

Format for the Protocol on Pollutant Release and Transfer Registers Implementation Report in accordance with Decision I/5 (ECE/MP.PRTR/2010/2/Add.1)

CERTIFICATION SHEET

The following report is submitted on behalf of

Malta

Name of officer responsible for submitting the national report:	Perit Michelle Piccinino – Director Environment and Resources Authority
Signature:	
Date:	January 2020

IMPLEMENTATION REPORT

Please provide the following details on the origin of this report.

<i>Party/Signatory</i>	<i>Malta</i>
NATIONAL FOCAL POINT	
Full name of the institution:	Environment and Resources Authority
Name and title of officer:	Aimee Brincat – Deputy Director (Environment & Resources)
Postal address:	Hexagon House, Spencer Hill, Marsa, MRS 1441 Malta
Telephone:	+356 2292 3500
Fax:	N/A
E-mail:	eptr@era.org.mt
<i>Contact officer for national report (if different):</i>	
Full name of the institution:	Environment and Resources Authority
Name and title of officer:	Mark O'Neill – Senior Officer (Permitting)
Postal address:	Hexagon House, Spencer Hill, Marsa, MRS 1441 Malta
Telephone:	+356 2292 3500
Fax:	N/A
E-mail:	eptr@era.org.mt
<i>Designated competent authority responsible for managing the national or regional register (if different):</i>	
Full name of the institution:	N/A
Name and title of officer:	N/A
Postal address:	N/A
Telephone:	N/A
E-mail:	N/A

Provide a brief description of the process by which this report has been prepared, including information on which types of public authorities were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account and on the material which was used as a basis for preparing the report.

Answer:

The implementation report has been prepared by the Environment and Resources Authority (ERA), which is the national Competent Authority responsible for the implementation of the PRTR Protocol. The material and data used for this report consists of the current procedures in place under the EU E-PRTR Regulations. The report was published for a consultation of 4 weeks, and comments received were noted and taken into consideration in this report, where applicable. The entities consulted consist of public authorities, apart from the general public.

Articles 3, 4 and 5

List legislative, regulatory and other measures that implement the general provisions in articles 3 (general provisions), 4 (core elements of a pollutant release and transfer register system (PRTR)) and 5 (design and structure).

In particular, describe:

- (a) With respect to **article 3, paragraph 1**, measures taken to ensure the implementation of the provisions of the Protocol, including enforcement measures;

Answer:

Prior to Malta's Accession to the PRTR Protocol, Malta had implemented the PRTR protocol through the application of Regulation 166/2006/EC of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Regulations and amending Council Directives 91/689/EEC and 96/61/EC, transposed at a national level through the European Pollutant Release and Transfer Register Reporting Obligations Regulations (S.L. 549.47).

The deadline by which operators are required to report their data related to transfer and releases of pollutants is stipulated through S.L. 549.47 (Article 2 in accordance with Article 5 of the Regulation EC 166/2006). In terms of enforcement, S.L. 549.47 also stipulates the penalties that operators may incur should they fail to provide the required information by the set deadline (Article 4 in accordance with Article 20 of Regulation EC166/2006).

In addition, Article 3 of the European Pollutant Release and Transfer Register Reporting Obligations Regulations (S.L. 549.47) obliges operators to follow the guidelines established in the latest version of the "*Guidance document for the implementation of the European PRTR*", published by the Secretariat of the PRTR Protocol and any reporting template published by the Competent Authority. The reporting template was published in the Government Gazette of 7 February 2017, Government Notice number 138 of 2017 and is publicly available at the following link

(<http://era.org.mt/en/Pages/Environmental-Permitting-Application-Forms.aspx>).

- (b) With respect to **article 3, paragraph 2**, measures taken to introduce a more extensive or more publicly accessible PRTR than required by the Protocol;

Answer:

The European Pollutant Release and Transfer Register Reporting Obligations Regulations (S.L. 549.47) are publicly available at

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11558&l=1> and on the Environment and Resources Authority (ERA) web site at <https://eracms.gov.mt/en/Pages/S-L-549-47-European-Pollutant-Release-and-Transfer-Register-Reporting-Obligations-Regulations.aspx>

The Environment and Resources Authority (ERA) as the Competent Authority maintains a website with updated information regarding E-PRTR and Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) (<http://era.org.mt/en/Documents/GUIDELINES%20PUBLIC%20AUTHORITIES.pdf>).

