

Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (Text with EEA relevance)

Article 1

Subject matter

This Regulation establishes an integrated pollutant release and transfer register at Community level (hereinafter ‘the European PRTR’) in the form of a publicly accessible electronic database and lays down rules for its functioning, in order to implement the UNECE Protocol on Pollutant Release and Transfer Registers (hereinafter ‘the Protocol’) and facilitate public participation in environmental decision-making, as well as contributing to the prevention and reduction of pollution of the environment.

Article 2

Definitions

For the purposes of this Regulation the following definitions shall apply:

- (1) ‘the public’ means one or more natural or legal persons, and, in accordance with national legislation or practice, their associations, organisations or groups;
- (2) ‘competent authority’ means the national authority or authorities, or any other competent body or bodies, designated by the Member States;
- (3) ‘installation’ means a stationary technical unit where one or more activities listed in Annex I are carried out, and any other directly associated activities which have a technical connection with the activities carried out on that site and which could have an effect on emissions and pollution;
- (4) ‘facility’ means one or more installations on the same site that are operated by the same natural or legal person;
- (5) ‘site’ means the geographical location of the facility;
- (6) ‘operator’ means any natural or legal person who operates or controls the facility or, where this is provided for in national legislation, to whom decisive economic power over the technical functioning of the facility has been delegated;
- (7) ‘reporting year’ means the calendar year for which data on releases of pollutants and off-site transfers must be gathered;
- (8) ‘substance’ means any chemical element and its compounds, with the exception of radioactive substances;
- (9) ‘pollutant’ means a substance or a group of substances that may be harmful to the environment or to human health on account of its properties and of its introduction into the environment;

Status: Point in time view as at 26/07/2019.

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- (10) 'release' means any introduction of pollutants into the environment as a result of any human activity, whether deliberate or accidental, routine or non-routine, including spilling, emitting, discharging, injecting, disposing or dumping, or through sewer systems without final waste-water treatment;
- (11) 'off-site transfer' means the movement beyond the boundaries of a facility of waste destined for recovery or disposal and of pollutants in waste water destined for waste-water treatment;
- (12) 'diffuse sources' means the many smaller or scattered sources from which pollutants may be released to land, air or water, whose combined impact on those media may be significant and for which it is impractical to collect reports from each individual source;
- (13) 'waste' means any substance or object as defined in Article 1(a) of Council Directive 75/442/EEC of 15 July 1975 on waste⁽¹⁾;
- (14) 'hazardous waste' means any substance or object as defined in Article 1(4) of Directive 91/689/EEC;
- (15) 'waste water' means urban, domestic and industrial waste water, as defined in Article 2(1), (2) and (3) of Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment⁽²⁾, and any other used water which is subject, because of the substances or objects it contains, to regulation by Community law;
- (16) 'disposal' means any of the operations provided for in Annex IIA to Directive 75/442/EEC;
- (17) 'recovery' means any of the operations provided for in Annex IIB to Directive 75/442/EEC.

Article 3

Content of the European PRTR

The European PRTR shall include information on:

- (a) releases of pollutants referred to in Article 5(1)(a) that must be reported by the operators of the facilities carrying out the activities listed in Annex I;
- (b) off-site transfers of waste referred to in Article 5(1)(b) and of pollutants in waste water referred to in Article 5(1)(c), that must be reported by the operators of the facilities carrying out the activities listed in Annex I;
- (c) releases of pollutants from diffuse sources referred to in Article 8(1), where available.

Article 4

Design and structure

1 The Commission shall publish the European PRTR, presenting the data in both aggregated and non-aggregated forms, so that releases and transfers can be searched for and identified by:

- a facility, including the facility's parent company where applicable, and its geographical location, including the river basin;

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- b activity;
- c occurrence at Member State or Community level;
- d pollutant or waste, as appropriate;
- e each environmental medium (air, water, land) into which the pollutant is released;
- f off-site transfers of waste and their destination, as appropriate;
- g off-site transfers of pollutants in waste water;
- h diffuse sources;
- i facility owner or operator.

2 The European PRTR shall be designed for maximum ease of public access to allow the information, under normal operating conditions, to be continuously and readily accessible on the Internet and by other electronic means. Its design shall take into account the possibility of its future expansion and shall include all data reported for previous reporting years, up to at least the last ten previous reporting years.

