



Plenary sitting

A9-0211/2023

5.6.2023

*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council
on reporting of environmental data from industrial installations and
establishing an Industrial Emissions Portal
(COM(2022)0157 – C9-0145/2022 – 2022/0105(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Radan Kanev

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on reporting of environmental data from industrial installations and establishing an Industrial Emissions Portal
(COM(2022)0157 – C9-0145/2022 – 2022/0105(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0157),
 - having regard to Article 294(2) and Article 192 paragraph 1 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0145/2022),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the Economic and Social Committee of 14 July 2022¹,
 - having regard to the opinion of the Committee of the Regions of 12 October 2022²,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A9-0211/2023),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1 **Proposal for a regulation** **Recital 2**

Text proposed by the Commission

(2) The Aarhus Convention, ratified by

Amendment

(2) The Aarhus Convention, ratified by

¹OJ C443, 22.11.2022, p. 130.

²OJ C 498, 30.12.2022, p. 154.

the European Community on 17 February 2005 by Council Decision 2005/370/EC , recognises that increased public access to environmental information and the dissemination of such information contribute to a greater awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment.

the European Community on 17 February 2005 by Council Decision 2005/370/EC, recognises that increased public access to environmental information and the dissemination of such information contribute to a greater awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment.

Where national or Union law requires that commercial or industrial information be kept confidential to protect a legitimate economic interest, that confidentiality should be safeguarded, in order to protect such legitimate economic interests.

Amendment 2
Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) The Aarhus Convention recognises the right to protection of personal data and/or files, relating to a natural person who has not consented to the disclosure of the information to the public, where the confidentiality of such information is provided for in national law. Furthermore, Regulation (EU)2016/679 of the European Parliament and of the Council^{1a} requires Member States to inform data subjects of their rights under the data protection rules and of the procedures applicable for exercising those rights.

^{1a} Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119,

Amendment 3
Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) In line with the conclusions of the Commission's second report on implementation of Regulation (EC) No 166/2006, the Commission, supported by the European Environment Agency ('the Agency'), developed in June 2021 an Industrial Emissions Portal ('the Portal')³⁸ to replace the European Pollutant Release and Transfer Register **and therefore** improve synergies with reporting under Directive 2010/75/EU.

³⁸ <https://industry.eea.europa.eu/>

Amendment

(7) In line with the conclusions of the Commission's second report on implementation of Regulation (EC) No 166/2006, the Commission, supported by the European Environment Agency ('the Agency'), developed in June 2021 an Industrial Emissions Portal ('the Portal')³⁸ to replace the European Pollutant Release and Transfer Register, **aiming to** improve synergies with reporting under Directive 2010/75/EU.

³⁸ <https://industry.eea.europa.eu/>

Amendment 4
Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) The Portal should provide the public with free-of-charge and online access to a further integrated and coherent dataset on key environmental pressures generated by industrial installations since such data constitute a cost-effective tool for drawing comparisons and taking decisions in environmental matters, encouraging better environmental performance, tracking trends, demonstrating progress in pollution reduction, benchmarking installations, monitoring compliance with relevant international agreements, setting priorities and evaluating progress achieved through Union and national environmental policies and programmes.

Amendment

(8) The Portal should provide the public with free-of-charge and online access to a further integrated and coherent dataset **in all official languages of the Union** on key environmental pressures generated by industrial installations, **including information required to be provided under Article 74(2a) of the European Parliament and of the Council, as amended by Directive XX/XXXX of the Parliament and of the Council (COM(2022)156)**, since such data constitute a cost-effective tool for drawing comparisons and taking decisions in environmental matters, encouraging better environmental performance, tracking trends, demonstrating progress in pollution reduction, **better environmental**

benchmarking *of* installations, *while recognising the specificities of each installation*, monitoring compliance with relevant international agreements, setting priorities and evaluating progress achieved through Union and national environmental policies and programmes.

Amendment 5
Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) The Portal should present the data it contains in aggregated and non-aggregated forms to permit users to undertake targeted searches.

Amendment

(9) The Portal should present the data it contains in aggregated and non-aggregated forms to permit users to undertake targeted searches *as well as to allow for user-friendly, electronic means of extraction of data, including query-based datasets.*

Amendment 6
Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) The reporting requirements should apply at ‘installation level’ in order to implement synergies between the Portal and databases on environmental pressures from industrial installations, including those covered by Directive 2010/75/EU, and to ensure coherence with, and support to, the implementation of that Directive.

Amendment

(10) The reporting requirements should apply at ‘installation level’, *or, in cases where Article 4(2) of Directive 2010/75/EU applies and a permit covers two or more installations or parts of installations operated by the same operator on the same site, at permit level*, in order to implement synergies between the Portal and databases on environmental pressures from industrial installations, including those covered by Directive 2010/75/EU, and to ensure coherence with, and support to, the implementation of that Directive.

