

German Comments to the second Draft of the Guidance Document 22.6.06

German Comments to the Second Draft of the

“GUIDANCE TO IMPLEMENTATION OF THE PROTOCOL ON POLLUTANT RELEASE AND TRANSFER REGISTERS”

13 May 2006

I. Proposals for amendments

No.	Chapter, page	Original text from PRTR Guidance Draft 13.05.06	Proposed Amendment	Justification
1	Ch. II para 15, p. 14	Checklist of elements for which institutional structures are needed (1)	Checklist of elements for which institutional structures may be needed (1)	Since there is no obligation to do it that way, the formulation should be more as an advice
2	Ch. II para 3, p. 14		New Paragraph: Responsibilities of all participants should be described in the guidance	Before talking about the validation by the authorities, there would be a new paragraph useful about the responsibility of the operator about his own data quality
3	Ch. II para 3, p. 14	It may be particularly useful to link the validation of the data to other controls of facilities, e.g., via regular or extraordinary environmental inspections.	Change into: One possible way of validating the data may be to use information from other controls of facilities, e.g., via regular or extraordinary environmental inspections.	Since there is no obligation to do it that way, the formulation should be less stringent.
4	Ch. II para 8, p. 15	Methods for the quantification of diffuse pollution should also be homogeneous at national level even if the data are collected regionally.	Delete this sentence	Information on diffuse sources are not necessary here.
5	Ch. II para 11, p. 16	Checklist of elements for which institutional structures are needed (2)	Checklist of elements for which institutional structures may be needed (2)	Since there is no obligation to do it that way, the formulation should be more as an advice

<p>6</p>	<p>Ch. II para 13, p. 17</p>	<p>Checklist of legislative elements on data collection and dissemination <u>General provisions</u> 1. Authority (or obligation) to establish and maintain a public register (art. 1) 2. Designation of competent authority for managing the PRTR (2, para. 5) (Enforcement, will not necessarily be carried out by the Competent Authority designated for reporting purposes.) 3. Definitions, e.g., facility, pollutant, release, off-site transfer (art. 2),</p> <p><u>Obligations for Parties</u> 1. Obligation to provide direct electronic access to the register through public telecom networks, and in publicly accessible locations (art. 11, para. 1 and</p>	<p>1. Authority (or obligation) to establish and maintain a public register (art. 4) 2. Designation of competent authority for managing the PRTR (art. 3, para 1 in connection with Article 4 (j)) (Management of the PRTR, data collection, and enforcement of reporting obligations will not necessarily be carried out by the same authority.) 3. Definitions, e.g., facility, pollutant, release, off-site transfer (compare art. 2), where necessary</p> <p>1. Obligation to provide direct electronic access to the register through public telecom networks,</p>	<p>Number 1: The obligation is set out in Article 4, not in Article 1. Number 2, 1st sentence: The obligation to determine a competent authority flows from Article 3 para. 1 and not from Article 2 para. 5. Number 2, 2nd sentence: Changes made for clarification purposes. Number 3: The obligation to introduce definitions in national law does not flow from Article 2. Article 2 is rather a point of departure from which to judge whether definitions are necessary. Not all definitions contained in Article 2 may have to be regulated in national law. The final decision on whether a definition is needed will depend on the natural meaning of the words and to what extent they are self-explanatory or can be deduced from the context. Number 1: This is not a cumulative, but rather a hierarchical obligation.</p>
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		<p>art. 11, para. 5) 2. Obligations to carry out quality assessments of the data in the register, & to ensure that the data are complete, consistent and credible (art. 10, para. 2)</p>	<p>failing this, in publicly accessible locations (art. 11, para. 1 and art. 11, para. 5) 2. Obligations to carry out quality assessments of the data in the register, in particular assess whether the data are complete, consistent and credible (art. 10, para. 2)</p>	<p>Number 2: The public authority does not have to ensure, but only to assess the completeness etc. of the data.</p>
7	Ch. II para 25, p. 20	<p>The “appropriate enforcement measures” to implement the Protocol’s provisions referred to in article 3, paragraph 1, will apply to operators as well as officials responsible for the registration acting in bad faith, fraudulently or negligently. Parties could consider whether the enforcement measures should include sanctions and whether those could be administrative and/or penal. The introduction of both types of sanctions create a gradual system in the use of sanctions. For a repeated violation of the reporting obligation or the submission of false data, the operator could be submitted to a criminal sanction. For the mere delay in delivering the information, an administrative sanction could suffice</p>	<p>The “appropriate enforcement measures” to implement the Protocol’s provisions referred to in article 3, paragraph 1, will apply to operators as well as officials responsible for the registration acting in bad faith, fraudulently or negligently, where this behaviour is apt to hamper the implementation of the Protocol. Parties could consider whether the enforcement measures should include sanctions and whether those could be administrative and/or penal. The introduction of both types of sanctions would create a gradual system in the use of sanctions. The same result would be achieved by providing for different levels of administrative sanctions depending on the gravity of the offence. Sanctions have to be proportionate. A repeated violation of the reporting obligation or the submission of false data, would be considered a graver offence than the mere delay in delivering information.</p>	<p>Sentence 1: Only such negligent or fraudulent behavior of operators or officials that can hamper the implementation of the Protocol is relevant for enforcement. Sentence 2: More neutral formulation in that it provides for more than one example of how to distinguish between offences according to the graveness of the offence.</p>
8	Ch. II para 40, p. 23	<p>It would be desirable to ensure public participation when any change is made to the PRTR System. However, it is not clear from article 13 whether public participation is also mandatory during modification of the PRTR Protocol itself, since paragraph 1 refers only to the</p>	<p>Change the whole paragraph into: Public participation shall be allowed in the development and modification of the PRTR, (Article 4 (i)). Article 13 para. 1,</p>	<p>The text of the Protocol allows different interpretations. Where states did not come up</p>