- 3 The European PRTR shall include links to the following:
- a the national PRTRs of Member States;
 - b other relevant existing, publicly accessible databases on subject matters related to PRTRs, including national PRTRs of other Parties to the Protocol and, where feasible, those of other countries;
 - c facilities' websites if they exist and links are volunteered by the facilities.

Article 5

Reporting by operators

1 The operator of each facility that undertakes one or more of the activities specified in Annex I above the applicable capacity thresholds specified therein shall report the amounts annually to its competent authority, along with an indication of whether the information is based on measurement, calculation or estimation, of the following:

- a releases to air, water and land of any pollutant specified in Annex II for which the applicable threshold value specified in Annex II is exceeded;
- b off-site transfers of hazardous waste exceeding 2 tonnes per year or of non hazardous waste exceeding 2 000 tonnes per year, for any operations of recovery or disposal with the exception of the disposal operations of land treatment and deep injection referred to in Article 6, indicating with 'R' or 'D' respectively whether the waste is destined for recovery or disposal and, for transboundary movements of hazardous waste, the name and address of the recoverer or the disposer of the waste and the actual recovery or disposal site;
- c off-site transfers of any pollutant specified in Annex II in waste water destined for waste-water treatment for which the threshold value specified in Annex II, column 1b is exceeded.

[^{F1}The operator of each facility that undertakes one or more of the activities specified in Annex I, above the applicable capacity thresholds specified therein, shall communicate, by electronic means, to its competent authority the information identifying the facility in accordance with the format referred to in Article 7(2) unless that information is already available to the competent authority.]

In the case of data indicated as being based on measurement or calculation the analytical method and/or the method of calculation shall be reported.

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The releases referred to in Annex II reported under point (a) of this paragraph shall include all releases from all sources included in Annex I at the site of the facility.

2 The information referred to in paragraph 1 shall include information on releases and transfers resulting as totals of all deliberate, accidental, routine and non-routine activities.

In providing this information operators shall specify, where available, any data that relate to accidental releases.

3 The operator of each facility shall collect with appropriate frequency the information needed to determine which of the facility's releases and off-site transfers are subject to reporting requirements under paragraph 1.

4 When preparing the report, the operator concerned shall use the best available information, which may include monitoring data, emission factors, mass balance equations, indirect monitoring or other calculations, engineering judgements and other methods in line with Article 9(1) and in accordance with internationally approved methodologies, where these are available.

5 The operator of each facility concerned shall keep available for the competent authorities of the Member State the records of the data from which the reported information was derived for a period of five years, starting from the end of the reporting year concerned. These records shall also describe the methodology used for data gathering.

Textual Amendments

- F1** Substituted by [Regulation \(EU\) 2019/1010 of the European Parliament and of the Council of 5 June 2019 on the alignment of reporting obligations in the field of legislation related to the environment, and amending Regulations \(EC\) No 166/2006 and \(EU\) No 995/2010 of the European Parliament and of the Council, Directives 2002/49/EC, 2004/35/EC, 2007/2/EC, 2009/147/EC and 2010/63/EU of the European Parliament and of the Council, Council Regulations \(EC\) No 338/97 and \(EC\) No 2173/2005, and Council Directive 86/278/EEC \(Text with EEA relevance\).](#)

Article 6

Releases to land

Waste which is subject to 'land treatment' or 'deep injection' disposal operations, as specified in Annex IIA to Directive 75/442/EEC, shall be reported as a release to land only by the operator of the facility originating the waste.

Article 7

Reporting by Member States

1 The Member States shall determine, having regard to the requirements set out in paragraphs 2 and 3 of this Article, a date by which operators shall provide all the data referred to in Article 5(1) and (2) and the information referred to in Article 5(3), (4) and (5) to its competent authority.

2 Member States shall provide all the data referred to in Article 5(1) and (2) to the Commission by electronic transfer in the format set out in Annex III and within the following time-limits:

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- a for the first reporting year, within 18 months after the end of the reporting year;
- b for all reporting years thereafter, within 15 months after the end of the reporting year.

The first reporting year shall be the year 2007.

3 The Commission, assisted by the European Environment Agency, shall incorporate the information reported by the Member States into the European PRTR within the following time-limits:

- a for the first reporting year, within 21 months after the end of the reporting year;
- b for all reporting years thereafter, within 16 months after the end of the reporting year.