Amendment 7
Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) The Portal should also include data on the use of water, energy and raw materials by the concerned installations to allow monitoring of progress towards a circular, highly resource-efficient economy

Amendment

(13) The Portal should also include **basic** data on the use of water, energy and raw materials by the concerned installations, **provided that the extent of those data does not exceed what is necessary** to allow monitoring of progress towards a circular, highly resource-efficient economy.

Amendment 8
Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) Operators of installations should also report information concerning the production volume, **number of employees** and operating hours of the concerned installation as well as information on accidents that have led to releases, **in order** to enable the contextualisation of reported data on pollutant releases and off-site transfers of waste and waste water.

Amendment

(15) Operators of installations should also report **general** information concerning the production volume and operating hours of the concerned installation, as well as information on accidents that have led to releases, **provided the extent of that information does not exceed what is necessary** to enable the contextualisation of reported data on pollutant releases and off-site transfers of waste and waste water.

Amendment 9
Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) The overall benefit of the Portal for access to environmental information concerning industrial installations should be maximised by including links to other information flows that stem from Union environmental legislation on climate change, air, water and land protection and on waste management, including reporting under Directive 2012/18/EU of the European Parliament and of the Council⁴¹, Directive 2008/98/EC of the European Parliament and of the Council⁴² and

Amendment

(16) The overall benefit of the Portal for access to environmental information concerning industrial installations should be maximised by including links **to the summary of the permit, the environmental management system, and the transformation plan, as well as** to other information flows that stem from Union environmental legislation on climate change, air, water and land protection and on waste management, including reporting under Directive 2012/18/EU of the

Directive 2010/75/EU. Moreover, in order to maximise the Portal's value to users, it should be designed to facilitate future integration with other relevant environmental data flows.

European Parliament and of the Council⁴¹, Directive 2008/98/EC of the European Parliament and of the Council⁴² and Directive 2010/75/EU. Moreover, in order to maximise the Portal's value to users, it should be designed to facilitate future integration with other relevant environmental data flows.

⁴¹ Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJ L 197, 24.7.2012, p. 1).

⁴¹ Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJ L 197, 24.7.2012, p. 1).

⁴² Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

⁴² Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

Amendment 10

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) In order to ensure uniform conditions for the implementation of the provisions of this Regulation regarding reporting by Member States, implementing powers should be conferred on the Commission to establish the type and format of information to be provided and the reporting deadlines. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁴³.

Amendment

(20) In order to ensure uniform conditions for the implementation of the provisions of this Regulation regarding reporting by Member States, implementing powers should be conferred on the Commission to establish the type and format of information to be provided, ***including standardised electronic forms where appropriate***, and the reporting deadlines. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁴³.

⁴³ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules

⁴³ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules

and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Amendment 11
Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) Given the importance for the Union citizens of quick access to environmental information, it is essential that Member States and the Commission make data publicly available as fast as technically feasible. To that end, whereas the precise reporting deadline is to be established in an implementing act, it should be no later than 11 months after the end of the reporting year.

Amendment

(21) Given the importance for the Union citizens of quick access to environmental information, it is essential that Member States and the Commission make data publicly available as fast as technically feasible, **and in any event not later than one month after the information has been generated**. To that end, whereas the precise reporting deadline is to be established in an implementing act, it should be no later than 11 months after the end of the reporting year.

Amendment 12
Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) Data reported by the Member States should be of high quality in particular as regards their accuracy, completeness, consistency and credibility. Competent authorities should therefore assess the quality of the data provided by operators.

Amendment

(23) Data reported **electronically** by the Member States **and operators** should be of high quality in particular as regards their accuracy, completeness, consistency and credibility. Competent authorities should therefore assess the quality of the data provided by operators.

Amendment 13
Proposal for a regulation
Recital 25

Text proposed by the Commission

(25) Public participation should be

Amendment

(25) Public participation should be

ensured in further development of the Portal by providing early and effective opportunities to submit comments, information, analysis and opinions for the decision-making process.

ensured in further development of the Portal by providing early, **regular** and effective opportunities to submit comments, information, analysis and opinions for the decision-making process.

Amendment 14
Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) In order to enhance the usefulness and impact of the Portal, the Commission, supported by the Agency, should develop guidance supporting the implementation of this Regulation.

