

## Questions to Malta

The Committee acknowledges that in its 2021 NIR Malta indicated that dissemination of national PRTR data is done through the E-PRTR website (<http://prtr.ec.europa.eu>) and that a National system allows access to parts of the PRTR data, not further elaborating on whether the system is fully meeting the requirements for national PRTR systems under 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). Malta mentioned that it fulfils its obligation through the E-PRTR and that the PRTR data is also available on its national geoportal. In this regard the Committee wishes to ask the below questions.

Provision of the Protocol	Text of the provision	Potential issue - Malta	Question to Party - Malta
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 Malta indicates prior to Malta's Accession to the PRTR Protocol, Malta had implemented the PRTR protocol through the application of Regulation 166/2006/EC</p> <p>The NIR mentions that Regulation 166/2006/EC was transposed at the national level through the European Pollutant Release and Transfer Register Reporting Obligations Regulations (Subsidiary Legislation 549.47 (S.L. 549.47)).</p> <p>Also, according to NIR the reporting template was published in the Government Gazette of 7 February 2017, Government Notice number 138 of 2017 (G.N. 138) and is publicly available.</p> <p>Both S.L. 549.47 and G.N. 138 are available in English via the following links respectively:  <a href="https://legislation.mt/eli/sl/549.47/eng/pdf">https://legislation.mt/eli/sl/549.47/eng/pdf</a>; <a href="https://era.org.mt/wp-content/uploads/2019/10/GN-138-of-2017.pdf">https://era.org.mt/wp-content/uploads/2019/10/GN-138-of-2017.pdf</a> ]</p> <p>The committee noted that dissemination of national PRTR data is done through the E-PRTR website (<a href="http://prtr.ec.europa.eu">http://prtr.ec.europa.eu</a>) and that a National system allows access to parts of the PRTR data, not fully meeting the requirements for national PRTR systems under the Protocol (see chapter on National pollutant release and transfer registers in the European Union member States (see ECE/MP.PRTR/2021/10, paras. 237-244)).</p>	<p>1. Please clarify whether S.L. 549.47 and G.N. 138 are the only regulatory measures introduced for the introduction of a PRTR system in Malta.</p> <p><b>Confirmed. It is to be noted that EU Regulations are directly applicable to Member States without the need for transposition into local legislation. S.L. 549.47 and GN 138 of 2017 establish the fines related to non-compliance, the timeframes for reporting and the reporting format.</b></p> <p>2. Please, clarify if the links to the texts of the respective regulations incorporate the most up-to-date versions of them. If not, please provide the latest versions of the respective regulations.</p> <p><b>The quoted links in the NIR report are currently the latest versions of the legislation.</b></p>
2 Art 5(1)	5.1 Each Party shall ensure that the data held on the register referred to in article 4 are presented in both	<p>According to the responses provided in the NIR 2021 of Malta under Articles 3(2)(5) and 5(1):</p> <p>1) The Environment and Resources Authority (ERA) of Malta, the competent authority for PRTR, maintains a website which</p>	3. Please clarify if E-PRTR is the online portal where the data on the register referred to in article 4 are made available in a format that allows for the search and identification of the releases and transfers as per the requirements of Article 5.1 of the PRTR Protocol?

	<p>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>provides updated information regarding E-PRTR (<a href="https://era.org.mt/topic/prtr/">https://era.org.mt/topic/prtr/</a>);</p> <p>2) The ERA collects the release and transfer data, reported by installations and falling under the PRTR remit, and uploads on the European Pollutant Release and Transfer Register (E-PRTR) on-line portal: <a href="http://prtr.ec.europa.eu/#/facilitylevels">http://prtr.ec.europa.eu/#/facilitylevels</a>. E-PRTR reports for installations listed in Annex 1 of EC Regulation 166/2006 are submitted as part of the Annual Environmental Reports, submitted by permitted facility operators by end of March of each year, in accordance with the national legislation. Installations are required to report all quantities, even when these do not exceed the thresholds mentioned in EC Regulation 166/2006.</p> <p>When responding to the questions under Article 5(5) and 5(6), Malta reported also that the PRTR data is available on MITA's geoportal via <a href="https://msdi.data.gov.mt/geoportal.html">https://msdi.data.gov.mt/geoportal.html</a></p> <p>The Committee noted that, E-PRTR is available in English, which is one of the official languages of Malta, spoken by around 88% of the population, together with Maltese, spoken by 98% of the population.</p>	<p>The data submitted through the European Environmental Agency Central Data Repository is uploaded on the E-PRTR online portal. This is updated on an annual basis. All data is available in a format that allows the search and identification of releases and transfers as per the requirements of Article 5.1 of the PRTR Protocol.</p> <p>4. Please confirm if the PRTR data uploaded on MITA's geoportal can be considered a national PRTR in the meaning of Article 4 of the PRTR Protocol?</p> <p>Malta would like to update its statement in relation to the availability of the national PRTR data on the MITA's Geoportal. Specifically, Malta, being a Member State of the EU, makes available the national PRTR through the European Industrial Emissions Portal in accordance to the provisions of Regulation (EC) No 166/2006 concerning the establishment of a European Pollutant Release and Transfer Register.</p> <p>5. In case of positive answer to the question 4 above, please, indicate with possible examples and reference links whether data on MITA's geoportal are stored and made available in such a way as to ensure complete compliance with the provisions of Article 5 and Article 6 of the PRTR Protocol?</p> <p>N/A</p>
3Art 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>In its 2021 NIR, in the response to the question on Art. 5 (4), Malta indicated that national PRTR data are uploaded on the E-PRTR online portal, which is an electronic means for ease of public access. When responding to the questions under Article 5(5) and 5(6), Malta reported also that the PRTR data is available on MITA's geoportal via <a href="https://msdi.data.gov.mt/geoportal.html">https://msdi.data.gov.mt/geoportal.html</a></p>	<p>6. Please clarify if the competent authority received any complaints from the public with respect to obstacles on the way to easy access to Malta's data on releases and transfers via E-PRTR portal.</p> <p>To date the Environment and Resources Authority (ERA) did not receive any complaints on any obstacles or difficulties that the public or any other stakeholder found in accessing the data.</p> <p>7. Please clarify if any other measures are taken to ensure that the members of the public know where to obtain information on the Maltese data on releases and transfers, apart from the reference link to E-PRTR (<a href="https://era.org.mt/topic/prtr/">https://era.org.mt/topic/prtr/</a>) on the web page of MIRA?</p> <p>Confirming that the dedicated webpage on ERA's website is currently the only means at national level how</p>

