



## Revision of the Regulation on the European Pollutant Release and Transfer Register (E-PRTR)

The European Lime Association (EuLA) welcomes the opportunity to provide its feedback to the European Commission on the inception impact assessment, Regulation EC 166/2006. It is only through these assessments that regulations, such as the European Pollutant Release and Transfer Register, can be designed fit-for-purpose. Therefore, it is a priority for the lime sector to engage in a constructive dialogue with policymakers to ensure its successful review.

### OUR CALLS

#### **Ensuring the technical feasibility of reaching lower levels of pollutants is vital.**

Annex II thresholds and the suggested changes to existing substances, and thresholds for new substances are relevant questions, especially the cost entailed to the Member States and operators by the E-PRTR requirements.

Lowering thresholds for particular groups of pollutants should be proposed after a robust impact assessment and technical feasibility as they will significantly increase the administrative burden for operators and regulators. Any changes will need to be notified well in advance to enable collation of data/analyses/reporting procedures to be implemented.

Keeping the principle of subsidiarity in mind, it is up to the Member States to go beyond the E-PRTR and make reporting requirements stricter by lowering or removing thresholds, with the potential risk of harming the level playing field amongst producers.

#### **Promote policy coherence and consistency by acknowledging and implement 'Better regulation' principles and avoiding overlap and duplication of regulation.**

The addition of pollutants to the E-PRTR will require additional burden for operator reporting, competent authority collection, validation of data and IT system modifications. The scope of the E-PRTR needs to consider if it has to contain all pollutants and whether there are any overlaps or double-counting with other reporting entities (e.g. reporting to EU-ETS and reporting of F-Gases).

#### **Ensure complementarity between the European Pollutant Release and Transfer Register and the Industrial Emissions Directive (IED).**

Both regulations have different scopes and aims: the IED regulates emissions levels and Best Available Techniques (BATs), while the E-PRTR regulates the emissions reporting requirements.

### **Establish a holistic approach by including all relevant stakeholders.**

Discussions under the E-PRTR Expert Group recently resulted in the definition of units and metrics for reporting certain contextual fields. These discussions are highly relevant for the lime industry, at the very least given that it will have to implement these new reporting obligations. Therefore, it is important to include all experts in- and outside the E-PRTR. Encourage cross-cutting work where exchanges and debates are crucial to identify realistic goals.

### **The E-PRTR revision process must take confidentiality implications into account, which the publication of the individual production data could have.**

The E-PRTR Regulation implements at EU level the Kyiv Protocol on Pollutant Release and Transfer Registers, which aims, in particular, to enhance public access to environmental information through the establishment of coherent, nationwide pollutant release and transfer registers.

For its part, Regulation 1049/2001 governs public access to European Parliament, Council and Commission documents<sup>1</sup>. In particular, Article 4(2) provides that the institutions shall refuse access to a document where disclosure would undermine the protection of commercial interests of a natural or legal person unless there is an overriding public interest in disclosure.

The access, collection and dissemination of environmental information is governed by Regulation 1367/2006 (the 'Aarhus Regulation')<sup>2</sup>. The Regulation only presumes an overriding public interest in disclosure when environmental information relates to emissions into the environment.

The Seville process is an example of good governance where confidential business information is handled with the utmost caution (in particular through the aggregation of plant data or anonymisation)<sup>3</sup>. At the very least, the same level of confidentiality than in TWG discussions should be ensured.

### **The E-PRTR is not applied in a similar way in all countries.**

The level of Parameters to be measured and reported and the way to calculate the mass flows. It is essential to have a similar approach if one of the objectives pursued is to make available a benchmarking.

#### *About EuLA*

*EuLA, the European Lime Association, represents about 95% of the European non-captive lime production through its 21 national member associations. The European lime sector operates around 160 sub-installations covering 436 kilns in the EU, producing a total of 22 million tons of lime and dolime (2016), and contributing around € 2,5 billion to Europe's GDP. Lime is an essential but often unseen ingredient, which possesses many applications for downstream industries. As a strong "enabler", lime is used from steel to water treatment and pharmaceuticals, environmental protection, glass and paper industrial processes, in the construction and civil engineering and in agriculture.*

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<sup>1</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents

<sup>2</sup> See Article 6(1) 'Application of exceptions concerning requests for access to environmental information' of Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies

<sup>3</sup> See Section 5.3. 'Confidentiality issues' of Commission Implementing Decision of 10 February 2012 laying down rules concerning guidance on the collection of data and on the drawing up of BAT reference documents and on their quality assurance referred to in Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions



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