Amendment

(26) In order to enhance the usefulness and impact of the Portal, the Commission, supported by the Agency, should **facilitate the harmonisation of the electronic provision of data, in order to ease their circulation and publication, and should** develop guidance supporting the implementation of this Regulation **as well as provide technical assistance, for instance, to support the development of electronic forms.**

Amendment 15
Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) The Commission should also be empowered to adopt delegated acts in accordance with Article 290 of the Treaty to amend Annex II to this Regulation to determine reporting thresholds, to add pollutants which are subject to specific regulatory measures under Union law on water and air quality and on chemicals, including Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁵², Directives 2000/60/EC⁵³, 2004/107/EC⁵⁴, 2006/118/EC⁵⁵, 2008/50/EC⁵⁶ and 2008/105/EU⁵⁷ of the European Parliament and of the Council, to reflect changes made to the Protocol with regard to the pollutants to be reported or their reporting thresholds, and to adapt that

Amendment

(29) The Commission should also be empowered to adopt delegated acts in accordance with Article 290 of the Treaty to amend Annex II to this Regulation to determine reporting thresholds, to add pollutants, **in particular substances of emerging concern, such as micropollutants or microplastics, including in their nano forms,** which are subject to specific regulatory measures under Union law on water and air quality and on chemicals, including Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁵², Directives 2000/60/EC⁵³, 2004/107/EC⁵⁴, 2006/118/EC⁵⁵, 2008/50/EC⁵⁶ and 2008/105/EU⁵⁷ of the European Parliament

Annex to scientific or technical progress.

and of the Council, to reflect changes made to the Protocol with regard to the pollutants to be reported or their reporting thresholds, and to adapt that Annex to scientific or technical progress.

⁵² Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

⁵² Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

⁵³ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

⁵³ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

⁵⁴ Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air (OJ L 23, 26.1.2005, p. 3).

⁵⁴ Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air (OJ L 23, 26.1.2005, p. 3).

⁵⁵ Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration (OJ L 372, 27.12.2006, p. 19).

⁵⁵ Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration (OJ L 372, 27.12.2006, p. 19).

⁵⁶ Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (OJ L 152, 11.6.2008, p. 1).

⁵⁶ Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (OJ L 152, 11.6.2008, p. 1).

⁵⁷ Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing

⁵⁷ Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing

Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (OJ L 348, 24.12.2008, p. 84).

Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (OJ L 348, 24.12.2008, p. 84).

Amendment 16
Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) When adopting delegated acts, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁵⁸. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁵⁸ OJ L 123, 12.5.2016, p. 1.

Amendment 17
Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

This Regulation implements the UNECE Protocol on Pollutant Release and Transfer Registers ('the Protocol') by laying down rules on the collection and reporting of environmental data on industrial

Amendment

(30) When adopting delegated acts, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level **and at the level of the relevant specialists and industrial sectors**, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁵⁸. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁵⁸ OJ L 123, 12.5.2016, p. 1.

Amendment

This Regulation implements the UNECE Protocol on Pollutant Release and Transfer Registers ('the Protocol') by laying down rules on the collection and reporting of environmental data on industrial

installations and establishes an Industrial Emissions Portal ('Portal') at Union level in the form of an online database giving access to such data.

installations and establishes an Industrial Emissions Portal (***the*** Portal') at Union level in the form of an online database giving access to such data.

Amendment 18

Proposal for a regulation

Article 2 – paragraph 1 – point 9 a (new)

Text proposed by the Commission

Amendment

(9a) 'EU Waste Code' means the six-digit code on the list of waste of Commission Decision 2014/955/EU of 18 December 2014 amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European Parliament and of the Council^{1a}

^{1a} Commission Decision 2014/995/EU of 18 December 2014 amending Decision 2000/532/EC on the list of waste pursuant to Directive 2008/98/EC of the European Parliament and of the Council

Amendment 19

Proposal for a regulation

Article 2 – paragraph 1 – point 14

Text proposed by the Commission

Amendment

(14) 'recovery' means ***any of*** the operations referred to in Annex II to Directive 2008/98/EC;

(14) 'recovery' means the operations referred to in Annex II to Directive 2008/98/EC, ***disaggregated by relevant R code***;

Justification

Recovery operations are listed with R codes in Annex II of Directive 2008/98/EC. Data on recovery available on the Portal should be broken down by R code.

Amendment 20

Proposal for a regulation
Article 2 – paragraph 1 – point 15

Text proposed by the Commission

(15) ‘disposal’ means **any of** the operations referred to in Annex I to Directive 2008/98/EC;

Amendment

(15) ‘disposal’ means the operations referred to in Annex I to Directive 2008/98/EC, **disaggregated by relevant D code**;

Justification

Disposal operations are listed with R codes in Annex I of Directive 2008/98/EC. Data on disposal available on the Portal should be broken down by D code.