			<p>members of the public can obtain information from where they can access Maltese data.</p> <p>8. Please clarify if Malta has any statistical data concerning information requests with respect to PRTR data, and the handling thereof? If yes, please furnish the Committee with such information.</p> <p>To date there have been no requests for information on any PRTR data from the public.</p>
<p>4/Art 11 (access to information) and 4(h)</p>	<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>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)</p> <p>In accordance with this Protocol, each Party shall establish and maintain a publicly accessible</p>	<p>In its 2021 NIR Malta refers to the E-PRTR as the mechanism of fulfilling its obligation of providing access to data on releases and transfers. Malta also indicates the respective information is made available to the public in forms other than electronic format upon request. It also states, that where the information contained in the register is not easily publicly accessible by direct electronic means, various Local Councils offer free computer and internet access to members of the public. The Committee notes that E-PRTR is available in English, which is one of the two official languages of Malta, and is spoken by around 88% of the population.</p>	<p>9. Please clarify if Malta considers that availability of PRTR data in English via E-PRTR portal is sufficient to ensure proper information and dissemination of the respective data at national level?</p> <p>English is one of the official languages of Malta, and is often used as the technical working language for publication of official data, reports and documentation in Malta. Furthermore, upon request from an applicant, ERA may provide certain requested data in the Maltese language and may also assist through a call or meeting if required. Therefore, the current practice is considered to be sufficient.</p> <p>10. If a Party ensures that all requirements for a PRTR register under the Protocol are met as regards to information that is only available in English on the E-PRTR, but only partially fulfils the requirements for a PRTR register under the Protocol for a portion of its population speaking only Maltese, does the party deem such situation to ensure its compliance with:</p> <p>(a) article 11 of the Protocol; and</p> <p>(b) article 4(h) of the Protocol.</p> <p>Please provide substantiation for your answers to this question, for example by reference to any relevant legislation, measures, and practice.</p> <p>The English language is widely understood by the vast majority of the population, including numerous foreigners residing in and working in Malta. As explained above, English is one of the two official languages of Malta, as established in the Constitution of Malta and is commonly used as a working language in Malta. The portion of the population that can read and speak the Maltese language alone, with no knowledge of English,</p>

	<p>national pollutant release and transfer register that:</p> <p>(h) Is coherent and designed to be user-friendly and publicly accessible, including in electronic form;</p>		<p>is very small. However, to cater for such persons, ERA may provide certain translated material and assist through calls and meetings if and as required.</p>
<p>5 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 publicly available in a timely manner.</p>	<p>Regarding participation of the public in development of the register, in its 2021 NIR Malta makes a general remark that the competent authority, Environment and Resource Agency, is responsible for the PRTR Protocol is open to suggestions on how the PRTR system can be developed.</p> <p>The competent authority also takes on board such suggestions and makes every effort to undertake the necessary improvements when this would lead to a more user friendly and less bureaucratic system.</p>	<p>11. Please clearly explain how Malta ensures the rights of the public of Malta within the scope of the Protocol as to each obligation under article 13 of the Protocol.</p> <p>As indicated above, Regulation EC 166/2006 of the European Parliament and the Council of 18th January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC is directly applicable in Malta and article 12 therein details the public participation procedure in line with article 13 of the Protocol.</p> <p>Through this Article the Commission provides the public with early and effective opportunities to participate in the further development of the register, including capacity-building and the preparation of amendments to the EU Regulation.</p> <p>Through this consultation, the public shall have the opportunity to submit any relevant comments, information, analyses or opinions within a reasonable timeframe. Such input is given due account and the public is then informed of the outcome of the public participation</p> <p>Malta subsequently facilitates as much as possible this process for its citizens.</p> <p>12. Please elaborate on how the Party provides opportunities for the public to participate in development or modification of the part of Malta's MITA's geoportal concerning PRTR?</p> <p>If so, please provide information to demonstrate whether or not each of the obligations under article 13 of the Protocol were met.</p>

			<p>As indicated in MT's reply to question (4), the national PRTR is made available through the <a href="#">European Industrial Emissions Portal</a> hence any opportunities for the public to participate in development or modifications are in line with those set out in Regulation (EC) No 166/2006 concerning the establishment of a European Pollutant Release and Transfer Register.</p>
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