

Protocol on PRTRs

Protocol on Pollution Release and Transfer Registers (PRTRs) to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

EXCERPTS FROM NATIONAL IMPLEMENTATION REPORTS

AUSTRIA

1 Provide a brief description of the process by which this report has been prepared

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.

Year: **2021**

ENGLISH:

A draft of the Austrian NIR was sent out for comments by stakeholders (i.a. industry and environment NGOs, authorities, environment agency) on 13 July 2020 (2020-0.438.182-1-A). Comments could be submitted until 10 September 2020. A final consultation was carried out between 15. October and 20 November 2020 (2020-0.667.468-1-A). In general the comments confirmed that the report was accurate and comprehensive. Only several updated weblinks and some minor changes had to be incorporated. After submission to the Secretariat of the PRTR Protocol the report will be made available on the website of the Federal Ministry of Climate Action, Environment, Energy, Mobility, Innovation and Technology.

2 Articles 3 (general provisions), 4 (core elements of a pollutant release and transfer register system (PRTR)) and 5 (design and structure)

Article 3,4 and 5.

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).

In particular, describe:

- (a) With respect to article 3, paragraph 1, measures taken to ensure the implementation of the provisions of the Protocol, including enforcement measures;**
- (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;**
- (c) 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;**
- (d) 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?**
- (e) 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);**
- (f) 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;**
- (g) With respect to article 5, paragraphs 5 and 6, 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.**

Year: **2021**

ENGLISH:

1. The legislative measures for implementing the PRTR Protocol comprise an amendment of the Environmental Information Act (Federal Law Gazette I No. 128/2009), introducing §§ 9a and 9b on the National PRTR and on the protection of whistle blowers, and an ordinance on the E-PRTR, Fed. Law Gaz. II No. 380/2007, as amended by Fed. Law Gaz. II No. 223/2020. Sanctions are laid down in § 15 of the Environmental Information Act.
2. N.a.
3. An administrative fine for operators who penalize, persecute or harass whistle blowers is laid down in § 15 para. 1 subpara. 1 of the Environmental Information Act.
4. The PRTR reporting by operators has been integrated in the electronic data management system (www.edm.gv.at). For details see: https://secure.umweltbundesamt.at/edm_portal/cms.do?get=/portal/informationen/
5. § 9a para. 3 of the Environmental Information Act includes all of the criteria mentioned in Article 5 para. 1 of the Protocol.
6. www.prtr.at
7. <https://www.umweltbundesamt.at/umweltthemen/industrie/daten-industrie/prtr>

3 Article 7 (reporting requirements)

Article 7.

List legislative, regulatory and other measures that implement article 7 (reporting requirements).

Describe or identify as appropriate:

(a) With respect to paragraph 1, 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;

(b) With respect to paragraphs 1, 2 and 5, whether it is the owner of each individual facility that is required to fulfil the reporting requirements or whether it is the operator;

(c) With respect to paragraph 1 and annex I, 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;

(d) With respect to paragraph 1 and annex II, 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;

(e) With respect to paragraph 3 and annex II, 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;

(f) With respect to paragraph 4, the competent authority designated to collect the information on releases of pollutants from diffuse sources specified in paragraphs 7 and 8;

(g) With respect to paragraphs 5 and 6, 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;

(h) With respect to paragraphs 4 and 7, 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) With respect to paragraph 8, the types of methodology used to derive the information on diffuse sources.

Year: **2021**

ENGLISH:

1. Art. 7 para. 1 (a) is required.
2. The operator (§ 2 para. 2 and § 3 para. 1 of the ordinance on the E-PRTR, Fed. Law Gaz. II No. 380/2007, as amended by Fed. Law Gaz. II No. 223/2020).
3. There is no difference.
4. There are five more pollutants (see No. 87-91 of Annex II of Regulation (EC) No. 166/2006 concerning the establishment of a European PRTR, Official Journal of the European Union L 33, p 1.)
5. No difference.

6. The Environment Agency Austria collects the data from the competent authorities.
7. The national system is based on waste-specific (paragraph 5 (d) (ii)) reporting of transfers.
8. Data on diffuse sources are published on:
<https://www.umweltbundesamt.at/umweltthemen/industrie/daten-industrie/prtr/prtr-diffusemissionen>

Data on emissions from diffuse sources into the air are published on an annual basis and are limited to the pollutants that are covered by the Austrian Air Emission Inventory.

<https://www.umweltbundesamt.at/klima/emissionsinventur>

The data are available at the national level and for the pollutants CO₂, CH₄, N₂O, F-Gases, SO₂, NO_x, NH₃, NMVOC and PM₁₀ also at the level of the federal provinces.

Data on emissions from diffuse sources into surface waters exist for the river Danube river basin (96 % of Austria) for nitrogen and phosphorus.

1. For air: comparison between PRTR releases and emissions in the Austrian Air Emission Inventory. A detailed description of the methodology can be found at <https://www.umweltbundesamt.at/umweltthemen/industrie/daten-industrie/prtr/prtr-diffusemissionen>

For water: MONERIS (Modelling Nutrient Emissions in River Systems). A detailed description of the methodology can be found at

<https://www.umweltbundesamt.at/umweltthemen/industrie/daten-industrie/prtr/prtr-diffusemissionen>

4 Article 8 (reporting cycle)

Article 8.

For each reporting cycle since the last national implementation report (or date of entry into force of the Protocol), please indicate:

- (a) The reporting year (the calendar year to which the reported information relates);**
- (b) The deadline(s) by which the owners or operators of facilities were required to report to the competent authority;**
- (c) The date by which the information was required to be publicly accessible on the register, having regard to the requirements of article**

8 (reporting cycle);

(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;

(e) 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.