Amendment 21
Proposal for a regulation
Article 3 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Portal shall include data on:

Amendment

1. The Portal shall include data, **in a standardised format which facilitates data extraction**, on:

Amendment 22
Proposal for a regulation
Article 3 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the summary of the permit as laid down in the implementing act referred to in Article 5(4) second subparagraph of Directive 2010/75/EU on industrial emissions, as amended by Directive XX/XXXX of the European Parliament and of the Council (COM (2022)156), and the annex to the permit in accordance with Article 15(1) of Directive 2010/75/EU on industrial emissions, as amended by Directive XX/XXXX of the European Parliament and of the Council (COM (2022)156);

Amendment 23
Proposal for a regulation
Article 3 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) where available, systematised information provided by the Member States on the available scientific data as referred to in Article 79a of Directive 2010/75/EU on industrial emissions, as amended by Directive XX/XXXX of the European Parliament and of the Council (COM (2022)156).

Amendment 24
Proposal for a regulation
Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

- 1a. The Portal shall also include:**
- (a) a list of non-compliant installations pursuant to Article 79 of Directive 2010/75/EU on industrial emissions, as amended by Directive XX/XXXX of the European Parliament and of the Council (COM (2022)156) following the final decision on the non-compliance issued by the competent judicial or administrative authority of the Member State concerned in accordance with national law;**
- (b) the BAT Conclusion as referred to in Article 13(6) of Directive 2010/75/EU on industrial emissions, as amended by Directive XX/XXXX of the European Parliament and of the Council (COM (2022)156).**

Amendment 25
Proposal for a regulation
Article 3 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) other existing publicly accessible registers, databases or websites, established at Member State or Union level, that provide access to the reporting requirements set out in Union legislation on climate change, air, water and land protection, and on waste management.

(b) other existing publicly accessible registers, databases or websites, established at Member State or Union level, that provide access ***in a standardised format that allows for data extraction, where data extraction is possible, and*** to the reporting requirements set out in Union legislation on climate change, air, water and land protection, and on waste management.

Amendment 26

Proposal for a regulation

Article 3 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the permit referred to in Article 5(4) of Directive 2010/75/EU on industrial emissions, as amended by Directive XX/XXXX of the European Parliament and of the Council (COM (2022)156);

Amendment 27

Proposal for a regulation

Article 3 – paragraph 2 – point b b (new)

Text proposed by the Commission

Amendment

(bb) the EMS provided for in Article 14a of Directive 2010/75/EU on industrial emissions, , as amended by Directive XX/XXXX of the European Parliament and of the Council (COM (2022)156);

Amendment 28

Proposal for a regulation

Article 3 – paragraph 2 – point b c (new)

Text proposed by the Commission

Amendment

(bc) the transformation plans provided for in Article 27d of Directive 2010/75/EU on industrial emissions, as amended by Directive XX/XXXX of the European Parliament and of the Council (COM

(2022)156);

Amendment 29
Proposal for a regulation
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission shall make the Portal publicly accessible, presenting the data in both aggregated and non-aggregated forms with a view to enabling searches by:

Amendment

1. The Commission shall make the Portal publicly ***and easily accessible and user-friendly***, presenting the data in both aggregated and non-aggregated forms with a view to enabling searches, ***data extraction and query-based downloads of datasets*** by:

Amendment 30
Proposal for a regulation
Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) installation, including the installation's parent company where applicable, and its geographical location, including the river basin;

Amendment

(a) installation, ***or a group of two or more installations or parts of installations covered by the same permit in accordance with Article 4(2) of Directive 2010/75/EU***, including the installation's parent company where applicable, and its geographical location, including the river basin;

Amendment 31
Proposal for a regulation
Article 4 – paragraph 1 – point f

Text proposed by the Commission

(f) off-site transfers of waste and, as appropriate, their destination;

Amendment

(f) off-site transfers of waste and, as appropriate, their destination ***in accordance with Annexes I and II to Directive 2008/98/EC, indicating with 'R' or 'D', respectively, whether the waste is destined for recovery or disposal***;

Amendment 32

Proposal for a regulation

Article 4 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

In accordance with the requirements of Regulation (EU) 2016/679 of the European Parliament and of the Council, where personal data are concerned, the Member States shall inform the data subjects of their rights on data protection under that Regulation and of the procedures applicable for exercising those rights.

Amendment 33

Proposal for a regulation

Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The operator of each installation that undertakes one or more of the activities specified in Annex I, which meet the applicable capacity thresholds specified in that Annex, shall report annually, to its competent authority, the following data, unless that data is already available to the competent authority:

1. The operator of each installation, ***or of a group of two or more installations or parts of installations covered by the same permit in accordance with Article 4(2) of Directive 2010/75/EU***, that undertakes one or more of the activities specified in Annex I, which meet the applicable capacity thresholds specified in that Annex, shall report ***at least annually and using an electronic input form***, to its competent authority, the following data, unless that data is already available to the competent authority:

Amendment 34

Proposal for a regulation

Article 5 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) information allowing contextualisation of the data reported under points (a) to (d), including production volume, number of ***employees, number of*** operating hours, and information on

