

**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  
Germany

\_\_\_\_\_  
[name of the Party or the Signatory] in accordance with decision I/5

Name of officer responsible for submitting the national report:	Dr. Gordo Jain
Signature:	
Date:	15.12.2016

**IMPLEMENTATION REPORT**

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

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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></p> <p>This second implementation report has been prepared mainly by the German Environment Agency (UBA), which is the authority responsible for establishing the German PRTR. The German Federal Ministry for the Environment Nature Conservation, Building and Nuclear Safety coordinates the report with other government departments.</p> <p><b>Participation of public institutions:</b> The report is based on the analysis of the reporting periods to date by the competent authority and the German Environment Agency.</p> <p><b>Public participation und taking into account the outcome:</b> Public participation is an essential element in drawing up the implementation report. On 20 July 2016 the German PRTR website <a href="http://www.thru.de">www.thru.de</a> published the questionnaire including explanations in German. At the same time the portal published a „top issue“ article which called for participation in the German implementation report. From that point in time it was already possible to send comments to <a href="mailto:mail@thru.de">mail@thru.de</a>.</p> <p>The first draft implementation report was published, in German, on the portal (<a href="http://www.thru.de/thru.de/downloads/">http://www.thru.de/thru.de/downloads/</a>) on 22 September 2016, for the public to download and comment. In order to facilitate the consultation and to make the questionnaire more understandable, further explanatory and background information were added to the draft. A process was in place to incorporate the outcome of the 4-week consultation process into the report. Comments and suggestions had to be sent to <a href="mailto:mail@thru.de">mail@thru.de</a>. The questionnaire with explanations (in German) is attached to this report.</p> <p>The first draft of the second implementation report was announced by:</p> <ul style="list-style-type: none"> <li>○ a „top issue“ article on the portal <a href="http://www.thru.de">www.thru.de</a> entitled “Machen Sie mit – beteiligen Sie sich am Umsetzungsbericht zum Schadstoffregister PRTR!”</li> <li>○ Twitter message on the German Environment Agency’s Homepage <a href="https://twitter.com/umweltbundesamt">https://twitter.com/umweltbundesamt</a></li> <li>○ Teaser on the Ministry’s Homepage <a href="http://www.bmub.de">http://www.bmub.de</a></li> <li>○ Teaser on the FEA-Homepage <a href="http://www.umweltbundesamt.de">http://www.umweltbundesamt.de</a></li> </ul> <p>The deadline for replies had been set to 21. October 2016. The three comments from the public demanded only formal changes.</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>(b) With respect to <b>article 3, paragraph 2</b>, measures taken to introduce a more extensive or more publicly accessible PRTR than required by the Protocol;</p>
<p>(c) With respect to <b>article 3, paragraph 3</b>, 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 penalised, persecuted or harassed for their actions in reporting the violation;</p>
<p>(d) With respect to <b>article 3, paragraph 5</b>, 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?</p>
<p>(e) With respect to <b>article 5, paragraph 1</b>, how releases and transfers can be searched and identified according to the parameters listed in subparagraphs (a) to (f);</p>
<p>(f) With respect to <b>article 5, paragraph 4</b>, 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;</p>

(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.

***Answer to a)***

The EU is a separate party to the Protocol and as such also under an obligation to establish a PRTR. To this end, the EC (as it was at the time) in 2006 adopted the European Regulation concerning the establishment of European Pollutant Release and Transfer Register.<sup>1</sup> The European PRTR-Regulation ("E-PRTR Regulation") establishes a European PRTR and is directly applicable to the authorities and citizens of the EU's Member States.

Germany is therefore under an international legal obligation under the PRTR-Protocol to establish a *German PRTR*, and also under a separate European legal obligation under the E-PRTR Regulation to collect the German data for the *European PRTR* and to provide it to the EU.

Both obligations are implemented by the German Law regarding the Implementation of the Protocol on Pollutant Release and Transfer Registers of 21 May 2003 and regarding the Implementation of Regulation (EC) 166/2006 of 6 June 2006 ("German PRTR Law", SchadRegProtAG). It establishes the German PRTR and determines how the German data for the European PRTR is collected and provided to the EU.

The German PRTR is available on the internet at [www.thru.de](http://www.thru.de).