German Comments to the second Draft of the Guidance Document 22.6.06

		development of the PRTR and paragraph 3 requires only that the Party ensure access to information relating to decisions to significantly change the PRTR system. Nonetheless, this article should be interpreted in to the light of the more general article 4, paragraph (i), which deals with the core elements of a PRTR Protocol and which states that public participation should be allowed in the development (meaning establishment) and modification (in the case of significant changes of the PRTR).	which stipulates that each Party shall ensure appropriate opportunities for public participation in the development of its national registers, within the framework of its national law and Article 13 para. 3 which stipulates that each party shall ensure, when a decision to establish or significantly change the register has been taken, information on the decision and the considerations on which it is based are made publicly available in a timely manner, shall be interpreted in the light of the more general Article 4 (i).	with a common interpretation, this should not be commented on in the guidance document. This is not the purpose of the GD.
9	Ch. III para 4, p. 26	Subtitle of the table: Key activities included in annex I	Delete table 1 in order to avoid the term “key activities” and replace it by a list/table containing the new “Annex I activities of the PRTR-Protokoll”	There is no need to introduce a new term such as “key activities” and the so called “key activities” itself in order to be as clear as possible. This term is not used in the rest of the guidance nor in the protocol.
10	Ch. III para 5, p. 27	... Thus information on releases from the facilities carrying out annex I activities should provide a countrie’s citizens with a good overall picture of the level of pollution from its industrial installations....	Replace “a countrie’s citizens” by “the public”	The term of the protocol is the public – no other terms should be used when public is meant.
11	Ch III para 28, p. 33	Citizens and other PRTR users will not have information on the specific pollutants contained in the waste (e.g., if the waste is hazardous because it contains x tons of heavy metals or y tons of PCBs).	Citizens and other PRTR users” by “The public”	The term of the protocol is the public – no other terms should be used when public is meant.
12	Ch. III para 34, p. 34	...It is possible to interpret the Protocol to require that the operator of a landfill reports, as a release to land, waste received and then deposited in the landfill. However, this would lead to a duplication of reporting, as the facilities transferring waste to the landfill would already have to report the movement as an off-site transfer. In the	Add at the end: Concerning the European PRTR (E-PRTR) only the two disposal-operations “land treatment” and “deep injection” are supposed to be releases to land as other operations do not lead to an	An example for a solution at regional level could be helpful for those who do not have a solution yet.