(e) information allowing contextualisation of the data reported under points (a) to (d), including production volume, number of operating hours, and information on accidents that have led to

accidents that have led to releases;

releases;

Amendment 35
Proposal for a regulation
Article 5 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) the summary of the permit as laid down in the implementing act referred to in Article 5(4) of Directive 2010/75/EU industrial emissions, as amended by Directive XX/XXXX of the Parliament and of the Council (COM(2022)156);

Amendment 36
Proposal for a regulation
Article 5 – paragraph 1 – point f b (new)

Text proposed by the Commission

Amendment

(fb) the direct link to the EMS provided for in Article 14a of Directive 2010/75/EU industrial emissions, as amended by Directive XX/XXXX of the Parliament and of the Council (COM(2022)156);

Amendment 37
Proposal for a regulation
Article 5 – paragraph 1 – point f c (new)

Text proposed by the Commission

Amendment

(fc) the direct link to the permit referred to in Article 5(4) of Directive 2010/75/EU industrial emissions, as amended by Directive XX/XXXX of the Parliament and of the Council (COM(2022)156);

Amendment 38
Proposal for a regulation
Article 5 – paragraph 1 – point f d (new)

Text proposed by the Commission

Amendment

(fd) the direct link to the transformation plans provided for in Article 27d of Directive 2010/75/EU industrial emissions of, as amended by Directive XX/XXXX of the Parliament and of the Council (COM(2022)156);

Amendment 39
Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. Operators shall specify in the report the methods used for obtaining the data. Where the data were obtained by measurement, the analytical method shall be indicated. Where the data were obtained by calculation, the method of calculation shall be indicated.

4. Operators shall specify in the report the methods used for obtaining the data. Where the data were obtained by measurement, the analytical method shall be indicated. Where the data were obtained by calculation, the method of calculation shall be indicated, ***including the related measurement uncertainty.***

Amendment 40
Proposal for a regulation
Article 5 – paragraph 11

Text proposed by the Commission

Amendment

11. Having regard to the requirements set out in Article 6, Member States shall determine a date by when operators shall provide the data referred to in this Article to its competent authority.

11. Having regard to the requirements set out in Article 6, Member States shall determine a date by when operators shall provide the data referred to in this Article to its competent authority. ***Member States shall provide an electronic input form to the operator for the purposes of the reporting requirements established in this Article.***

Amendment 41
Proposal for a regulation
Article 5 – paragraph 11 a (new)

Text proposed by the Commission

Amendment

11a. Where, pursuant to Article 4(2) of the Directive 2010/75/EU, a permit covers two or more installations or parts of installations operated by the same operator on the same site, the operator may comply with the reporting requirements established in this Article by submitting in a single report all data related to such installations, or such parts of the installations, covered by the same permit.

Amendment 42
Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. Member States shall provide, each year, to the Commission, by electronic means, a report containing all the data referred to in Article 5 **in a** format and by a date to be established by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 17(2). The reporting date shall be, in any case, no later than 11 months after the end of the reporting year.

Amendment

1. Member States shall provide, each year, to the Commission, by electronic means, a report containing all the data referred to in Article 5, **a direct link to the website of the competent authorities for public notices for each installation and a list of non-compliant installations pursuant to Article 79 of Directive 2010/75/EU in industrial emissions, as amended by Directive XX/XXXX of the Parliament and of the Council (COM(2022)156) following the final decision on the non-compliance issued by the competent judicial or administrative authority of the Member State concerned in accordance with national law, in a standardised format enabling searches and extractions, where possible** and by a date to be established by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 17(2). The reporting date shall be, in any case, no later than 11 months after the end of the reporting year.

Amendment 43
Proposal for a regulation

Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall also provide to the Commission and the Agency systematised information on the available scientific data as referred to in Article 79a of Directive 2010/75/EU on industrial emissions, as amended by Directive XX/XXXX of the Parliament and of the Council (COM(2022)156) . The Agency shall incorporate the data into the Portal after scrutinising the scientific reliability of the sources.

Amendment 44

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

Amendment

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

2. The competent authorities shall assess the quality of the data provided by the operators of the installations referred to in paragraph 1, in particular as to their accuracy, completeness, consistency and credibility. ***In the event of qualitative deficiencies being present in the data provided under Article 5, upon request by the competent authorities through electronic means, the operators of the installation concerned shall provide the corrected data to the competent authorities without delay.***

Amendment 45

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

Amendment

When data is considered confidential by a Member State in accordance with Article 4(2) of Directive 2003/4/EC, the report referred to in Article 6(2) of this Regulation for the reporting year

When data is considered confidential by a Member State in accordance with Article 4(2) of Directive 2003/4/EC, the report referred to in Article 6(2) of this Regulation for the reporting year

concerned shall indicate separately for each installation which data cannot be made public and provide the reasons for this.

concerned shall indicate separately for each installation, ***or in a single report for a group of two or more installations or parts of installations in accordance with Article 5(11a) of this Regulation***, which data cannot be made public and provide the reasons for this. ***Member States shall ensure that operators have the possibility of objecting to the publication of such data in accordance with Article 3a of Directive 2010/75/EU industrial emissions, as amended by Directive XX/XXXX of the Parliament and of the Council (COM(2022)156) .***

Amendment 46
Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

2. The public shall have the opportunity to submit comments, information, analyses and opinions within a ***reasonable*** timeframe.