Data on releases and transfers from installations that fall under the remit of the PRTR Protocol in Malta has been compiled by ERA and is available free of charge online at <http://prtr.ec.europa.eu/#/facilitylevels>. Moreover, the Competent Authority also makes the data contained in the European PRTR register available upon request in accordance with the provisions of the Freedom of Access of Information on the Environment Regulations (S.L. 549.39). The aforementioned Regulations allow any member of the public to request environmental information held by public authorities without having to state reasons for the request, and ERA, as the Competent Authority thereunder, is obliged to act in a timely manner.

(c) With respect to **article 3, paragraph 3**, measures taken to require that employees of a facility and members of the public who report a violation by a facility of national laws implementing this Protocol to public authorities are not penalized, persecuted or harassed for their actions in reporting the violation;

Answer:

The Whistleblower Act (Chapter 527 of the Laws of Malta) safeguards employees of a facility who report a violation in good faith from any detrimental action on account of having made a protected disclosure, subject to the exceptions stated in the Act.

(d) With respect to **article 3, paragraph 5**, whether the PRTR system has been integrated into other reporting mechanisms and, if such integration has been undertaken, into which systems. Did such integration lead to elimination of duplicative reporting? Were any special challenges encountered or overcome in undertaking the integration, and how?

Answer:

The European Pollution Release and Transfer Register (E-PRTR) reports for installations listed in Annex 1 of EC Regulation 166/2006 are submitted as part of the Annual Environmental Report, by end of March of each year, in accordance with the National Legislation. Installations are required to report all quantities, even when these do not exceed the thresholds mentioned in EC Regulation 166/2006. The format used for reporting is in accordance with S.L. 549.47. The reporting obligations are stipulated in the installation's IPPC permits issued by the Competent Authority. For permitted non-IPPC sites (e.g. shipyards and fish farms) only pollutants above threshold need to be reported although such facilities are encouraged to report even when the thresholds are not exceeded.

(e) With respect to **article 5, paragraph 1**, how releases and transfers can be searched and identified according to the parameters listed in subparagraphs (a) to (f);

Answer:

S.L. 549.47 sets out the requirements for operators to follow the guidelines established in the latest version of the "Guidance document for the implementation of the European PRTR", published by the Secretariat of the

<p>PRTR Protocol and any reporting template published by the Competent Authority. These guidelines and the reporting template ensure that each report facility includes with its reporting, data on the parameters listed in subparagraphs (a) to (f). Data held on the register can thus be searched and identified according to these parameters.</p> <p>Data on releases and transfers from installations that fall under the PRTR remit are published on the European PRTR website; http://prtr.ec.europa.eu/#/facilitylevels. The online application allows data on releases and transfers to be searched and identified according to the parameters listed in subparagraphs (a) to (f). Links on the Authority's website that lead to the European website where the data is published are readily available and accessible to the public.</p>	
(f)	<p>With respect to article 5, paragraph 4, provide the Universal Resource Locator (url) or Internet address where the register can be continuously and immediately accessed, or other electronic means with equivalent effect;</p> <p>Answer: The release and transfer data, reported by installations falling under the PRTR remit, is collected by Environment and Resources Authority (the national Competent Authority) and uploaded on the E-PRTR on-line portal: http://prtr.ec.europa.eu/#/facilitylevels. The portal provides the electronic means for ease of public access of the register information.</p>
(g)	<p>With respect to article 5, paragraphs 5 and 6, provide information on links from the Party's register to relevant existing, publicly accessible databases on subject matters related to environmental protection, if any, and a link to PRTRs of other Parties.</p> <p>Answer: The E-PRTR on-line portal: http://prtr.ec.europa.eu/#/facilitylevels contains links to existing, publicly accessible databases on subject matters related to environmental protection and the PRTRs of other Parties. ERA, which is the national entity responsible for the implementation of the PRTR protocol, is also the Competent Authority for the protection of the environment. ERA provides relevant information to the national agency responsible for information and communications technology (MITA). PRTR data is available on MITA's geoportal: https://msdi.data.gov.mt/geoportal.html</p>