Article 8

Releases from diffuse sources

1 The Commission, assisted by the European Environment Agency, shall include in the European PRTR information on releases from diffuse sources where such information exists and has already been reported by the Member States.

2 The information referred to in paragraph 1 shall be organised such as to allow users to search for and identify releases of pollutants from diffuse sources according to an adequate geographical disaggregation and shall include information on the type of methodology used to derive the information.

[^{F23} Where it determines that no data on the releases from diffuse sources exist, the Commission is empowered to adopt delegated acts in accordance with Article 18a in order to supplement this Regulation by initiating reporting on releases of relevant pollutants from one or more diffuse sources using, where appropriate, internationally approved methodologies.]

Textual Amendments

- F2** Substituted by [Regulation \(EU\) 2019/1243 of the European Parliament and of the Council of 20 June 2019 adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union \(Text with EEA relevance\)](#).

Article 9

Quality assurance and assessment

1 The operator of each facility subject to the reporting requirements set out in Article 5 shall assure the quality of the information that they report.

2 The competent authorities shall assess the quality of the data provided by the operators of the facilities referred to in paragraph 1, in particular as to their completeness, consistency and credibility.

3 The Commission shall coordinate work on quality assurance and quality assessment in consultation with the Committee referred to in Article 19(1).

4 The Commission may adopt guidelines for the monitoring and reporting of emissions in accordance with the procedure referred to in Article 19(2). These guidelines shall be in

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accordance with internationally approved methodologies, where appropriate, and shall be consistent with other Community legislation.

Article 10

Access to information

1 The Commission, assisted by the European Environment Agency, shall make the European PRTR publicly accessible by dissemination free of charge on the Internet in accordance with the timeframe set out in Article 7(3).

2 Where the information contained in the European PRTR is not easily accessible to the public by direct electronic means, the Member State concerned and the Commission shall facilitate electronic access to the European PRTR in publicly accessible locations.

[^{F1}Article 11

Confidentiality

Whenever information is considered confidential by a Member State in accordance with Article 4 of Directive 2003/4/EC of the European Parliament and of the Council⁽³⁾, the report referred to in Article 7(2) of this Regulation for the reporting year concerned shall indicate separately for each facility which information cannot be made public and provide the reasons for this.]

Textual Amendments

F1 Substituted by Regulation (EU) 2019/1010 of the European Parliament and of the Council of 5 June 2019 on the alignment of reporting obligations in the field of legislation related to the environment, and amending Regulations (EC) No 166/2006 and (EU) No 995/2010 of the European Parliament and of the Council, Directives 2002/49/EC, 2004/35/EC, 2007/2/EC, 2009/147/EC and 2010/63/EU of the European Parliament and of the Council, Council Regulations (EC) No 338/97 and (EC) No 2173/2005, and Council Directive 86/278/EEC (Text with EEA relevance).

Article 12

Public participation

1 The Commission shall provide the public with early and effective opportunities to participate in the further development of the European PRTR, including capacity-building and the preparation of amendments to this Regulation.

2 The public shall have the opportunity to submit any relevant comments, information, analyses or opinions within a reasonable timeframe.

3 The Commission shall take due account of such input and shall inform the public about the outcome of the public participation.

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Article 13

Access to justice

Access to justice in matters relating to public access to environmental information shall be ensured in accordance with Article 6 of Directive 2003/4/EC and, where the institutions of the Community are involved, in accordance with Articles 6, 7 and 8 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents⁽⁴⁾.

Article 14

Guidance document

1 The Commission shall draw up a guidance document supporting the implementation of the European PRTR as soon as possible but no later than four months before the beginning of the first reporting year and in consultation with the Committee referred to in Article 19(1).

2 The guidance document for implementation of the European PRTR shall address in particular details on the following:

- a reporting procedures;
- b the data to be reported;
- c quality assurance and assessment;
- d indication of type of withheld data and reasons why they were withheld in the case of confidential data;
- e reference to internationally approved release determination and analytical methods, sampling methodologies;
- f indication of parent companies;
- g coding of activities according to Annex I to this Regulation and to Directive 96/61/EC.

Article 15

Awareness raising

The Commission and the Member States shall promote awareness of the public of the European PRTR and shall ensure that assistance is provided in accessing the European PRTR and in understanding and using the information contained in it.