German Comments to the second Draft of the Guidance Document 22.6.06

		absence of an agreement among the Parties for this type of activity, each Party should clarify this issue at national level to avoid overlap and duplicate reporting.	introduction of pollutants into the environment and are therefore no releases to land.	
13	Ch. IV para 1, p. 36	a) Two circles in different sizes b) Releases to land, water and off-site transfers of waste	a) Figure 1: two circles of same size b) Releases to land, water and off-site transfers of pollutants in waste water and pollutants in waste or waste amounts	a) The different circle size seem to indicate a quantitative relation of the two category groups in pollution. For some pollutants the fraction of the individual facilities is higher, for other pollutants it's the opposite. Therefore no definite ratio can be given. b) completing the releases and transfers in the sense of the protocol.
14	Ch. IV para 40, p. 59	Table 6: Thresholds for off-site transfers of pollutants in waste from annex II of the PRTR Protocol	Add "using a pollutant specific approach" at the end	Makes the reporting obligation clearer
15	Ch. IV para 49, p. 68	An overview of different types of determination methods for estimating releases and transfers of pollutants from facilities is given in table 4	Add " as an example " at the end of the sentence.	The given determination methods can only serve as an example as the protocol doesn't fix them obligatory.
16	Ch. IV Table 9, p. 71	Example format, off-site transfers (non waste-water):	Add reporting form concerning off-site transfer of waste: The given format is not enough detailed – regarding the pollutant-specific method, „R“ and „D“ have to be given for each pollutant, as well as the name and the address of the facility	Format was incomplete

German Comments to the second Draft of the Guidance Document 22.6.06

			receiving the transfer. Concerning the waste-specific method, name and address of the disposer/recycler and the address of the actual disposing/recycling-site have to be given only for transboundary transfers of hazardous waste.	
17	Ch. IV Table 9, p. 71	Off-site transfer of pollutants in waste water	Add "r" at the end	
18	Ch. IV Table 9, p. 71	Off-site transfers (non waster water)	Delete "r" of "waster"	
19	Ch. IV para 60-63, p. 75	<p>60. As a starting point for this estimation data from individual facilities is necessary. Also the activity data of both threshold- and below-threshold facilities is needed. Extrapolation based on this activity data can then be performed to collectively estimate the release and transfer of pollutants from below-threshold facilities, dependant on industrial source category:</p> <p>Releases and transfers of pollutants from below threshold facilities from annex I =</p> <p>Releases and transfer of pollutants from annex I facilities x (1-F)</p> <p>Box 3: Estimating below-threshold releases</p> <p>61. Where, dependant of the basis used for extrapolation and in order of decreasing preference, F can be:</p> <p>(Total production of annex I category – production of annex I facilities) / total production of Annex I category;</p> <p>(Total number of employees of annex I category – number of employees of annex I facilities) / Total number of employees of annex I category;</p> <p>(Total added value of annex I category – added value of annex I</p>	Delete para 60-63	<p>These three paragraphs seem to be much too detailed in this context. The general links to emission estimation guidebooks as given in para 57 (p. 73) are sufficient in this context. As more detailed information is also given in Chapter IV, para 69 et sqq. "Emission estimation guidance documents" (p. 77) the description in para 60-63 is not helpful.</p>

German Comments to the second Draft of the Guidance Document 22.6.06

		<p>facilities) / Total added value of an Annex I category.</p> <p>63. With this method the individual reporting of above-threshold facilities for annex I activities can be used to generate emission factors or other statistically based calculation methods to estimate releases and transfers.</p>		
20	Ch. IV para 3, p. 78	<p>The PRTR Protocol assumes that public access to the PRTR data and feedback from the public will result in improvement of the quality of the reported PRTR data. Contrary to other international protocols and conventions as the United Nations Framework Convention on Climate Change (UNFCCC) and the United Nations Economic Commission for Europe Convention on Long-Range Transboundary Air Pollution (LRTAP), the quality assessment requirements of the PRTR Protocol do not include independent review as part of the reporting process. This chapter on data management and quality assessment, therefore, does not intend to give guidance on data verification but focuses on data validation”</p>	<p>Delete the last sentence: “This chapter on data management and quality assessment, therefore, does not intend to give guidance on data verification but focuses on data validation”</p>	<p>„Verification of data“ is not part of the protocol and therefore not subject of the guidance.</p>
21	Ch. V, para 1, p. 78	<p>This chapter gives guidance on how Parties could organise the PRTR data flows. Quality assessment is the responsibility of the Parties which are obliged to validate the PRTR data. Quality assessment is important to assure completeness, consistency and credibility of the data on the releases and transfers of pollutants in the PRTR.</p>	<p>Delete sentence two and three and add instead: The operator assures the quality of the information they report (Art 10 (1)) that data quality objectives were met, ensure that the inventory represents the best possible measurements, calculation or estimations of releases and transfers of pollutants given the current state of best available information. The competent authority ensures the quality assessment according completeness, consistency and credibility (Art. 10 (2)). Informal public feedback facilitates the exchange between public and operator.</p>	<p>In the general introduction about data management there should be all obligations of the different participants listed.</p> <p>Public feedback and the response to that is not part of the obligations.</p>