Article 7

List legislative, regulatory and other measures that implement article 7 (reporting requirements).	
Describe or identify as appropriate:	
(a)	<p>With respect to paragraph 1, whether the reporting requirements of paragraph 1 (a) are required by the national system, or whether those of paragraph 1 (b) are required by the national system;</p> <p>Answer: In accordance with the national system, facility operators are obliged to report as per Article 7 paragraph 1 (a).</p>
(b)	<p>With respect to paragraphs 1, 2 and 5, whether it is the owner of each individual facility that is required to fulfil the reporting requirements or whether it is the operator;</p>

<p>Answer: According to the European Pollutant Release and Transfer Regulations (EC 166/2006), it is the operator that has the legal obligation of submitting the required information. This requirement is also transposed in Maltese Legislation via S.L. 549.47.</p>
<p>(c) With respect to paragraph 1 and annex I, any difference between the list of activities for which reporting is required under the Protocol, or their associated thresholds, and the list of activities and associated thresholds for which reporting is required under the national PRTR system;</p> <p>Answer: Malta is compliant with the requirements of the Protocol. The national PRTR system, as laid down in S.L. 549.47, follows the E-PRTR system (Regulation EC 166/2006) which includes additional activities than those present in the Protocol, for example quarrying.</p>
<p>(d) With respect to paragraph 3 and annex II, whether for any particular pollutant or pollutants listed in annex II of the Protocol, the Party applies a type of threshold other than the one referred to in the responses to paragraph (a) above and, if so, why;</p> <p>Answer: The European Regulation (EC 166/2006) concerning the establishment of a European Pollutant Release and Transfer Register (E-PRTR) puts into force the PRTR Protocol including the pollutant thresholds as set in Annex II. Additional pollutants and some more restrictive pollutant thresholds were also included in some instances. The Regulation was transposed by S.L. 549.47. Such differences have been listed under Schedules 1 and 2 below.</p>
<p>(e) With respect to paragraph 4, the competent authority designated to collect the information on releases of pollutants from diffuse sources specified in paragraphs 7 and 8;</p> <p>Answer: The Competent Authority designated to collect information on releases of pollutants from diffuse sources as specified in paragraphs 7 and 8 is the Environment and Resources Authority (ERA).</p>
<p>(f) With respect to paragraphs 5 and 6, any differences between the scope of information to be provided by owners or operators under the Protocol and the information required under the national PRTR system, and whether the national system is based on pollutant-specific (paragraph 5 (d) (i)) or waste-specific (paragraph 5 (d) (ii)) reporting of transfers;</p> <p>Answer: There is no difference between the national requirements and that of the Protocol. The reporting requirements requested to the facility operators reflect the requirements set out by The European Regulation (EC 166/2006) concerning the establishment of a European Pollutant Release and Transfer Register (E-PRTR) as transposed by S.L 549.47. The national system is based on waste-specific [paragraph 5(d)(ii)] reporting of transfers.</p>

(g) With respect to **paragraphs 4 and 7**, where diffuse sources have been included in the register, which diffuse sources have been included and how these can be searched and identified by users, in an adequate spatial disaggregation; or where they have not been included, provide information on measures to initiate reporting on diffuse sources;

Answer:

National totals of diffuse emissions to air are reported via other obligations such as the emission inventory for the National Emission Ceilings Directive and reporting to the Convention on Long Range Transboundary Air Pollution. These emission reports are available on the Central Data Repository maintained by the European Environment Agency. With respect to availability of spatially disaggregated data, Malta is currently working on spatial mapping of emissions data for large point sources and a selection of diffuse sources.

In relation to water, the Water Catchment Management Plan includes measures such as KNO₃: Characterise and quantify hydrological input of land-based contaminants (including litter) to coastal waters from major sub-catchments and KNO₅: Carry out investigations to gauge potential contribution of contaminants to our coastal waters by atmospheric deposition which will be implemented in the near future to improve knowledge in this regard.

