For example, as a member of the International PRTR Co-ordinating Group which meets in conjunction with the OECD's task force on PRTR, the UK contributes to discussions designed to aid PRTR development globally. Second, the UK participates at discussions under the auspices of the EC's Article 19 Committee which discusses PRTR implementation within the EU. Third, the UK, in 2010, sent a delegate to Israel, as part of a request by the EU, to discuss UK experience in developing PRTR.

A UK representative sits as vice chair on the Bureau to the Protocol thereby helping to address challenges facing countries in implementing the Protocol.

- (b) On the basis of mutual agreements between the Parties concerned, in implementing national systems in pursuance of this Protocol, in accordance with **paragraph 1 (b)**;

**Answer:** The UK has been involved in discussions with Parties seeking advice or information on developing PRTR systems. We have provided advice on geographical information systems (GIS), sent an expert to another country to advice on their PRTR system and agreed to join up, through correspondence, with another EU Member State to strengthen co-operation.

- (c) In sharing information under this Protocol on releases and transfers within border areas, in accordance with **paragraph 1 (c)**;

**Answer:** All competent authorities in the UK have inventories which are freely accessible to the public and agencies. The UK PRTR stakeholder group, which includes representation from all competent authorities, regularly meets to consider all aspects of PRTR data - trends, issues, improvements – and takes joint steps to secure uniform action.

- (d) In sharing information under this Protocol concerning transfers among Parties, in accordance with **paragraph 1 (d)**;

**Answer:** The UK PRTR website provides free access to waste transfer data both within and outside of the UK. The database includes information on the origin and destination of waste.

- (e) Through the provision of technical assistance to Parties that are developing countries and Parties with economies in transition in matters relating to this Protocol, in accordance with **paragraph 2 (c)**.

**Answer:** The UK has highly developed resources on emission factors and sector guidance

notes from a variety of competent authorities. In discussions with colleagues from with countries with economies in transition, we have identified how these resources and guidance could help agencies and industry estimate and provide data. While in some cases discussions are continuing, we are committed to sharing our expertise more widely using electronic means primarily.

**Provide any further comments relevant to the Party's implementation, or in the case of Signatories, preparation for implementation, of the Protocol. Parties and Signatories are invited to identify any challenges or obstacles encountered in setting up, gathering data for and filling in the register.**

*Answer:* The UK is committed to the objectives of PRTR both domestically on the international scene. Domestic implementation includes a free, publicly accessible Pollutant Release and Transfer Register. There is also in place strong legislative and administrative framework. As with any novel requirement, there were early challenges, for example around scoping the technical requirements of the register, compatibility of older emissions data with PRTR requirements, which we have succeeded addressing.

Our implementation includes the co-operation of a broad section of industry and the participation of the environmental and academic interests whose input help to identify areas of improvement and uses to which data can be put.