In order to avoid duplicate reporting obligations, the data is reported only once and then put into the two PRTRs (national and European). As the EU's E-PRTR Regulation regulates most of the data collecting and reporting by operators, the German PRTR Law builds on the E-PRTR Regulation and to a large extent refers to its provisions, in order to avoid duplicate or inconsistent rules. The German PRTR Law therefore does not contain new reporting obligations. However, it contains rules on the competent authorities, procedure and formalities as well as provisions regarding the protection of whistleblowers, confidentiality of data, penalties and transitional provisions.

Germany is a federal state in which competences are allocated between the federal level and the federal states („Länder“) level. The PRTR involves competent authorities at federal state level as well as the German Environment Agency at the federal level. The competent authorities at state level (a list of which can be provided upon request) receive the data reported by the operators, assess them and forward them to the German Environment Agency. Some of the federal states have adopted their own respective rules in this regard. The German Environment Agency assesses the data again, compiles the German dataset from the reports of the federal states, publishes it in the German PRTR and forwards it to the EU for publication in the European PRTR.

***Answer to b)***

The German PRTR is more extensive than required by the Protocol. It complies with the requirements of the European PRTR, which in comparison to the Protocol contains information on additional pollutants.

In addition, the German PRTR features better public availability than required by the Protocol. The website can be accessed by anyone free of charge and contains the following features in addition to the requirements of the Protocol:

- Search results in electronic format and for download

<sup>1</sup> Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC, OJ L 33, 4.2.2006, p. 1–17.

- extended search features such as:
  - map search
  - overview search (emissions in short)
  - proximity search which is the accessibility counterpart to the map search
  - search for data marked as confidential and the reasons for confidentiality (see also article 12 below)
  - optional data (e.g. production volume), operator information for the public
- edited information such as top-issue and news
- background documents and information (tooltips, FAQ, knowledge, evaluation, expert WIKI)
- download of the whole dataset as a database
- WMS (web mapping service) for embedding in other services (INSPIRE compliant)
- high standards of user friendliness
- requirements for accessibility of the PRTR
- comprehensive Legal Commentary as supporting document for operators and competent authorities

Since 2014, information at [www-thru.de](http://www-thru.de) is also being made available in English.

***Answer to c)***

The protection of whistleblowers is implemented by the statutory provisions in section 4 of the PRTR Law. Employees may not be penalised, or incur other disadvantages, by operators for reporting specific indications of violations of pertinent rules. In addition, any reporting person is protected from being penalised by competent authorities.

***Answer to d)***

The Germany PRTR is integrated with other reporting systems and thereby to a large extent avoids duplicated reporting of data on releases and transfers. It is part of the German federal government's e-government initiative and contributes to reducing red tape. Activities under the government programme "Digitale Verwaltung 2010" ("Digital Administration 2020") regarding the introduction of Prozessdatenbeschleuniger (Process Data Accelerator, P23R) also help reducing red tape in PRTR.

The German PRTR was the first implementation in Germany of an end-to-end electronic process chain. Reporting obligations under three emission regulations (the 11<sup>th</sup>, 13<sup>th</sup> and 17<sup>th</sup> Federal Immission Control Ordinances - BImSchV) were integrated into the PRTR and introduced as an integrated data collecting and management system called "BUBE" ("Betriebliche Umweltdatenberichterstattung").

Data is collected with a master data module which is the common basis for the PRTR and the 11<sup>th</sup>, 13<sup>th</sup> and 17<sup>th</sup> Federal Immission Control Ordinances. The PRTR report is annually generated by the operator itself by using the PRTR module of BUBE.

. In the past years, standardized interfaces have been revised by simultaneously fixing a major problem that occurred during the first implementation period. A further step towards creating synergies is taken by harmonising calculation methods for certain reporting obligations as well as by elaborating and providing emission factors for certain releases. These measures improved the quality of the test routines and test reports.

Further synergies are achieved with other reporting procedures, e.g. under the European emissions trading system (ETS), the EU Large Combustion Plants Directive, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their

Disposal, the EU Urban Waste-water Treatment Directive and the Geneva Convention on Long-range Transboundary Air Pollution (CLRTAP).

*Answer to e)*

The public can search data from the German PRTR at [www.thru.de](http://www.thru.de) via various criteria. There is a geographic search through an interactive map, an advanced search by a several criteria, an overview search (emissions in short - „Emissionen kompakt“) and a proximity search which is the accessibility counterpart to the map search. In addition, the whole dataset can be downloaded as a database.