(h) With respect to **paragraph 8**, the types of methodology used to derive the information on diffuse sources.

Emissions to air from road transport are calculated by means of COPERT 5 (Tier 3) which is a Microsoft Windows software program developed for the calculation of emissions from the road transport sector. The emissions calculated include a number of pollutants such as CO, NO_x, VOC, PM etc. The input data required to run COPERT 5 includes environmental parameters, vehicle fleet data, fuel consumption and many other factors which are collected from a variety of authorities. Other scattered sources of emissions such as shipping and domestic heating are estimated using a basic methodology (Tier 1) based on the fuel consumed and respective emission factors which are obtained from literature.

Emissions from the aviation sector are based on data made available by EUROCONTROL.

Article 8

For each reporting cycle since the last national implementation report (or date of entry into force of the Protocol), please indicate:

(a) The reporting year (the calendar year to which the reported information relates);

(b) The deadline(s) by which the owners or operators of facilities were required to report to the competent authority;

(c) The date by which the information was required to be publicly accessible on the register, having regard to the requirements of **article 8** (reporting cycle);

(d) Whether the various deadlines for reporting by facilities and for having the information publicly accessible on the register were met in practice; and if they were delayed, the reasons for this;

(e) Whether methods of electronic reporting were used to facilitate the incorporation of the information required in the national register, and if such methods were used, the proportion of electronic reporting by facilities and any software applications used to support such reporting.

Answer:

(a) Malta acceded to this Protocol on 20 May 2016, therefore the first reporting year for Malta is officially 20th May to 15th December 2016 (Indicated deadline).

(b) This is not applicable for this reporting cycle,

(c) This is not applicable for this reporting cycle,

(d) Not applicable for this reporting cycle

(e) Not applicable for this reporting cycle

Article 9

Describe the legislative, regulatory and other measures ensuring the collection of data and the keeping of records, and establishing the types of methodologies used in gathering the information on releases and transfers, in accordance with article 9 (data collection and record-keeping).

Answer:

As required by Article 9(1) of the E-PRTR Regulation (EC 166/2006), the operator is responsible for ensuring the quality of the data. The Environment and Resources Authority (ERA) as Competent Authority, assesses the data as required by Article 9(2) of the E-PRTR Regulation.

The following are the steps of the assessment carried out by the Competent Authority with regards to the data received:

- I. Checking of the E-PRTR report submitted by each facility for completeness.
- II. Checking for differences between the previous year's report and the current report; in case of significant changes ($\geq 30\%$), a query is sent to the operator.
- III. Plausibility check: The data submitted is checked against known information regarding the installation, in particular information obtained through IPPC and Environmental Permitting systems.
- IV. In certain cases, the E-PRTR register is consulted to assess whether installations of the same type release particular substances or in the same order of magnitude.

In cases where doubt still exists, the operator is asked to provide further information, in particular raw data (e.g. analysis results) and the methodology used to calculate emission loads.

Article 10

Describe the rules, procedures and mechanisms ensuring the quality of the data contained in the national PRTR and what these revealed about the quality of data reported, having regard to the requirements of article 10 (quality assessment).

Answer:

The quality assurance and quality assessment processes indicate that overall the data is of suitable quality; however, there were instances where errors were noticed, and these were corrected as a result of this process. Other errors are more difficult to correct, because either data is estimated (instead of measured or calculated), or when extrapolating a number of measurements (discontinuous) to a load, any errors in the measurement methodology are magnified.

Where discrepancies are identified, the Competent Authority reserves the right to communicate with the operator and request clarifications. This has resulted in the identification of errors, corrections and agreement regarding methodologies to be adopted (e.g. deletion of measurements which are anomalous) -which has led to the submission of higher quality data.

In general, the methodology used in order to ensure the quality of data contained in the reports submitted by the individual facility is as follows;

- I. Checking of the E-PRTR report submitted by each facility for completeness.
- II. Checking for differences between the previous year's report and the current report; in case of significant changes ($\geq 30\%$), a query is sent to the operator.
- III. Plausibility check: The data submitted is checked against known information regarding the installation, in particular information obtained through IPPC and Environmental Permitting systems.
- IV. In certain cases, the E-PRTR register is consulted to assess whether installations of the same type release particular substances or in the same order of magnitude.

