

4. (b) Access to information, Monday, 26 June, 3.40-4 p.m., additional statement by Margarida Martins (EEB)

Topic: Highlighting recent letter on PRTR and proposing to place the topic of product passports on the agenda for the next Taskforce on Access to Information

I would like to draw attention to a recent failure of the EU as a party to the Convention to fulfil its obligations under article 4 and 8 of the Convention. In 2022, the EU proposed to revise the E-PRTR Regulation (Regulation (EC) No 166/2006) with a proposal establishing an Industrial Emissions Portal. This process has been in-transparent, and it has not enabled civil society organisations to contribute or exchange with the Council Presidency (Sweden) nor the European Commission on the substance of the suggested amendments whilst the decision on the substance of those was still open. I should highlight that this happened despite an explicit obligation in Article 12 of the current E-PRTR Regulation to allow for public participation in decision making and the legislative process, which mentions amendments to the regulation explicitly.

In a recent letter from the EEB to the Commission dated 16 May (which we'd be happy to share with delegates) we called on the EU institutions to refrain from circulating any further amendments unless:

- 1) a formal exchange procedure on the content of amendment proposals was provided with the public beforehand that satisfies the meaning of “effective and early opportunities”, and
- 2) the Bureau of the UNECE Kyiv Protocol on PRTRs had been able to assist, considering inputs from interested stakeholders, on possible amendments on the Industrial Emissions Portal

This issue was also raised by the ECO Forum NGO observer to the UNECE PRTR Protocol Bureau meeting earlier this month, on the 9th of June. Additionally, the Swedish Presidency has replied to the letter on the 5th of June, stating they would welcome an exchange with the NGOs in relation to the proposal for an Industrial Emissions Portal. This offer is however regarded as a purely formal proposal, considering that the Council decided on its negotiation position just 2 days after

sending out that letter (on the 7th June¹). As of today, the effective and early opportunity for public participation to provide inputs on amendments has not been respected. The European Commission misunderstands this obligation for transparency and public participation to be limited just to the preparatory phases ahead of tabling a COM proposal, however even within that timeframe no discussion took place on actual amendment proposals considered.

I would like to underline that all parties to the convention, including the EU, have an obligation to give the public, including NGOs representing interests of the public, a formal opportunity to inform themselves and participate effectively in all legislative procedures relating to the environment. The PRTR review includes precise transparency and Public Participation obligations under article 12.

On the topic of the PRTR and access to information, I would like to raise a second topic. The European ECO Forum would like the chair to the Taskforce on Access to Information to consider adding the topic of product passports to the agenda for the upcoming taskforce meeting in Autumn of this year. We'd be happy to expand on this request in more detail in writing.

¹ <https://www.consilium.europa.eu/en/press/press-releases/2023/06/07/european-green-deal-council-agrees-for-industrial-installations-to-provide-better-data-on-their-environmental-emissions/>