^{F3}Article 16

[^{F3}Additional information to be reported by the Member States

Textual Amendments

F3 Deleted by Regulation (EU) 2019/1010 of the European Parliament and of the Council of 5 June 2019 on the alignment of reporting obligations in the field of legislation related to the environment,

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and amending Regulations (EC) No 166/2006 and (EU) No 995/2010 of the European Parliament and of the Council, Directives 2002/49/EC, 2004/35/EC, 2007/2/EC, 2009/147/EC and 2010/63/EU of the European Parliament and of the Council, Council Regulations (EC) No 338/97 and (EC) No 2173/2005, and Council Directive 86/278/EEC (Text with EEA relevance).

^{F3}Article 17

Review by the Commission]

Textual Amendments

- F3** Deleted by Regulation (EU) 2019/1010 of the European Parliament and of the Council of 5 June 2019 on the alignment of reporting obligations in the field of legislation related to the environment, and amending Regulations (EC) No 166/2006 and (EU) No 995/2010 of the European Parliament and of the Council, Directives 2002/49/EC, 2004/35/EC, 2007/2/EC, 2009/147/EC and 2010/63/EU of the European Parliament and of the Council, Council Regulations (EC) No 338/97 and (EC) No 2173/2005, and Council Directive 86/278/EEC (Text with EEA relevance).

^{F2}Article 18

Amendments to the Annexes

The Commission is empowered to adopt delegated acts in accordance with Article 18a to amend Annexes II and III for the following purposes:

- (a) to adapt them to scientific or technical progress;
- (b) to adapt them as a result of the adoption by the Meeting of the Parties to the Protocol of any amendment to the Annexes to the Protocol.]

Textual Amendments

- F2** Substituted by Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019 adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union (Text with EEA relevance).

^{F4}Article 18a

Exercise of the delegation

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Article 8(3) and Article 18 shall be conferred on the Commission for a period of five years from 26 July 2019. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods

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of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3 The delegation of power referred to in Article 8(3) and Article 18 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4 Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁽⁵⁾.

5 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6 A delegated act adopted pursuant to Article 8(3) and Article 18 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.]

Textual Amendments

- F4** Inserted by [Regulation \(EU\) 2019/1243 of the European Parliament and of the Council of 20 June 2019 adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union \(Text with EEA relevance\)](#).

Article 19

Committee Procedure

1 The Commission shall be assisted by a committee.

2 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period provided for in Article 5(6) of Decision 1999/468/EC shall be set at three months.

^{F5}3

Textual Amendments

- F5** Deleted by [Regulation \(EU\) 2019/1243 of the European Parliament and of the Council of 20 June 2019 adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union \(Text with EEA relevance\)](#).

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Article 20

Penalties

1 Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

2 The Member States shall notify those provisions to the Commission one year after entry into force of this Regulation at the latest and shall notify it without delay of any subsequent amendment affecting them.

Article 21

Amendments to Directives 91/689/EEC and 96/61/EC

- 1 Article 8(3) of Directive 91/689/EEC shall be deleted.
- 2 Article 15(3) of Directive 96/61/EC shall be deleted.

Article 22

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

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- (1) OJ L 194, 25.7.1975, p. 39. Directive as last amended by Regulation (EC) No 1882/2003.
- (2) OJ L 135, 30.5.1991, p. 40. Directive as last amended by Regulation (EC) No 1882/2003.
- (3) [^{F1}Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).]
- (4) OJ L 145, 31.5.2001, p. 43.
- (5) [^{F4}OJ L 123, 12.5.2016, p. 1.]

Textual Amendments

- F1** Substituted by Regulation (EU) 2019/1010 of the European Parliament and of the Council of 5 June 2019 on the alignment of reporting obligations in the field of legislation related to the environment, and amending Regulations (EC) No 166/2006 and (EU) No 995/2010 of the European Parliament and of the Council, Directives 2002/49/EC, 2004/35/EC, 2007/2/EC, 2009/147/EC and 2010/63/EU of the European Parliament and of the Council, Council Regulations (EC) No 338/97 and (EC) No 2173/2005, and Council Directive 86/278/EEC (Text with EEA relevance).
- F4** Inserted by Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019 adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union (Text with EEA relevance).

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