

Questions to Portugal

The Committee acknowledges that in its 2021 NIR Portugal mentioned the existence of a national register/information system that doesn't meet the requirements of the Protocol in particular in terms of searchability and accessibility. The Committee in its 2021 synthesis report had also addressed this topic with a chapter on National pollutant release and transfer registers in the European Union member States (see ECE/MP.PRTR/2021/10, paras. 237-244). Portugal mentioned furthermore that it fulfils its obligation through the E-PRTR and that it is in the process of establishing a national PRTR system to better fulfil the requirements under the Protocol on PRTRs. In this regard the Committee wishes to ask the below questions.

Provision of the Protocol	Text of the provision	Potential issue - Portugal	Question to Party - Portugal
1 Art 3(1)	3.1 Each Party shall take the necessary legislative, regulatory and other measures, and appropriate enforcement measures, to implement the provisions of this Protocol	<p>In its 2021 NIR Portugal indicated that the disclosure of PRTR data is made on the E-PRTR page of the European Commission (http://prtr.ec.europa.eu). A national PRTR portal is under preparation; in the meantime some information about the PRTR is available in the SILiAmb support Portal which, however, is mainly intended to assist operators in filling in the PRTR form (https://apoiosiliamb.apambiente.pt/).</p> <p>The Compliance Committee (CC) noted that dissemination of national PRTR data is done through the E-PRTR website (http://prtr.ec.europa.eu) and that the national PRTR portal is currently under construction.</p>	<p>1. Based on the information available in the NIR, the disclosure of PRTR data is mandated by national law and by E-PRTR. Nevertheless, the CC is not sure about whether other national regulatory measures complement the accessibility provisions to PRTR data. Could Portugal clarify if there is any regulatory measures or practices at national level that supplement the accessibility provisions of Decree-Law 127/2008 of 21 July, as amended by Decree-Law 6/2011 of 10 January regarding Portugal's "national release and transfer register"?</p> <p>There are no additional regulatory measures, only the two aforementioned Decrees.</p> <p>2. Based on the NIR of 2021, the Portuguese register is available on the E-PRTR website, and the national portal is still under construction. Please provide further information on how Portugal is envisaging to comply with the requirements of the PRTR protocol Please indicate the measures, activities and legislation taken to comply with the requirements of the PRTR protocol.</p> <p>Portugal had experienced difficulties to assure IT assistance on the portal construction due to lack of financial and human resources. Meanwhile the list of PRTR establishments can be found also in the "Visualizador SNIAmb" https://sniamb.apambiente.pt/content/geo-visualizador</p> <p>3. Please clarify how Portugal plans to overcome the difficulties encountered in developing the new portal, if any, and when the portal is expected to be finalized?</p> <p>Portugal is trying to budget the Portal construction and hopes to have it finalized by the end of 2023.</p>

2 Art 5(1)	<p>5.1 Each Party shall ensure that the data held on the register referred to in article 4 are presented in both aggregated and non-aggregated forms, so that releases and transfers can be searched and identified according to:</p> <p>(a) Facility and its geographical location;</p> <p>(b) Activity;</p> <p>(c) Owner or operator, and, as appropriate, company;</p> <p>(d) Pollutant or waste, as appropriate;</p> <p>(e) Each of the environmental media into which the pollutant is released; and</p> <p>(f) As specified in article 7, paragraph 5, the destination of the transfer and, where appropriate, the disposal or recovery operation for waste.</p>	<p>In its 2021 NIR, Portugal indicated that the dissemination of the national PRTR data is done through the E-PRTR website (http://prtr.ec.europa.eu) and hopefully soon through the national PRTR portal currently under construction. The development of the PRTR Portal was delayed because the IT resources had to be allocated on supporting the "work from home" effort due to Covid pandemic.</p> <p>The CC noted that the E-PRTR is not available in the national language of the Party.</p>	<p>4. Please confirm whether the planned national PRTR portal that is under construction will be in the official languages of the country? Yes, the Portal will be in Portuguese. There is some work already but can only be seen by internal users, as it is not yet functional to be disseminated.</p> <p>5. Please explain whether the planned portal will contain search functionality according to the criteria set out in Article 5? Yes, the Portal already has search functionalities for name of installation, activity code, and city name. Other possibilities are being implemented, namely by region, activity name, and others.</p> <p>(a) If applicable, please provide the relevant legislation, regulation, or other relevant information; -</p> <p>(b) If at this stage in the development of the new portal no search functions have been implemented, please indicate future plans to introduce a search function into its national PRTR, including any draft legislation or other proposals, together with a timeline for the plan's implementation. -</p>
3 Art 5(4)	<p>5.4. The register shall be designed for maximum ease of public access through electronic means, such as the Internet. The design shall allow that, under normal operating conditions, the information on the register is continuously and immediately available through electronic means.</p>	<p>The CC noted that Portugal reported in its 2021 NIR (information on Art.11), that "the Portuguese's national register can be continuously and immediately accessed only at European level: http://prtr.ec.europa.eu/ while at national level it is not accessible, yet.</p>	<p>6. Please further elaborate on the fulfilment of article 5(4) of the Protocol that states that "the register shall be designed for maximum ease of public access"? Please clarify how this requirement is met if the search function is only available in the E-PRTR for Portugal, which is in English? This will be possible when the Portal is accessible to the public. In order to make sure that the Portal will be of easy public access we opened a public consultation that will close on the 31st of July 2023. We will try to incorporate the best ideas and functionalities suggested.</p> <p>7. Please provide any further information to demonstrate that Portugal has taken sufficient measures to ensure that a member of the public knows: (a) Where to access information concerning releases and transfers subject to the PRTR in Portugal; The information can be accessed on the European Industrial Emissions Portal https://industry.eea.europa.eu/ and the list of establishments also on the "Visualizador SNIAmb" https://sniamb.apambiente.pt/content/geo-visualizador</p>