Article 11

Describe the way(s) in which public access to the information contained in the register is facilitated, having regard to the requirements of article 11 (public access to information).

Answer:

Data on releases and transfers from installations that fall under the remit of the PRTR Protocol in Malta has been compiled by ERA and is available free of charge online at the following site; <http://prtr.ec.europa.eu/#/facilitylevels>.

The Authority also makes available to the public such information in other forms other than electronic format upon request, in accordance with S.L 549.39. The latter provides that ERA must respond to requests within 30 days, unless the request is complex, and the information be provided free of charge or at a reasonable fee. Where the information contained in the register is not easily publicly accessible by direct electronic means, various Local Councils offer free computer and internet access to members of the public, while the Government has recently embarked on an initiative to provide free wireless internet in a number of public spaces.

Article 12

Where any information on the register is kept confidential, give an indication of the types of information that may be withheld and the frequency with which it is withheld, having regard to the requirements of article 12 (confidentiality). Please provide comments on practical experience and challenges encountered with respect to dealing with confidentiality claims, in particular with respect to the requirements set out in paragraph 2.

Answer:

In accordance with Article 4 of Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environment information, whenever information on a reporting facility is kept confidential, the type of information that has been withheld and the reason for which it has been withheld must be indicated during the reporting.

Regulation 7 of S.L 549.39 provides for specific instances in which a request for access to environmental information may be refused, these include:

- if the request concerns material in the course of completion or unfinished documents or data (provided that in this case, the competent authority shall state the name of the authority preparing the material and the estimated time needed for completion);
- if the request concerns internal communications, taking into account the public interest served by disclosure;
- if disclosure of the information would adversely affect:
 - a) the confidentiality of the proceedings of public authorities;
 - b) international relations, public security or national defence;
 - c) the course of justice, the ability of any person to receive a fair trial or the ability of a public authority to conduct an enquiry of a criminal or disciplinary nature;
 - d) the confidentiality of commercial or industrial information where such confidentiality is provided for by national or Community law to protect a legitimate economic interest, including the public interest in maintaining statistical confidentiality and tax secrecy;
 - e) intellectual property rights;
 - f) the confidentiality of personal data and, or files relating to a natural person where that person has not consented to the disclosure of the information to the public, where such confidentiality is provided for by national or Community law;
 - g) the interests or protection of any person who supplied the information requested on a voluntary basis without being under, or capable of being put under, a legal obligation to do so, unless that person has consented to the release of the information concerned;
 - h) the protection of the environment to which such information relates, such as the location of rare species.

In all cases, the grounds for refusal shall be interpreted in a restrictive way, taking into account for the particular case the public interest served by disclosure. In every particular case, the public interest served by disclosure shall be weighed against the interest served by the refusal.

To date, Malta has not had any request for any PRTR related data that was held to be commercially sensitive or confidential.

Article 13

Describe the opportunities for public participation in the development of the national PRTR system, in accordance with article 13 (public participation in the development of national pollutant release and transfer registers), and any relevant experience with public participation in the development of the system.

Answer:

As a general remark, ERA, as the Competent Authority responsible for the PRTR Protocol is open to suggestions on how the PRTR system can be developed. The Authority also takes on board such suggestions and makes every effort to undertake the necessary improvements when this would lead to a more user friendly and less bureaucratic system.

If the Regulations tackling the PRTR were to be amended, the Environment Protection Act (Chapter 549 of the Laws of Malta), provides that the amendments of new regulation be subject to a four week public consultation period in which any person may make representations to the Minister of the Environment or ERA stating how in his opinion the proposed regulations could be improved to reach their ultimate aim. ERA is obliged to consider any such representation in its ultimate decision.

Article 14

Describe the review procedure established by law to which all individuals have access if they consider that their request for information has been ignored, wrongfully refused or otherwise not dealt with in accordance with the provisions of article 14 (access to justice), and any use made of it.