The search function „search“ provides the criteria: reporting year, name of the facilities, address (postcode or name of the town), owner / operator, parent company, sector, activity, pollutant, media (air, water, soil, waste water), waste (hazardous waste, non-hazardous waste), state in which the hazardous waste was transferred.

In addition to these criteria required by the Protocol, the following search criteria are provided: confidentiality, river basin district, federal state (Länder), main-activity/non-main activity, NACE-code (code number or name), group of pollutants, method of calculation (calculation measurement or estimation), total or accidental pollutant releases.

The facilities resulting from the search can be presented sorted by name of the facilities or by federal state, waste amount or pollutant amount.

The map search provides five zoom levels. It can present single facility or overview graphics for federal states or counties. Searching is possible by facility or address (see „useful pointers“ on the German PRTR website).

*Answer to f)*

Since 3.6.2009, the German PRTR has been available free of charge via the internet hosted at [www.thru.de](http://www.thru.de).

The German PRTR website appears as the first result when searching google for „pollutant register“ or „PRTR“. The German Wikipedia entry for „pollutant register“ also provides a link to the German PRTR.

*Answer to g)*

The German PRTR has a page containing numerous links, grouped by (1) PRTR of other countries and of the EU, (2) thematically related websites of the federal and *Länder* governments and (3) further links relating to the issue environmental information and PRTR: [www.thru.de/thrude/links/](http://www.thru.de/thrude/links/). At <https://www.thru.de/3/thrude/about-thrude/international-projects/>, information is included on the support of Germany to other countries.

In addition, the „top issues“ section provides and presents relevant links to specific topics. The German PRTR website does not have direct access to other databases.

**Article 7**

<b>List legislative, regulatory and other measures that implement article 7 (reporting requirements).</b>
Describe or identify as appropriate:
(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;
(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;
(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;
(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;
(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;
(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;
(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;
(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) With respect to <b>paragraph 8</b> , the types of methodology used to derive the information on diffuse sources.
<p><b>Answer to a)</b></p> <p>Like the EU, Germany has chosen the capacity threshold in accordance with article 7, paragraph 1 (a). The German PRTR Law refers fully to article 5 of the directly applicable E-PRTR Regulation. The capacity thresholds are determined in Annex I and the thresholds for releases in Annex II of the E-PRTR Regulation.</p> <p><b>Answer to b)</b></p> <p>Like the EU, Germany requires the operator to fulfil the reporting requirements. Although the owner is not subject to a reporting obligation, the PRTR Law requires the operator to report the name of the owner of the respective facility. This facilitates searching and increases transparency.</p> <p><b>Answer to c)</b></p> <p>For the activity 3 b -opencast mining-, Germany imposes a reporting obligation over and above the requirements of the Protocol for quarries above 25 hectares. This is due to the respective requirement in the E-PRTR Regulation. Apart from this there are no further deviations.</p> <p><b>Answer to d)</b></p> <p>Due to the requirements of the European E-PRTR Regulation, Germany deviates from the Protocol in the following respects, all of which extend the PRTR:</p>

- additional substances: No. 87 Octylphenols and Octylphenol ethoxylates - threshold in water 1 kg/yr; No. 88 Fluoranthene threshold in water 1 kg/yr; No. 89 Isodrin - threshold in water 1 kg/yr; No. 90 Hexabromobiphenyl - threshold in air 0,1 kg/yr, threshold in water 0,1 kg/yr and threshold in soil 0,1 kg/yr; No. 91 Benzo(g,h,i)perylene - threshold in water 1 kg/yr;
- lower threshold values for releases: substance No. 47 PCDD + PCDF (dioxins + furans) - threshold in air, water and soil 0,0001 kg/yr respectively (lowered by factor 10 compared to PRTR Protocol);
- additional threshold values for releases to water: No 52 Tetrachloroethylene (PER) - threshold in water 10 kg/yr; No. 53 Tetrachloromethane (TCM) - threshold in water 1 kg/yr; No. 54 Trichlorobenzenes (TCBs) (all isomers) - threshold in water 1 kg/yr; No. 57 Trichloroethylene - threshold in water 10 kg/yr; No. 58 Trichloromethane - threshold in water 10 kg/yr;
- it is possible for operators to additionally, and on a voluntary basis, report the amount of non-biogen CO<sub>2</sub> as a share of releases of the pollutant CO<sub>2</sub>.