Amendment

2. The public shall have the opportunity to submit comments, information, analyses and opinions within a ***reasonably long*** timeframe ***and in any of the official languages of the Union.***

Amendment 47
Proposal for a regulation
Article 12 – title

Text proposed by the Commission

Guidance

Amendment

Guidance ***on implementation***

Amendment 48
Proposal for a regulation
Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

The Commission, assisted by the Agency, shall draw up and periodically update guidance supporting the implementation of this Regulation, addressing at least the

Amendment

The Commission, assisted by the Agency, ***and after consulting the European pollutant release and transfer register (E-PRTR) expert group***, shall draw up and periodically update guidance supporting

following:

the implementation of this Regulation,
addressing at least the following:

Amendment 49
Proposal for a regulation
Article 12 – paragraph 1 – point a

Text proposed by the Commission

(a) reporting procedures;

Amendment

(a) ***standardised*** reporting procedures
in the Union;

Amendment 50
Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

Member States and the Commission shall promote public awareness of the Portal and understanding and use of the data contained in it.

Amendment

Member States and the Commission shall promote public awareness of the Portal and understanding and use of the data contained in it ***in close cooperation with the public.***

Amendment 51
Proposal for a regulation
Article 14 – paragraph 2 – point d

Text proposed by the Commission

(d) to ***align it with*** the Protocol ***following the adoption of amendment to its annexes.***

Amendment

(d) to ***add pollutants which have been added to the Annexes of*** the Protocol.

Amendment 52
Proposal for a regulation
Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. By 31 December 2026, the Commission shall review Annex II to this Regulation based on the criteria referred to in this Article and the substances listed in Annex II to Directive 2010/75/EU. On

the basis of such review, where appropriate, the Commission shall adopt a delegated act in accordance with Article 15 in order to amend Annex II to this Regulation.

Amendment 53
Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 7(3) and Article 14 shall be conferred on the Commission for a period of **five** years from ... [Office of Publication: please insert the date = the date of entry into force of this Regulation]. 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 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.

Amendment

2. The power to adopt delegated acts referred to in Article 7(3) and Article 14 shall be conferred on the Commission for a period of **four** years from ... [Office of Publication: please insert the date = the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the **four-year** period. The delegation of power shall be tacitly extended for periods 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.

Amendment 54
Proposal for a regulation
Article 17 – paragraph 2

Text proposed by the Commission

2. The penalties referred to in paragraph 1 shall include fines proportionate to the turnover of the legal person or to the income of the natural person **who has** committed the infringement. The level of the fines shall be calculated in such a way as to make sure that they effectively deprive the person responsible for the infringement of the economic benefits derived from that infringement. The level of the fines shall be gradually increased for repeated

Amendment

2. The penalties referred to in paragraph 1 shall include fines proportionate to the turnover of the legal person **in the Member State where the infringement has taken place** or to the income of the natural person **who** committed the infringement. The level of the fines shall be calculated in such a way as to make sure that they effectively deprive the person responsible for the infringement of the economic benefits derived from that infringement. The level of the fines shall be gradually increased for

infringements.

repeated infringements.

Amendment 55
Proposal for a regulation
Article 17 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(ca) any penalties previously received under this Article;

Amendment 56
Proposal for a regulation
Annex II – row 33 a (new)

Text proposed by the Commission

Amendment

(33 a)	115-32-2	Dicofol	I	I	I
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Amendment 57
Proposal for a regulation
Annex II – row 49 a (new)

Text proposed by the Commission

Amendment

(49 a)	335-67-1, 355-46-4 and others	PFAS, including PFOA^{1a}, PFHxS^{1b}, their salts and related compounds	I	I	I
<hr/>					
^{1a} Perfluorooctanoic Acid					

Amendment 58
Proposal for a regulation
Annex II – footnote 12

Text proposed by the Commission

(¹²) Total mass of the following brominated diphenylethers: penta-BDE, octa-BDE and deca-BDE.