German Comments to the second Draft of the Guidance Document 22.6.06

			The public can address the operator or the competent authority to give feedback. The operator or the competent authority can give a response.	
22	Ch. V para (c), responsibility of competent authority, p. 80	(c) Determining the releases and transfers of pollutants of the below threshold facilities of annex I; and (d) Determining the releases and transfers of pollutants of other sources	(c) Collecting the data related to diffuse sources as e.g. the releases and transfers of pollutants of the below threshold facilities of annex I; and (d) Collecting the data related to diffuse sources as e.g. the releases and transfers of pollutants of other sources	Concerning diffuse sources, only available data have to be collected. Determination is only necessary, if in the future no data are available
23	Ch. V para (c), responsibility of competent authority, p. 80	f) Response on public feedback. [Examples to be added.]	Delete No. f)	Since there is no obligation in protocol for it, it should be formulated more as an advice at a different place (e.g. p. 78 para 1).
24	Ch. V para 19, p. 83	The Intergovernmental Panel on Climate Change (IPCC) Good Practice Guidance and Uncertainty Management in National Greenhouse Gas Inventories defines validation as follows: "Validation is the establishment of sound approach and foundation. In the context of emission inventories, validation involves checking to ensure that the inventory has been compiled correctly in line with reporting instructions and guidelines. It checks the internal consistency of the inventory. The legal use of validation is to give an official confirmation or approval of an act or product."	Deletion of the whole paragraph.	As mentioned in para 78 of the same Chapter it is stated, that the validation of the PRTR and the UNFCCC are contrary – therefore citing exactly these validation conditions doesn't seem to be helpful. Contrariwise, for those who know the UNFCCC-system, this para could pretend that the same has to be done for the PRTR.
25	Ch V para 20, p. 83	Validation activities include general methods such as accuracy checks on data acquisition and calculations and the use of approved standardized procedures for emission calculations, measurements, estimating uncertainties, archiving information	Delete the last two sentence:	Since there is no obligation in the protocol for giving response to public feedback, it should

		<p>and reporting. Also validation could include planned systems of review procedures conducted by personnel not directly involved in the PRTR compilation/development process.</p> <p>Reviews verify that data quality objectives were met, ensure that the inventory represents the best possible estimates of releases and transfers of pollutants given the current state of scientific knowledge and data available and support the effectiveness of the validation. In a PRTR this review is happening by means of public feedback.</p>		<p>be formulated more as an advice (see comment to Ch. V para 1, p. 78)</p>
26	Ch. V para 27, p. 85	<p>Another important issue is transparency. Transparency is used to represent the condition of being clear and free from pretence. For the interpretation of the data on releases and transfers of pollutants, it is important to know how the data collection was performed, how the releases and transfers of pollutants were measured or estimated, which methodology and emission factors were used to estimate emissions, what the units of the reported data are and confirmation that validation was done by the competent authorities.</p>	<p>Rewrite this para in order to make it clear that „transparency“ is part of credibility and consistency.</p>	<p>At the moment “transparency” pretends to be a fourth criterion for data validation – besides completeness, credibility and consistency which would be not correct according to the protocol.</p>
27	Ch. V para 28, p. 85	<p>The PRTR offer an aggregated overview with the national totals of all reported releases and transfers. Presentation of this data must be in both aggregated and non-aggregated forms (art 5, paragraph 1) along three dimensions as:</p> <p>(a) Pollutants;</p> <p>(b) sources or sectors.</p>	<p>The PRTR offer an aggregated overview with the national totals of all reported releases and transfers. Presentation of these data must be in both aggregated and non-aggregated form (art 5, paragraph 1) along two dimensions as:</p> <p>(a) Pollutants;</p> <p>(b) activities.</p>	<p>This para is not clear enough, perhaps our proposal could help to make it more clear.</p>
28	Ch. V para 29, p. 85	<p>The PRTR register must present the information on releases of pollutants from diffuse sources in an adequate spatial disaggregation (art. 7, para. 7). For this geographic information systems (GIS) can be used. GIS is a powerful tool which presents layers of information in a geographical way. This implies that the releases and transfers of pollutants of annex I facilities are connected with their geographical co-ordinates are shown on the maps, but not all national systems have done so.</p>	<p>Delete “but not all national systems have done so.” and add examples of countries which do so.</p>	<p>More guidance is given by inserting positive examples rather than only stating the negative.</p>