*Answer to e)*

Germany has not determined any deviating type of threshold under article 7 paragraph 3.

*Answer to f)*

The Federal Environment Agency is the competent authority as determined by the PRTR Law.

*Answer to g)*

The German PRTR fulfils all the requirements of article 7 paragraphs 5 and 6 (see answer to question d).

Like the EU, Germany has chosen a waste-specific approach in accordance with article 7 paragraph 5 (d) (ii).

*Answer to h)*

The German PRTR Law requires the German Environment Agency to include releases from diffuse sources in the PRTR that are available in adequate geographical detail at the competent federal and state level authorities and that can be included practically. At present, the German PRTR includes emissions from diffuse sources by linking to specific websites of the federal states. In November 2016, a research project was completed on how to include emission data from diffuse sources to air and water into the German PRTR. Emissions to air cover the sectors transport, agriculture and households. The data is available on regional level. Emissions to water cover the sectors agriculture, atmospheric deposition, urban systems and „other“. The reference years are 2008 and 2012 across-the-board, the grid dimension is 3x3 km. The implementation of these data is ongoing and will most likely be completed by the end of 2016. These data are expected to be updated every four years.

*Answer to i)*

In November 2016, a research project was completed on how to include emission data from diffuse sources to air and water into the German PRTR (see answer to question h).

**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.

***Answer to a)***

The EU is a separate party to the Protocol and established, as the former European Community (EC), a European PRTR through a European regulation as early as 2006 (see answers to questions relating Articles 3, 4 and 5). Since the entry into force of the Protocol in October 2009, the German PRTR provides data for the reporting years 2007 to 2014.

***Answer to b)***

The German PRTR Law sets deadlines for providing the data of the facilities to the competent authority. The reports have to be submitted at the latest by 31 May of the year following the reporting year. The deadline can be extended until 30 June upon application and on a case by case basis, provided that this does not negatively affect the forwarding of the data to the European Commission for the European PRTR. The application has to be submitted by the operator by 30 April.

***Answer to c)***

The German PRTR Law requires the German Environment Agency to publish the information in the PRTR at the latest 15 months after the end of the reporting year.

***Answer to d)***

The reports by facilities and federal states are within the deadlines and reliable. The German Environment Agency complies with the deadline for publishing the data in the German PRTR. In exceptional cases the publication was delayed for a few days due to adjustments to changed requirements (see answer to question 12).

***Answer to e)***

In order to implement the reporting by operators, a cooperation between the federal level and the federal states jointly developed and financed a reporting software for Germany ("Betriebliche Umweltdatenberichterstattung - BUBE"). The reporting software integrates two other reporting obligations besides the PRTR reporting (see answers to Articles 3, 4 and 5). Following this integration, the first common reporting of 13. BImSchV and 17. BImSchV is to cover the reporting year 2016.

It is based exclusively on open source components. The software is available online and the operators who are required to report receive their respective access code from the competent authorities. An offline version is also available. The software implements seamless electronic reporting, without media discontinuity, from the operators to the German Environment Agency and into the German PRTR as well as to the EU and into the

European PRTR. The data entered by the operators is validated and quality-checked by the competent authorities and then provided to the German Environment Agency via the respective authorities at state level. The software has XML interfaces for integrating the data into the German PRTR and for providing the data to the EU. There is no reporting in paper format at any stage.

#### 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).**

*Answer:*

Article 5 paragraphs 3, 4 and 5 of the E-PRTR Regulation, which is directly applicable in Germany, imposes an obligation on operators that is virtually identical to Article 9 paragraph 1 of the Protocol. The competent authorities usually know from the permit procedures which facilities are subject to the reporting requirements.

Pursuant to Article 5 paragraph 1 sentence 1 of the E-PRTR Regulation, the collection of data has to be based on measurement, calculation or estimation. Operators are required to report on which of these procedures were applied.

According to Article 5 paragraph 1 sentence 3 of the E-PRTR Regulation, if data is reported based on measurement or calculation, the analytical method and/or the method of calculation shall be reported. References to relevant procedures are contained in guidelines that were commonly agreed on in the EU.