Amendment

(¹²) Total mass of the following brominated diphenylethers: penta-BDE, octa-BDE and deca-BDE, ***hepta-BDE, hexa-BDE, tetra-BDE.***

EXPLANATORY STATEMENT

The European Pollutant Release and Transfer Register (E-PRTR) contains data reported annually by some 30,000 industrial facilities which cover 65 economic activities across the Union. This Regulation implements the 2006 Kyiv Protocol on Pollutant Release and Transfer Registers (‘Protocol’)¹.

Every year, Member States send to the Commission a report containing data submitted by the operators of industrial facilities on the releases and transfers of each facility. The data are then published by the Commission on a public website, with the support of the European Environment Agency.

The E-PRTR has proven to be a pivotal knowledge base on releases from Union industrial activities. It has been welcomed by the stakeholders, especially after the Industrial Emissions Portal (‘Portal’)² was created, linking it closely with Directive 2010/75/EU on industrial emissions (‘Industrial Emissions Directive – IED’)³. The Portal, having replaced the E-PRTR website, brings together data on industrial activities reported under these two Union environmental laws.

With the present proposal, the Commission aims to further improve the E-PRTR by aligning reporting obligations set out in other environmental legislation by reporting of additional contextual information. The proposal of the Commission encompasses the following changes:

- The Regulation’s sectoral scope is revised to be more consistent with activities covered by related environmental law. This concerns the IED in particular, but also Directive (EU) 2015/2193 on medium combustion plants (MCPD)⁴ and Council Directive 91/271/EEC on urban waste water treatment (UWWT Directive)⁵.

In the present report, as ENVI Rapporteur, I support this approach and do not file amendments that would compromise the proposal.

- The Commission proposes that activities under the scope of the Regulation should be reported at installation level – as in the case of these other laws – rather than at facility level.

As a Rapporteur, I support this approach, as far as it is supported in the IED revision. The present report supports installation-level reporting, but takes into account the option, provided by Article 4(2) of the IED, which provides, that a single permit might cover two or more installations or parts of installations operated by the same operator on the same site. Therefore, I include this option throughout the report, including in the very definition of “installation” for the purposes of the Regulation.

¹ Kyiv Protocol on Pollutant Release and Transfer Registers to the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters: <https://unece.org/environment-policy/public-participation/prtrs-protocol-text>.

² <https://industry.eea.europa.eu/>

³ OJ L 334, 17.12.2010, p. 17.

⁴ OJ L **313**, **28.11.2015**, p. 1.

⁵ OJ L 135, 30.5.1991, p. 40.

- The Commission, based on the EU Green Deal zero-pollution ambition, aims to cover all relevant pollutants. Certain pollutants are added to Annex II of the Regulation, including:
 - priority substances under the 2000/60/EC Water Framework Directive and the 2008/105/EU Surface Water Directive;
 - substances identified as of very high concern in Regulation (EC) No 1907/2006 (REACH)⁶;
 - substances covered by Union law on groundwater and air quality, including the Groundwater Directive, the Ambient Air Quality Directive and Directive 2004/107/EC on the concentrations of certain pollutants in ambient air.

In the report, I support this ambition and file no amendments to Annex II.

- To be consistent with Union policies on the circular economy and decarbonisation and to enable better environmental benchmarking, the Commission proposes that operators should report on production volume and complementary data, especially the use of resources (energy, water, and raw materials).

In my view, as Rapporteur, parts of these new requirements go too far from the initial scope of the Regulation, and overstep the objectives of Directive 2010/75/EU, thus creating unnecessary administrative burden and disproportionately endangering confidentiality of business information. Therefore, I propose certain amendments, aiming to protect business information and to limit the scope of the information and data to what is necessary, maintaining the core of the Commission proposal.

- In the legislative proposal, the Commission requests certain extensive delegation powers, corresponding with the delegation powers requested under the IED revision. Some of these delegation powers requested go beyond technical issues and touch upon the core task of the co-legislators. This is especially true for the proposal to delegate powers to the Commission to eventually include new agro-industrial activities in the scope of Annex I of the Regulation. As the ENVI Rapporteur on the proposal, and in line with the constant and consistent position of the Parliament as co-legislator and democratic institution, directly representing the citizens of the Union, in the report I express my reservations towards this legislative approach. Therefore, I propose the rejection of the provisions where delegating powers regard essential political questions, however agree to those that are necessary to deliver timely and effective technical solutions.