German Comments to the second Draft of the Guidance Document 22.6.06

29	Ch. V para 37, p. 88	Data compilation could take place during the first six months of the reporting year, i.e. from January until June. Companies will the have to collect data on their releases and transfers and communicate them to the competent authority.	Replace “during the first six months of the reporting year” by “during the first six months of the year following the reporting year”.	In all cases, it has to be kept in mind, that complete and correct data from the facilities can only be compiled after the end of the reporting year (as the reporting year is the year in which the data are gatherd according to Art. 8 para 1) – otherwise the data seem to base on rough estimations. Data collection and validation therefore also has to take place after the end of the reporting year.
30	Ch. V para 38, p. 89	Data validation could take place during next six months of the reporting year. This validation will entail in many cases going back to companies and asking for clarifications or new data.	Replace “during next six months of the reporting year” by “during next six months of the year following the reporting year”	In all cases, it has to be kept in mind, that complete and correct data from the facilities can only be compiled after the end of the reporting year (as the reporting year is the year in which the data are gatherd according to Art. 8 para 1) – otherwise the data seem to base on rough estimations. Data collection and validation therefore also has to take place after the end of the reporting year.
31	Ch. V para 39, p. 89	Data publication could take place in the first three months of the next reporting year. For decentralized systems, the central competent authority may first have to gather all national information from the	In accordance with the amendments given above concerning “reporting year”, new formulation of this para ist necessary.	See above

German Comments to the second Draft of the Guidance Document 22.6.06

		regional authorities.		
32	Ch. V para 40, p. 89	Countries making use of the options of skipping one year can develop other calendars, e.g., data could be collected during the whole reporting year, nine months can be used for the validation of data and publication can take place the during last three months.	In accordance with the amendments given above concerning “reporting year”, new formulation of this para ist necessary	See above
33	Ch. VI para 4, p. 90	Accessibility entails that the Register (as an electronic database) is easy to find; that the citizen can easily locate specific information	Replace “citizen” by “public”	The term of the protocol is the public – no other terms should be used when public is meant.
34	Ch. VI para 5, p. 90	It is clear that the Parties should aim at establishing a system where the PRTR information is disseminated through an easily accessible user-friendly website. However, this will not always be possible due to economic and technical constraints. From the wording of the Protocol it also seems clear that Parties should (Germany: may) always leave open the possibility for access upon request. This interpretation is also in line with the Aarhus Convention.	delete “(Germany: may)”	Maybe wrong reference: This is not an amendment from Germany.
35	Ch. VI para 11, p. 94	When a PRTR website has been developed and is accessible through the Internet, the Party should not ask citizens seeking information...	Replace “citizens” by “the public”	The term of the protocol is the public – no other terms should be used when public is meant.
36	Ch. VI para 11, p. 94	As mentioned, an Internet-based register will not always be easily publicly accessible. In many countries, only a limited number of citizens may have ready access to a computer and the internet.	Replace “citizens” by “the public”	The term of the protocol is the public – no other terms should be used when public is meant.
37	Ch. VI para 13, p. 94	The wording of the article clearly refers to “facilitat[ing] electronic access”. The Protocol foresees here situations where the general public does not have electronic tools, such as computers, or where access to Internet is not easy. This could be the case in many countries, including many high-income countries, where only a limited sector of the population has access to Internet at reasonable price or knows how to use it, especially among certain age groups.	The wording of the article refers to cases where a register is “not easily accessible by direct electronic means” . The Protocol foresees here situations where it is not easy to access electronic tools, such as computers, or where connection to the Internet is not easy.	1 st sentence: The quote did not match the interpretation that followed. 2 nd sentence: Decisive is not the actual access, but the accessibility. 3 rd sentence: Computer