It is an administrative offence under paragraph 7 of the German PRTR Law to intentionally or negligently

- fail to report, to report incorrect or incomplete data or to report not on time; or
- fail to keep the data available, or keep available incomplete data or not as long as required.

#### 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).**

*Answer:*

The rules on quality assurance are provided in the E-PRTR Regulation, which is directly applicable in Germany. As Germany uses the data collected for the E-PRTR also for the German PRTR, the same rules apply for the German PRTR. Thus, the quality assurance requirement primarily applies to operators, but also the authority.

Operators are obliged to ensure the quality of data (see also answer to Article 9). Facilities that are subject to the reporting obligation submit their data to the competent federal state authorities via the reporting software BUBE. The reporting software facilitates the quality assurance by providing many check routines which verify the data for completeness, consistency and credibility. As of today, more complex test routines have also been integrated into the software, which verify for specific activities, e.g. Mercury (Hg) quantities on the basis of reported Carbon dioxide (CO<sub>2</sub>) emissions. For a number of activities, media and pollutants, the software provides emission factors to which operators can resort to in absence of better information on emissions. For example, these factors are available for heavy metal emissions from urban waste water treatment plants or for ammoniac (NH<sub>3</sub>) for intensive livestock farming.

The E-PRTR Regulation imposes obligations regarding quality assurance on the competent authorities as well. The competent authorities check the quality of data before they pass on the information to the German Environment Agency. They are required to consider in

particular the completeness, consistency and credibility of the data. For this purpose, they draw on, inter alia, the check routines of the reporting software, data in the permit, air data from the emissions declaration and the emission report under the 11<sup>th</sup>, 13<sup>th</sup> and 17<sup>th</sup> Federal Immission Control Ordinances, water data from administrative supervision and self-monitoring as well as on waste data from the waste monitoring system ASYS.

In addition, the German Environment Agency also checks the data for completeness, consistency and syntax. Consistency is also checked by automatic outlier tests and comparison with data from earlier years.

The emission factors used for the PRTR reporting have been revised in 2015, such as:

- emission factors regarding the PRTR activities in sector Intensive livestock production,
- emission factors for Carbon dioxide (CO<sub>2</sub>) regarding the waste combustion, sewage sludge incineration,
- emission factors for Carbon dioxide (CO<sub>2</sub>) regarding industrial processes,
- emission factors for heavy metals used for calculating of annual loads of wastewater treatment plants

In cooperation with colleagues from selected federal states, the German Environment Agency prepared a so called “Leitfaden zur Berechnung von Stofffrachten im Abwasser für die PRTR-Berichterstattung“ (“Guideline for PRTR reporting on the calculation of annual loads in waste water treatment plants”). These guidelines were published and will thus support operators and competent authorities.

#### 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:*

In Germany, the PRTR Law legally guarantees the access free of charge to the PRTR free of charge on the internet. The website is directly accessible without registration or application.

#### 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:*

The German PRTR Law provides rules concerning the confidentiality of information in the German PRTR. The PRTR Law copies the reasons for confidentiality of Art. 12 PRTR Protocol from the Environmental Information Act, by which Germany implements in § 5 PRTR Law and transposes the EU Environmental Information Directive and the pertinent provisions of the UNECE Aarhus Convention into German law. The reasons „personal data“ and „confidentiality of commercial or industrial information“ are not applicable to information on pollutant releases, cf. § 5 paragraph 3, sentence 2 PRTR Law.

In principle, any type of information can be confidential, provided that reasons of

confidentiality exist and that confidentiality is not claimed for pollutant releases themselves. Even where information is confidential, the competent authority should as far as possible separate the non-confidential information and include it in the PRTR. In addition, the PRTR has to specify which type of information is being withheld on which reasons.

The competent authority has to check ex officio whether one of the reasons for confidentiality applies and whether is outweighed by the public interest in disclosure. If the operator claims confidentiality, it will be crucial to what extent the respective authority considers a detailed substantiation necessary and sufficient. An important element in assessing confidentiality is whether the data is already available to the public, e.g. as part of a permit procedure. The legal assessment is more difficult where confidentiality is based on basic constitutional rights.