Answer:

In case that an individual feels that his/her request for information has been ignored, wrongfully refused, is dissatisfied with the response or otherwise not dealt with in accordance with Article 14, the aggrieved individual may apply to the Information and Data Protection Commissioner as per Regulation 12 of S.L. 549.39, or have recourse to the Environment and Planning Review Tribunal as per Regulation 11A of the same S.L if the matter is of a more urgent nature. In either case, appeal procedures are in place to ensure that the aggrieved party has recourse to an effective access to justice mechanism.

To date, no such request for review has been made in relation to PRTR.

Article 15

Describe how the Party has promoted public awareness of its PRTR and provide detail, in accordance with article 15 (capacity-building), on:

(a) Efforts to provide adequate capacity-building for and guidance to public authorities and bodies to assist them in carrying out their duties under the Protocol;

(b) Assistance and guidance to the public in accessing the national register and in understanding the use of the information contained in it.

Answer:

Malta had not acceded to the PRTR Protocol for the period covered by this report, however all requirements were nonetheless being addressed. ERA ensure that adequate guidance is given to the public through the Authority's website. The Authority has also recruited another officer in the past months

whose duties also includes the responsibility of the PRTR protocol and the E-PRTR Regulation. Timely guidance to the public is given on an ad hoc basis.

Article 16

Describe how the Party has cooperated and assisted other Parties and encouraged cooperation among relevant international organizations, as appropriate, in particular:

(a) In international actions in support of the objectives of this Protocol, in accordance with **paragraph 1 (a)**;

(b) On the basis of mutual agreements between the Parties concerned, in implementing national systems in pursuance of this Protocol, in accordance with **paragraph 1 (b)**;

(c) In sharing information under this Protocol on releases and transfers within border areas, in accordance with **paragraph 1 (c)**;

(d) In sharing information under this Protocol concerning transfers among Parties, in accordance with **paragraph 1 (d)**;

(e) Through the provision of technical assistance to Parties that are developing countries and Parties with economies in transition in matters relating to this Protocol, in accordance with **paragraph 2 (c)**.

Answer:

Although Malta had not acceded to the protocol in the period covered by this report, all requirements were nonetheless being addressed in the previous years through the E-PRTR (European PRTR) Regulations. Malta collaborated with other EU member states and has shared the information on the releases and transfers from the facilities that fall under the E-PRTR Regulations. This information has been uploaded on the Central Data Repository of the European Environment Agency.

Provide any further comments relevant to the Party's implementation, or in the case of Signatories, preparation for implementation, of the Protocol. Parties and Signatories are invited to identify any challenges or obstacles encountered in setting up, gathering data for and filling in the register.

Answer:

Malta has acceded to the PRTR protocol on the 20th May 2016, however the then Malta Environment and Planning Authority and now the Environment and Resources Authority (since April 2016) have consistently collected the data required under the E-PRTR Regulations and the systems in place are adequate to provide the necessary information. The Authority looks forward to improve the efficiency of data collection in order to make it more accessible and user friendly. In fact, the new Authority is looking into ways of how to digitalise all of its processes including the possibility for each facility falling under the PRTR protocol to be able to submit its report via an electronic reporting tool. This work is in progress.

Schedule1- Additional list of pollutants included under the E-PRTR Regulations.

Pollutant	Threshold for releases (column 1)		
	To air (column 1a) kg/year	To water (column 1b) kg/year	To land (column 1c) kg/year
Octylphenols and Octylphenol ethoxylates	-	1	-
Fluoranthene	-	1	-
Isodrin	-	1	-
Hexabromobiphenyl and Benzo(g,h,i)perylene	0,1	0,1	0,1

Schedule 2- Difference in thresholds between National (E-PRTR) system and PRTR Protocol

Pollutant	National system			Protocol		
	Air	Water	Land	Air	Water	Land
PCDD + PCDF (dioxins + furans) (as Teq)	0,0001	0,0001	0,0001	0,001	0,001	0,001
Tetrachloroethylene (PER)	2000	10	-	2000	-	-
Tetrachloromethane	100	1	-	100	-	-
Trichlorobenzenes (TCBs)	10	1	-	10	-	-
Trichloroethlyene	2000	10	-	2000	-	-
Trichloromethane	500	10	-	500	-	-