			This could be the case, where the internet is only accessible for a limited sector of the population at reasonable price.	illiteracy cannot be invoked, because it is the responsibility of the person concerned.
38	Ch. VI para 14, p. 94	In these cases, the Parties must facilitate electronic access in publicly accessible locations. The Protocol provides two examples: public libraries and offices of local authorities. This of course assumes that libraries and local authorities have computers linked to the Internet, which may not be the case. Such access, however (and this is the case for accessibility in any appropriate location) has to be made publicly known, for example by posting on the portal web site of the library (computer desk-top) the link to the PRTR.	Change into: In these cases, the Parties must facilitate electronic access in publicly accessible locations. The Protocol provides two examples: public libraries and offices of local authorities. Such access has to be made publicly known, for example by posting on the portal web site of the library (computer desk-top) the link to the PRTR.	3 rd sentence: Delete this sentence since this is not a prerequisite. It must only be possible to actually implement the obligation. 4 th sentence: Delete this content between the brackets since it is not necessary
39	Ch. VI para 16, p. 95	The second possibility foreseen by the PRTR Protocol, in cases where PRTR information is not easily publicly accessible by direct electronic means, is accessibility upon request. In this case, the person wishing the information must ask for it. This is the case not only where there is no accessibility through electronic means because the register is not available as an electronic database on the Internet, but also where the public does not have broad access to Internet. It can also be the case if there is information that has been kept confidential by the competent authority.	Change into: The second possibility foreseen by the PRTR Protocol, in cases where PRTR information is not easily publicly accessible by direct electronic means, is accessibility upon request. In this case, the person wishing the information must ask for it. This is the case not only where there is no accessibility through electronic means because the register is not available as an electronic database on the Internet, but also where the Internet is not easily accessible by the public.	3 rd sentence: Decisive is not the actual access, but the accessibility. See above. 4 th sentence: Delete this sentence since it is not envisaged.
40	Ch. VI para 17, p. 95	The procedure is similar to that under the Aarhus Convention. Any person wanting to obtain information contained in the PRTR will have access without having to explain why he/she wants to have access to that information. It is important that there is a clear competent authority to whom the person can address his/her request. This competent authority has to be easy to identify, for example, by designating at all levels of government and in all regions, a person whose email, address and telephone number are available. Another possibility is to create hotlines or information points where the public can obtain information about the person responsible or even PRTR data.	Change into: The procedure is similar to that under the Aarhus Convention in that any person wanting to obtain information contained in the PRTR will have access without having to explain why he/she wants to have access to that information. The authority that is responsible for managing the PRTR may be designated to be responsible for handling the requests for information. .Accessibility of the	1 st and ex 2 nd sentence: Clarification. 3 rd sentence: Delete since it is Superfluous as it is stated similarly in the new 3 rd sentence. New 2 nd sentence and ex - 4 th sentence: The situation is not the same as in the Aarhus