If the competent authority considers that the public interest in disclosure prevails, certain procedural safeguards apply in order to protect the person concerned. For instance, the information may be included in the PRTR only after a hearing.

Individual operators have relied on these provisions in recent years. However, the amount of confidential information is constantly declining. The following tables provide an overview of the reasons for confidentiality claimed in 2007-2014 („FA“ means facilities). In these tables, the number of confidentiality cases for a certain reporting year may differ from the number given in the first national implementation report. Competent authorities, in dialogue with the operators, strive for best possible solutions in order to reduce the number of cases of confidentiality. Operators may reverse originally claimed confidentiality and publish all data.

<b>Year 2007</b>	<b>number</b>	<b>reason for confidentiality</b>
facilities	7 FA	confidentiality of commercial or industrial information
release	1 FA	adverse effects on the course of justice (1 FA)
activities	25 FA	all FA referred to several reasons
transfer waste water	1 FA	infringement of intellectual property rights
waste	79 FA	confidentiality of commercial or industrial information

<b>Year 2008</b>	<b>number</b>	<b>reason for confidentiality</b>
facilities	3 FA	confidentiality of commercial or industrial information (2 FA), adverse effects on the course of justice (1 FA)
release	1 FA	infringement of intellectual property rights
activities	1 FA	confidentiality of commercial or industrial information
transfer waste water	2 FA	infringement of intellectual property rights (1 FA); confidentiality of commercial or industrial information (1 FA)
waste	54 FA	confidentiality of commercial or industrial information

<b>Year 2009</b>	<b>number</b>	<b>reason for confidentiality</b>
facilities	3 FA	confidentiality of commercial or industrial information (2 FA), adverse effects on the course of justice (1 FA)
release	1 FA	infringement of intellectual property rights
activities	2 FA	confidentiality of commercial or industrial information (1 FA), infringement of intellectual property rights
transfer waste water	1 FA	infringement of intellectual property rights (1 FA)
waste	53 FA	confidentiality of commercial or industrial information
<b>Year 2010</b>	<b>number</b>	<b>reason for confidentiality</b>
facilities	-	--
release	1 FA	infringement of intellectual property rights
activities	2 FA	commercial and industrial information (1 FA), infringement of intellectual property rights (1 FA)
transfer waste water	-	-
waste	47 FA	confidentiality of commercial or industrial information
<b>Year 2011</b>	<b>number</b>	<b>reason for confidentiality</b>
facilities	1 FA	, disclosure of personal data
release	1 FA	infringement of intellectual property rights
activities	1 FA	infringement of intellectual property rights
transfer waste water	-	-
waste	42 FA	confidentiality of commercial or industrial information

<b>Year 2012</b>	<b>number</b>	<b>reason for confidentiality</b>
facilities	-	-
release	1 FA	infringement of intellectual property rights
activities	1 FA	confidentiality of commercial or industrial information
transfer waste water	2 FA	confidentiality of commercial or industrial information
waste	37 FA	confidentiality of commercial or industrial information

Year 2013	number	reason for confidentiality
facilities	2 FA	confidentiality of commercial or industrial information (1 FA); international relations and public security or national defence (1 FA)
release	-	-
activities	-	-
transfer waste water	-	-
waste	35 FA	confidentiality of commercial or industrial information

Year 2014	number	reason for confidentiality
facilities	1FA	confidentiality of commercial or industrial information
release	1 FA	infringement of intellectual property rights
activities	-	-
transfer waste water	-	-
waste	28 FA	confidentiality of commercial or industrial information

### Article 13

<p><b>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.</b></p>
<p><i>Answer:</i></p> <p>The legal basis for the German PRTR is the German PRTR Law of 2007 which has been drafted and adopted following the usual, transparent legislative process applying to Acts of Parliament.</p> <p>The public was involved in the development of the German PRTR through workshops and a number of expert meetings and also informed about the PRTR legislation in Germany.</p> <p>In order to give the wider public a straightforward opportunity to become actively involved in the PRTR process, an email contact form <a href="mailto:mail@thru.de">mail@thru.de</a> was set up to contact the German Environment Agency. Through this email address, the German Environment Agency receives specific questions on particular facilities or pollutants as well as general questions on the PRTR, which can indicate need for further development.</p> <p>So far, many environmentally relevant questions have been posed by the public, political parties and NGOs.</p>

#### 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:*

In Germany, the public can directly access the PRTR on the internet as provided for in Article 11, paragraph 1. The application procedure as referred to in Article 11, paragraph 2, is therefore not required in Germany. It is therefore also not necessary to provide for access to courts, because Article 14 requires such access only where Article 11, paragraph 2, applies.