⁶ OJ L 396, 30.12.2006, p. 1.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Reporting of environmental data from industrial installations and establishing an Industrial Emissions Portal	
References	COM(2022)0157 – C9-0145/2022 – 2022/0105(COD)	
Date submitted to Parliament	6.4.2022	
Committee responsible Date announced in plenary	ENVI 5.5.2022	
Committees asked for opinions Date announced in plenary	ITRE 5.5.2022	
Not delivering opinions Date of decision	ITRE 20.4.2022	
Rapporteurs Date appointed	Radan Kanev 10.5.2022	
Discussed in committee	12.7.2022	30.11.2022
Date adopted	24.5.2023	
Result of final vote	+: 77	–: 3
	0: 5	
Members present for the final vote	Mathilde Androuët, Maria Arena, Bartosz Arłukowicz, Margrete Auken, Traian Băsescu, Aurélia Beigneux, Alexander Bernhuber, Malin Björk, Michael Bloss, Delara Burkhardt, Pascal Canfin, Mohammed Chahim, Maria Angela Danzi, Esther de Lange, Christian Doleschal, Cyrus Engerer, Agnès Evren, Pietro Fiocchi, Heléne Fritzon, Malte Gallée, Gianna Gancia, Andreas Glück, Teuvo Hakkarainen, Jan Huitema, Yannick Jadot, Adam Jarubas, Ewa Kopacz, Joanna Kopcińska, Peter Liese, Sylvia Limmer, César Luena, Marian-Jean Marinescu, Liudas Mažylis, Marina Measure, Silvia Modig, Dolors Montserrat, Alessandra Moretti, Ville Niinistö, Ljudmila Novak, Grace O’Sullivan, Nikos Papandreou, Jutta Paulus, Francesca Peppucci, Stanislav Polčák, Jessica Polfjärd, Erik Poulsen, Nicola Procaccini, María Soraya Rodríguez Ramos, Maria Veronica Rossi, Silvia Sardone, Christine Schneider, Günther Sidl, Ivan Vilibor Sinčić, Maria Spyraiki, Achille Variati, Petar Vitanov, Alexandr Vondra, Mick Wallace, Pernille Weiss, Emma Wiesner, Michal Wiezik, Anna Zalewska	
Substitutes present for the final vote	João Albuquerque, Catherine Chabaud, Martin Häusling, Romana Jerković, Radan Kanev, Ska Keller, Ondřej Knotek, Norbert Lins, Marisa Matias, Max Orville, Marcos Ros Sempere, Jadwiga Wiśniewska	
Substitutes under Rule 209(7) present for the final vote	Attila Ara-Kovács, Ilana Cicurel, Clare Daly, Estrella Durá Ferrandis, Lucia Ďuriš Nicholsonová, Virginie Joron, Erik Marquardt, Pedro Marques, Marlene Mortler, Edina Tóth, Kosma Złotowski	
Date tabled	5.6.2023	

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

77	+
ECR	Pietro Fiocchi, Joanna Kopcińska, Nicola Procaccini, Alexandr Vondra, Jadwiga Wiśniewska, Anna Zalewska, Kosma Złotowski
ID	Gianna Gancia, Maria Veronica Rossi, Silvia Sardone
NI	Maria Angela Danzi, Edina Tóth
PPE	Bartosz Arłukowicz, Traian Băsescu, Alexander Bernhuber, Christian Doleschal, Agnès Evren, Adam Jarubas, Radan Kanev, Ewa Kopacz, Esther de Lange, Peter Liese, Norbert Lins, Marian-Jean Marinescu, Liudas Mažylis, Dolors Montserrat, Marlene Mortler, Ljudmila Novak, Francesca Peppucci, Stanislav Polčák, Jessica Polfjård, Christine Schneider, Maria Spyraiki, Pernille Weiss
Renew	Pascal Canfin, Catherine Chabaud, Ilana Cicurel, Lucia Ďuriš Nicholsonová, Jan Huitema, Max Orville, Erik Poulsen, María Soraya Rodríguez Ramos, Emma Wiesner, Michal Wiezik
S&D	João Albuquerque, Attila Ara-Kovács, Maria Arena, Delara Burkhardt, Mohammed Chahim, Estrella Durá Ferrandis, Cyrus Engerer, Heléne Fritzon, Romana Jerković, César Luena, Pedro Marques, Alessandra Moretti, Nikos Papandreou, Marcos Ros Sempere, Günther Sidl, Achille Variati, Petar Vitanov
The Left	Malin Björk, Clare Daly, Marisa Matias, Marina Mesure, Silvia Modig, Mick Wallace
Verts/ALE	Margrete Auken, Michael Bloss, Malte Gallée, Martin Häusling, Yannick Jadot, Ska Keller, Erik Marquardt, Ville Niinistö, Grace O'Sullivan, Jutta Paulus

3	-
ECR	Teuvo Hakkarainen
ID	Sylvia Limmer
Renew	Ondřej Knotek

5	0
ID	Mathilde Androuët, Aurélia Beigneux, Virginie Joron
NI	Ivan Vilibor Sinčić
Renew	Andreas Glück

Key to symbols:

+ : in favour

- : against

0 : abstention