

Juan Luis Martin Ortega
Chair of the Compliance Committee under the Protocol on Pollutant Release and Transfer Registers to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Madrid, 20 March 2024

Dear Ms. Brincat,
Dear Mr. O'Neill,

You may recall that the Compliance Committee, at its twelfth meeting (1 March 2022), considered the issue of national pollutant release and transfer registers in the European Union member States.

Pursuant to information provided by Malta in its 2021 National Implementation Report, the Compliance Committee had sent questions to the Party concerned regarding the implementation of the Protocol on Pollutant Release and Transfer Registers in order to clarify the matter further, and received the respective response from the Party concerned. This correspondence has been made available on the Committee's webpage, see: <https://unece.org/env/pp/protocol-on-prtrs/protocol-bodies/cc/advice-or-assistance-Malta>.

Noting several issues of potential non-compliance, pursuant to paras 14 (b), 40 (a) and 40 (e) of the annex to [decision I/2](#) (ECE/MP.PRTR/2010/2/Add.1), the Committee agreed to provide the Party concerned with advice as to facilitate assistance regarding its compliance with the Protocol.

Please find enclosed the Considerations and Advice prepared by the Committee for your attention. The Committee would be grateful to receive a comprehensive report on implementing measures by 31 January 2025. Please send the report to prtr.survey@un.org and do not hesitate to contact the secretariat if you have any questions regarding the above.

Yours sincerely,



Juan Luis Martin Ortega

Enc.: Considerations and advice by the Compliance Committee

Ms. Aimee Brincat
Deputy Director-Environment and Resources
Environment and Resources Authority
Malta

Mr. Marc O'Neill
Senior Officer Environmental Permitting
Environment and Resources Authority
Malta

Malta

Considerations and Advice by the Compliance Committee (PRTRCC/A/2022/3)

All answers and additional information received from Malta were assessed. Results of the assessment are grouped by corresponding articles of the Protocol, and are accompanied by relevant advice.

A. Considerations

I. National PRTR (articles 3(1) and 4)

1. In its 2021 national implementation report (NIR), the Party concerned indicated that it had implemented the Protocol on PRTRs through the application of the Regulation 166/2006/EC. In response to the question concerning the national regulatory measures for the introduction of a PRTR system in Malta, the Party concerned explained that European Union Regulations are directly applicable to European Union Member States without the need for transposition into national legislation. According to the Party concerned, the two pieces of domestic legislation - [S.L. 549.47](#) and [GN 138 of 2017](#) - establish the fines related to non-compliance, the timeframes and the format for reporting.

2. As far as the PRTR data uploaded on MITA's geoportal (<https://msdi.data.gov.mt/geoportal.html>) is concerned in terms of being a national PRTR in the meaning of article 4 of the Protocol, Malta decided to update information provided in its NIR and stated that as a member of the European Union, Malta makes the national PRTR available through the [European Industrial Emissions Portal](#) (E-PRTR) in accordance to the provisions of Regulation (EC) No 166/2006. The Environment and Resources Authority (ERA) of Malta, the competent authority for PRTR, maintains a website in English only ([The Pollutant Release and Transfer Register \(PRTR\) - ERA](#)) which provides information that national PRTR data is reported to the European Commission via the European Environment Agency on a yearly basis and is subsequently uploaded on the E-PRTR website (<https://era.org.mt/topic/prtr/>). National PRTR data in E-PRTR is also available in English only. According to the Party concerned, this practice meets the requirements of article 4 of the Protocol.

(see answers to Questions 1, 2 and 4)

II. Access to information, including the issue of language (articles 11 and 4(h), also relevant for articles 3(1), 13, 14 and 15)

3. Malta has two official languages: Maltese and English. In its response, the Party concerned explained that 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. The Party concerned stated that the portion of the population that can read and speak the Maltese language alone, with no knowledge of English, is very small. To cater for such persons, upon request from an applicant, ERA may provide certain requested data and material in Maltese language and may also assist this person through a call or a meeting if required. The Party concerned considers that the current practice is sufficient.

(See answers to Questions 9 and 10)

III. Search function (article 5(1))

4. According to the Party concerned, 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 Protocol.

(See answers to Questions 3,4 and 5)

IV. The register shall be designed for maximum ease of public access through electronic means, such as the Internet (article 5(4))

5. In relation to fulfilment of the obligation of maximum ease of public access to the register through electronic means (article 5(4)), the Party concerned informed the Committee that ERA did not receive any complaints on any obstacles or difficulties that the public or any other stakeholder found in accessing the data. Moreover, to date there have been no requests for information on any PRTR data from the public. The ERA's website is currently the only means at national level where the members of the public can obtain information on how to access Malta's PRTR data. The Committee notes that ERAs website and national PRTR data in E-PRTR are available in English only.

(See answers to Questions 6,7, and 8)

V. Public participation in the development of national pollutant release and transfer register (article 13)

6. In relation to ensuring the rights of the public of Malta to participate in the development and modification of the Protocol under its article 13, the Party concerned indicated that 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. Through this article, the European 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. Through consultations, 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. Malta subsequently facilitates as much as possible this process for its citizens. The national PRTR is made available through the European Industrial Emissions Portal hence, according to the Party concerned, 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. The Committee notes that ERAs website, which provides information that national PRTR data is uploaded on the E-PRTR website, and national PRTR data in E-PRTR, are available in English only.

(See answers to Questions 11 and 12)

B. Advice

Considering that Malta makes the national PRTR available through the [European Industrial Emissions Portal](#) (E-PRTR) in English, and noting that English is one of Malta's official languages known to vast majority of its population, and that the information contained in the E-PRTR register may not be easily accessible to only Maltese speaking members of the public, the Compliance Committee advises the Party concerned to take the following measures to assist Maltese speaking members of the public of Malta:

- a) Ensure that where the information contained in E-PRTR may not be easily accessible by direct electronic means to the Maltese speaking members of the public, its competent authority (ERA) 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.

- b) In order to facilitate the measures outlined in (a), and to ensure that Maltese speaking members of the public can access the PRTR data with maximum ease through electronic means, develop ERA's website in Maltese language with explanation what data can be accessed through E-PRTR and how Maltese speaking members of the public can contact ERA to get support in Maltese language for using E-PRTR and, if required, for receiving in Maltese language the data reported by Malta to E-PRTR.
- c) Ensure that all members of the public in Malta (English and Maltese speaking) are provided with equal effective opportunities in the development and modification of a "national pollutant release and transfer register" by making available online and disseminating information on all relevant procedures and notifications to the public in both English and Maltese languages.
- d) Ensure that members of the public can obtain clear information in both English and Maltese languages also from other relevant websites (e.g., MITA's geoportal) on how to access national PRTR data through e.g., providing explanation and links from MITA's geoportal to ERA's website.

In addition, please consult the Committee's considerations regarding National pollutant release and transfer registers in the European Union member States, as provided in the 2021 Synthesis report on the status of implementation of the Protocol (paras. 237-244; ECE/MP.PRTR/2021/10).