#### 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 to a)*

Germany funded several research projects which were tasked, inter alia, with writing and updating expert manuals and with answering and resolving questions and problems occurring during the implementation process. These manuals and support material are available to competent authorities and operators in an expert Wiki and are regularly updated and amended (<https://wiki.prtr.bund.de>). The expert Wiki is available in German only.

Through these research projects, various workshops and information events were organized for competent authorities, industrial facilities and academia on the implementation of the PRTR in Germany.

Questions or problems regarding the reporting software BUBE are shared and answered by the competent authorities and in the context of the cooperation between the federal government and the federal states.

*Answer to b)*

The official launch of [PRTR](#) Portal on 3 June 2009 as well as the launch of the new web portal [www.thru.de](http://www.thru.de) on 12 December 2012 were accompanied by press releases by the German Environment Agency. These were taken on by numerous print and online media and by radio and TV. The PRTR webpage [www.thru.de](http://www.thru.de) provides examples. The German PRTR website appears as the first result when searching google for „pollutant register“ or „PRTR“. The German Wikipedia entry for „pollutant register“ also provides a link to the German PRTR.

In addition, Germany seeks to continuously maintain the German portal as user friendly and understandable as possible.

In particular the different search options now provide comprehensive access to the data. An extensive help function and a Q&A section facilitate the search and the understanding of the data. The home page of [www.thru.de](http://www.thru.de) as well as the section „top issue“ are meant to

introduce specific analyses and questions and provide background information. By now, the data is being used by many associations (i.e. German Chemical Industry Association (VCI)) or academic institutions. In order to cover all possible questions, the website [www.thru.de](http://www.thru.de) provides the complete dataset as a database for download.

Finally, question by the public at [www.thru.de](http://www.thru.de) become part of an OTRS (Open Ticket Response System) and are answered within 10 days.

In 2014, the English version of the PRTR website is online at [www.thru.de](http://www.thru.de).

## Article 16

**Describe how the Party has cooperated and assisted other Parties and encouraged cooperation among relevant international organisations, 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)**.

### *Answer to a)*

Germany supports international measures in particular by capacity building on the PRTR. For example, at MOPP-1 Germany distributed information on the German PRTR and on the subsequent use of the open source components. Germany has published the open source code of the reporting software BUBE, the XML scheme and stand-alone-GDI on [joinup.ec](http://joinup.ec). The respective project descriptions are still available on the international websites [joinup.ec](http://joinup.ec) and [prtr.net](http://prtr.net).

### *Answer to b)*

The Federal Environment Agency cooperates with other parties in particular via twinning and Advisory Assistance Programmes.

- Advisory Assistance Programme: „Support the Establishment and Advancement of Pollutant Release and Transfer Registers (PRTR) in Western Balkan Countries and in Moldova” (3/2015 to 2/2017),
- Regional experience sharing workshop concerning the Establishment and Advancement of Pollutant Release and Transfer Registers (PRTRs) in Western Balkan Countries and in the Republic of Moldova, 8.+9.11.2016 in Skopje,
- Twinning-Project with Israel: Support to the Israeli Ministry of Environmental Protection in the Establishment and Implementation of a System of Integrated Pollution Prevention and Control (IPPC) and a Pollutant Release and Transfer Register (PRTR) (6/2013 to 2/2015),
- Twinning-Projekt with Kroatien: "Improvement of Croatian Environment Pollutant Register (Croatian EPR) and its Integration into Croatian Environmental Information System (CEIS) (CRO EPR)" (1/2016 to 7/2017)



*Answer to c)*

The complete German PRTR data is available in both German and English version on the PRTR website <http://www.thru.de/thrude/downloads>. Germany cooperates closely with other EU Member States through the EU as well as with the UN-ECE and the OECD for the improvement and further development of PRTRs.

*Answer to d)*

Germany is a party to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal of 22 March 1989. It cooperates closely with other EU Member States in the context of the EU and the European PRTR.

*Answer to e)*

See the answer to question b).

**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: no further comments*