			<p>competent authority has to be ensured, for example by making its name and email, address or telephone number available. Another possibility is to create hotlines or information points where the public can obtain information about the person responsible or even PRTR data.</p>	<p>convention. The only authority involved will be the authority that has PRTR data, not any authority that has environmental information.</p> <p>New 3rd sentence: Clarification.</p>
41	Ch. VI para 20, p. 96	Although the PRTR is, or aims to be, an electronic database, electronic means will not always be effective to disseminate and make accessible PRTR data. Thus Parties should consider other means to disseminate PRTR information.	PRTR is, or aims to be, an electronic database. Above that, it appears that other means to disseminate PRTR information are used in practice.	1 st and 2 nd sentence: This is not stated in the Protocol beyond what is provided for in Article 11 paras. 2 and 5.
42	Ch. VI, para. 27, p. 98	The objective of the PRTR Protocol is to make information on polluting emission accessible. Although in principle all information available will be disseminated, Article 12 sets forth the conditions under which certain information on the register may be withheld from public view. The article is not mandatory. Each Party can decide whether to apply confidentiality criteria or, on the contrary, to make all emissions data accessible. This is, for example, the case for EPER data.	<p>Delete the last sentence:</p> <p>The objective of the PRTR Protocol is to make information on polluting emission accessible. Although in principle all information available will be disseminated, Article 12 sets forth the conditions under which certain information on the register may be withheld from public view. The article is not mandatory. Each Party can decide whether to apply confidentiality criteria or, on the contrary, to make all emissions data accessible.</p>	<p>Under EPER confidentiality was possible, e.g. for personal data.</p> <p>Under PRTR, data on emissions can be kept confidential, even though on more limited grounds than other information.</p>
43	Ch. VI, para. 32, p. 99	In order for certain information reported by a company or individual to be kept confidential and not disseminated in the PRTR system, the reporting company or individual must make a specific request. When a request for confidentiality is made by a facility on one of the article 12, paragraph 1 grounds, the competent authority must take a decision on that request that strikes a balance between the private interest to keep the information confidential and the public interest to know that particular information. The last paragraph of article 12, paragraph 1, requires that the grounds for keeping data confidential must be interpreted strictly	In order for certain information reported by a company or individual to be kept confidential and not disseminated in the PRTR system, the reporting company or individual may be asked to make a specific request with regard to confidentiality grounds c), d) and e). When a request for confidentiality is made by a facility on one of the article 12, paragraph 1 grounds, the competent	1 st sentence: The competent authority has to check compliance with the provisions on confidentiality ex officio. This duty can be facilitated by asking the operator to invoke certain confidentiality grounds. In that case, the operator

			<p>authority must take a decision on that request that strikes a balance between the private interest to keep the information confidential and the public interest to know that particular information. The last paragraph of article 12, paragraph 1, requires that the grounds for keeping data confidential must be interpreted restrictively</p>	<p>can only be asked to invoke those confidentiality grounds on which he/she has specific information.</p> <p>3rd sentence: Linguistic change.</p>
44	Ch. VI, para. 33, p. 99	<p>Two aspects should be taken into account by a competent authority when dealing with confidentiality claims:</p> <ul style="list-style-type: none"> • The public interest served by disclosure; and • Whether the information relates to releases into the environment. <p>The basic presumption under the PRTR Protocol is that all the information is public. This presumption places the burden of proving the existence of a real threat to the commercial or other interest on the company or person alleging the threat. In these cases, the company or individual should provide reasons to substantiate his/her claim, so that the competent authority can then verify whether there are genuine concerns. If there is no real danger for the private interest in disseminating the information, the competent authority should refuse the claim and allow the public access to the data.</p>	<p>Two aspects should be taken into account by a competent authority when dealing with confidentiality claims:</p> <ul style="list-style-type: none"> • The public interest served by disclosure; and • Whether the information relates to releases into the environment. <p>The basic presumption under the PRTR Protocol is that all the information is public. Where a company or an individual invokes a confidentiality ground, the company or individual may be asked to provide reasons to substantiate his/her claim, so that the competent authority can then verify whether there are genuine concerns. If there is no real danger for the private interest in disseminating the information, the competent authority should refuse the claim and allow the public access to the data.</p>	<p>In public law, the principle that the public authority is responsible for making all necessary inquiries to be able to take a decision applies. This does not exclude that the operator can be obliged to provide certain information.</p>
45	Ch. VI, para. 34, p. 99	<p>If the assessment indicates that there is a genuine threat to the commercial or private interest, the competent authority must decide whether the public interest to know the information overcomes the private interest to keep the information confidential. If the information has already been made publicly available, e.g., under other programs, permits or reporting requirements, the confidentiality claim should be refused. This will imply an effort of coordination among different authorities.</p>	<p>If the assessment indicates that there is a genuine threat to the commercial or private interest, the competent authority must decide whether the public interest to know the information overcomes the private interest to keep the information confidential. If the information has already been made legally publicly available, e.g.,</p>	<p>2nd sentence: to clarify</p>