Year: **2021**

ENGLISH:

1. Reporting year is the calendar year, starting with 2007.
2. 31 May of the calendar year following the respective reporting year (starting from 30 April 2021, the deadline will be 30 April).
3. Within 12 months after the reporting year.
4. The deadlines were in general met.

The whole reporting process is carried out electronically.

5 Article 9 (data collection and record-keeping)

Article 9.

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).

Year: **2021**

ENGLISH:

The national PRTR has its legal basis in § 9a of the Environmental Information Act and in an ordinance on the E-PRTR, Fed. Law Gaz. II No. 380/2007, as amended by Fed. Law Gaz. II No. 223/2020. § 9a para. 2 of the Environmental

Information Act provides details on the contents of the national PRTR. In part they are defined by reference to Art. 5 para. 1 (a) to (c) of the Regulation (EC) No. 166/2006 concerning the establishment of a European PRTR, Official Journal of the European Union L 33, p 1, in part additional data are required in § 9a para. 2 no. 4 (releases from diffuse sources). The operators have to report on an annual basis using an electronic database (edm.gv.at). § 9a para. 4 of the Environmental Information Act provides that the data have to be deleted 10 years after being first published in the national PRTR.

6 Article 10 (quality assessment)

Article 10.

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).

Year: **2021**

ENGLISH:

The authorities competent for controlling the respective installations, in most cases district authorities (Bezirkshauptmannschaften), have to carry out the quality assessment (§ 5 of the ordinance on the E-PRTR, Fed. Law Gaz. II No. 380/2007, as amended by Fed. Law Gaz. II No. 223/2020). They have to assess the quality of the data in particular as to their completeness, consistency and credibility. In addition, the Environment Agency Austria carries out annual consistency checks between the PRTR data and data reported under other reporting obligations with some overlap with PRTR. The experience from the consistency checks at national level shows that the consistency of PRTR data with data reported under other reporting obligations is high because only few consistency errors are detected with the help of these checks every year.

7 Article 11 (public access to information)

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).

Year: **2021**

ENGLISH:

The public has easy access by direct electronic means (www.prtr.at). Austria has a high rate of internet access.

8 Article 12 (confidentiality)

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.

Year: **2021**

ENGLISH:

In Austria, so far no cases have come up, where the confidential treatment of information has been requested.

9 Article 13 (public participation in the development of national pollutant release and transfer registers)

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.

Year: **2021**

ENGLISH:

In Austria every piece of legislation (laws, ordinances) is sent out for comments as a draft. The public, NGOs and authorities can comment, the period for comments being usually 6 weeks. The comments are taken into account in the legislative process. This exercise was also carried out for the amendment of the Environmental Information Act, introducing §§ 9a and 9b, and for the ordinance on the E-PRTR, Fed. Law Gaz. II No. 380/2007 and its amendment in 2020. Inter alia, environmental NGOs and the environmental ombudsmen of the Länder were invited to comment.

10 Article 14 (access to justice)

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.

Year: **2021**

ENGLISH:

As the data on releases or transfers of pollutants in the PRTR are environmental data, the Environmental Information Act applies. If the environmental information requested is not at all or not to the requested extent provided, a decree shall be issued on this fact without undue delay, but two months after receipt of the request for information at the latest. An appeal against such a decision can be launched at the administrative courts in the Länder or in certain cases at the Federal Administrative Court (§ 8 Env. Information Act).

11 Article 15 (capacity-building)

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.**

Year: **2021**

ENGLISH:

1. A national guidance on the PRTR exists (<http://www.umweltbundesamt.at/fileadmin/site/publikationen/REP0164.pdf>). In the first years of implementing the PRTR the Federal Ministry of Agriculture, Forestry, Environment and Water Management organised regular meetings with the PRTR coordinators of the federal provinces in order to discuss open issues and build capacity.
2. The Environment Agency Austria published a press release when the national PRTR was launched in 2010.

The public may contact the Environment Agency Austria with any questions on accessing the national register and on understanding the use of the information contained in it. The contact information is available on the website of the national PRTR.

12 Article 16 (international cooperation)

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);**
- (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);**

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

Year: **2021**

ENGLISH:

1. The Environment Agency Austria has been involved in EU twinning projects which supported the implementation of PRTR.

Croatia:

„Improvement of Croatian Environment Pollutant Register and its Integration into Croatian Environmental Information System“. Implementation period – January 2016 to June 2017.

Bulgaria:

Component 3 in Twinning Project BG/07/IB/EN/07 dealt with the improvement and quality-assurance of national emission inventories and ePRTR.

Implementation period: January to September 2011.

Croatia:

Supporting the development of the national ePRTR System was one of the major actions in Twinning Light Project HR/07/IB/EN/01TL (“Improving environmental reporting in Croatia”). Implementation period – July 2009 to December 2010.

2. In support of the European Environment Agency, the Environment Agency Austria has supported in dialogue with the submitting countries the quality assurance of national data provided to the European PRTR, and organised a series of national workshops in the Southern Mediterranean countries, promoting modern environmental information systems including PRTR.
3. Austrian PRTR data concerning releases and transfers within border areas are publicly available for other Parties at www.prtr.at
4. Austrian PRTR data concerning transfers among Parties are publicly available for other Parties at www.prtr.at
5. N. a.

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.

Year: **2021**

ENGLISH:

n.a.