			<p>(b) How to easily find information concerning releases and transfers subject to the PRTR in Portugal; and The information can be accessed on the European Industrial Emissions Portal https://industry.eea.europa.eu/ selecting Portugal on the Country filter.</p> <p>(c) How any information on the “national release and transfer register” relates to information in the E-PRTR on the EEA’s website. The information that can be accessed on the European Industrial Emissions Portal https://industry.eea.europa.eu/ is the same that will be available on the Portuguese PRTR Portal.</p>
5 Art 11 (access to information) and 4(h)	<p>Art.11</p> <p>1. Each Party shall ensure public access to information contained in its pollutant release and transfer register, without an interest having to be stated, and according to the provisions of this Protocol, primarily by ensuring that its register provides for direct electronic access through public telecommunications networks.</p> <p>2. Where the information contained in its register is not easily publicly accessible by direct electronic means, each Party shall ensure that its competent authority upon request provides that information by any other effective means, as soon as possible and at the latest within one month after the request has been submitted.</p> <p>3. Subject to paragraph 4, each Party shall ensure that access to information contained in its register is free of charge.</p> <p>4. Each Party may allow its competent authority to make a charge for reproducing and mailing the specific information referred to in paragraph 2, but such charge shall not exceed a reasonable amount.</p>	<p>Portugal stated in its 2021 NIR that national PRTR information is disseminated on the European PRTR website at http://prtr.ec.europa.eu/, https://apambiente.pt/ and https://apoiosiliamb.apambiente.pt/.</p> <p>The Party also reported that the national PRTR portal is under construction, adapted to the new obligations and it is expected to include more information that may be useful to the Public, in a friendlier format. Further, the Party noted that news about the PRTR in the Autonomous Region of the Azores are disseminated through the following website: http://www.azores.gov.pt/GRA/srrn-ambiente</p> <p>The CC noted that the E-PRTR is not available in the national language.</p>	<p>8. Please clarify if Portugal considers that information in English is sufficient to ensure proper information and dissemination of the data at national level? No, although many Portuguese can read English, especially in academic media, that is not sufficient to reach the general public as it should.</p> <p>9. Please provide further details on how the planned PRTR portal will meet the Protocol requirements related to:</p> <p>(a) article 11 of the Protocol; and APA provides the information in the shortest period possible, free of charge, and it can be requested by mail to (PRTR@apambiente.pt. The information is normally sent in Excel format, unless there is a specific request for a different format.</p> <p>(b) article 4(h) of the Protocol. At the moment this is not provided.</p> <p>10. Please provide a brief overview of the PRTR content in the Azores Autonomous Region available on the following website: http://www.azores.gov.pt/GRA/srrn-ambiente which the Party mentioned in the 2021NIR? On the following website: http://www.azores.gov.pt/GRA/srrn-ambiente is the listing of regional facilities covered by the PRTR regime and reporting data for the last 3 years (2019 to 2021), as well as a link to the Commission portal (https://industry.eea.europa.eu/), PRTR Regulation and its Implementation Support Guide for the European PRTR.</p>

	<p>5. Where the information contained in its register is not easily publicly accessible by direct electronic means, each Party shall facilitate electronic access to its register in publicly accessible locations, for example in public libraries, offices of local authorities or other appropriate places.</p> <p>Art 4 (h) In accordance with this Protocol, each Party shall establish and maintain a publicly accessible national pollutant release and transfer register that: (h) Is coherent and designed to be user-friendly and publicly accessible, including in electronic form;</p>		<p>Please provide substantiation for your answers to questions (8), (9), and (10), by reference to any relevant legislation, measures, and practice.</p>
<p>6 Article 13 (public participation)</p>	<p>1. Each Party shall ensure appropriate opportunities for public participation in the development of its national pollutant release and transfer register, within the framework of its national law.</p> <p>2. For the purpose of paragraph 1, each Party shall provide the opportunity for free public access to the information on the proposed measures concerning the development of its national pollutant release and transfer register and for the submission of any comments, information, analyses or opinions that are relevant to the decision-making process, and the relevant authority shall take due account of such public input.</p> <p>3. Each Party shall ensure that, when a decision to establish or significantly change its register has been taken, information on the decision and the considerations on which it is based are made</p>	<p>Regarding public participation in the development of the PRTR system, Portugal reaffirmed in its 2021 NIR that it relies on the European register. However, the CC noted that no information is provided about how the national public can participate in the development of the register.</p> <p>The CC noted that the information reported does not clarify how the Party met the obligations of Article 13 of the Protocol.</p>	<p>11. Please provide further information on how public participation is ensured in PRTR development? Further, please clarify how public participation is being ensured in the national PRTR system under construction?</p> <p>A consultation is being held on the Portal "Participa", that is used for all Public environmental consultations, namely: permitting, national strategic environmental evaluation, among others, https://participa.pt/</p> <p>12. Please clarify what national legislation ensure appropriate opportunities for public participation in the development of Portugal's national pollutant release and transfer register?</p> <p>Decree-Law 127/2008 of 21 July, as amended by Decree-Law 6/2011 of 10 January and Decree-Law 127/2013 of 30 August.</p>

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