German Comments to the second Draft of the Guidance Document 22.6.06

			under other programs, permits or reporting requirements, the confidentiality claim should be refused. This will imply an effort of coordination among different authorities.	
46	Ch. VI, para. 36, last sentence, p. 100	In each case, there should be an analysis of each of the claims presented, keeping in mind that the exceptions have to be strictly applied.	In each case, there should be an analysis of each of the claims presented, keeping in mind that the exceptions have to be applied restrictively.	Linguistic change
47	Ch. VI para 45, p. 102	Where personal data is kept confidential, all information except the name, address of the operator/owner and the geographical location of the facility should be given. Geographical information might be presented at a broader scale (e.g., 10km instead of 1km), or at least the region where the facility operates.	Where personal data is kept confidential, all information except the name, address of the operator/owner should be given. In addition, geographical information might be presented at a broader scale than in other cases (e.g. 10km instead of 1km). However, restrictions should only be foreseen where this is necessary to protect the personal data.	
48	Ch. VI para 48, p. 103	The PRTR Protocol is mainly a tool for the citizens. PRTR data can only be useful if properly explained and put into context. Lay persons have to be able to approach PRTRs and the data in order to make analyses and draw conclusions. If those to whom it is addressed are unable to understand it, they will not be able to use it. A clear and attractive presentation of the data is essential to give incentives to the citizens to approach and use PRTRs	Replace "citizens" by "public" Replace citizens by public	The term of the protocol is the public – no other terms should be used when public is meant.
49	Ch. VI para 49, p. 104 bullet 2	Pollutant effects on health (environmental quality and impacts): Information on a pollutant should be supplemented by a clear explanation of its relationship to health effects. Many countries already have experience providing information on levels of ozone and other local air pollutants. Similar information can be provided for each pollutant including also the levels at which the pollutant is considered a health risk.	Add: "No direct health risk information can be given by a PRTR, but ..." after „(...impacts)“	Information of health risks can only be a secondary information of a PRTR and this has to be made clear towards the public!
50	Ch. VI para 49, p. 104 bullet 3	b) Inclusion of information about permit requirements, e.g., the amount of a pollutant a company is authorized to release, will help the public interpret the information and identifying well-performing companies.	Deletion of b),	exceeds the requirements of the Protocol

German Comments to the second Draft of the Guidance Document 22.6.06

51	Ch. VI para 51, p. 105 bullet 2	Issues of direct interest for the purposes of a PRTR: for example, to registers of chemicals covered by international conventions, such as the POPs Convention and to international health and environment guidelines. These registers could furthermore be a first step in convergence of the waste-specific and pollutant-specific PRTR systems.	Deletion of sentence 2.	No statements concerning convergence into the guidance – convergence is controversy discussed.
52	Ch. VI para 4, p. 107	Each country acceding to the Protocol will need to integrate capacity-building and awareness raising activities into its overall strategy for PRTR development. Experience across countries has shown that several areas for capacity-building have proved crucial in PRTR development (IOMC, 2003). Based on this experience, countries developing PRTRs should pay close attention to the following issues:	Each country acceding to the Protocol will need to integrate capacity-building and awareness raising activities into its overall strategy for PRTR development. Experience across countries has shown that several areas for capacity-building have proved crucial in PRTR development (IOMC, 2003). Based on this experience, countries developing PRTRs may pay close attention to the following issues:	Since there is no obligation to do it that way, the formulation should be more as an advice
53	Ch. VI para 10, p. 108	When the European Union established its European Pollutant Emission Register (EPER), European Union (EU) officials held workshops and met with authorities in each member country to review implementation requirements. In addition, in Germany, implementing officials held two rounds of national workshops with all relevant stakeholders, including facility representatives, to review EPER requirements. The first workshops were held at the introduction of the new system, to explain the reporting requirements. The second were held in conjunction with the first reporting cycle, to help resolve technical questions in monitoring, estimating and submitting pollution data.	Replace “two” by “three” Add at the end: “The third workshop was dealing with the development of the EPER to the PRTR, the second EPER-Reporting and the new PRTR-requirements.”	In the meantime a third workshop “Vom EPER zum PRTR” was held on 8 th /9 th May 2006 in Karlsruhe