

**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 Germany

[name of the Party or the Signatory] in accordance with decision I/5

Name of officer responsible for submitting the national report:	Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection Dr. Barbara Freund, Head of Unit C I 2
Signature:	18.12.2024
Date:	BEF

**IMPLEMENTATION REPORT**

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

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**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:**

This forth implementation report has been prepared mainly by the German Environment Agency (UBA), the authority responsible for establishing and running the German PRTR. The German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety coordinated the report with other government departments.

**Participation of public institutions:** The report is based on the analysis of the reporting periods to date by the German Environment Agency.

**Public participation und taking into account the outcome:** Public participation was an element in drawing up the implementation report. From 25 July to 9 October 2024, the questionnaire including explanations in German was published on the German PRTR website [www.thru.de](http://www.thru.de). On 25 July 2024, an article was published on this website's homepage calling for public participation in the preparation of the German implementation report. From then on, comments could be send to [thru.de@uba.de](mailto:thru.de@uba.de).

On 25 July, the first draft version of the report was also published on the portal (<https://thru.de/downloads/>) for the public to download and comment. In order to facilitate the consultation and to make the questionnaire more understandable, further explanatory and background information were added to the draft.

The first draft of this implementation report was announced by:

- An article on the homepage of [www.thru.de](http://www.thru.de) entitled "Geben Sie uns Rückmeldung!"
- Teaser on the Ministry's homepage

- Teaser on the agency's homepage

During the 11 weeks of consultations, the public could send comments and suggestions on the draft report to [thru@uba.de](mailto:thru@uba.de). The deadline for comments had been set to 9 October 2024. No comments were received that would have required changes.

### Articles 3, 4 and 5

<p><b>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).</b></p>
<p>In particular, describe:</p>
<p>(a) With respect to <b>article 3, paragraph 1</b>, measures taken to ensure the implementation of the provisions of the Protocol, including enforcement measures;</p>
<p>(b) With respect to <b>article 3, paragraph 2</b>, measures taken to introduce a more extensive or more publicly accessible PRTR than required by the Protocol;</p>
<p>(c) With respect to <b>article 3, paragraph 3</b>, 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 penalised, persecuted or harassed for their actions in reporting the violation;</p>
<p>(d) With respect to <b>article 3, paragraph 5</b>, 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?</p>
<p>(e) With respect to <b>article 5, paragraph 1</b>, how releases and transfers can be searched and identified according to the parameters listed in subparagraphs (a) to (f);</p>
<p>(f) With respect to <b>article 5, paragraph 4</b>, 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>

(g) 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.

**Answer to a)**

The EU is a separate party to the Protocol and as such obliged to establish a PRTR. To this end, the EC (as it was at the time) in 2006 adopted the European Regulation on the establishment of a European Pollutant Release and Transfer Register.<sup>1</sup> The European PRTR-Regulation ("E-PRTR Regulation") establishes a *European* PRTR and is directly applicable to the authorities and citizens of the EU's Member States. The same applies to Regulation (EU) 2019/1010<sup>2</sup> to align environmental reporting within the EU, to the Implementing Decision (EU) 2019/1741<sup>3</sup> that established format and frequency of reporting to the E-PRTR as well as to the Implementing Decision (EU) 2022/142<sup>4</sup> that provides for the reporting on production volume, all of which amended the E-PRTR Regulation.

Therefore, Germany falls under both an international legal obligation, the PRTR-Protocol, to establish a *German* PRTR as well as a separate European legal obligation, the E-PRTR Regulation, to collect the German data for the *European* PRTR and to report it to the EU.

Both obligations are implemented by the German Law on the Implementation of the Protocol on Pollutant Release and Transfer Registers of 21 May 2003 and the Implementation of Regulation (EC) 166/2006 of 6 June 2007<sup>5</sup> ("German Law on PRTR", SchadRegProtAG). It establishes the German PRTR and determines how the German data for the European PRTR is collected and reported to the EU. The German law on PRTR has been changed on 9 December 2020<sup>6</sup> to account for the legal changes at the European level (Amending Law on PRTR - SchadRegProtAG-ÄndG).

The German PRTR is available free of charge at [www.thru.de](http://www.thru.de).

In order to avoid duplicating reporting obligations, data is collected only once and then included in the national PRTR and reported to the European one. As the E-PRTR Regulation regulates the data collecting and reporting by operators, the German Law on PRTR builds on the E-PRTR Regulation

<sup>1</sup> 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, last amended by Regulation (EU) No 2019/1243

<sup>2</sup> 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

<sup>3</sup> Commission Implementing Decision (EU) 2019/1741 of 23 September 2019 establishing the format and frequency of data to be made available by the Member States for the purposes of reporting under Regulation (EC) No 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC

<sup>4</sup> Commission Implementing Decision (EU) 2022/142 of 31 January 2022 amending Implementing Decision (EU) 2019/1741 as regards the reporting on production volume and correcting that Implementing Decision

<sup>5</sup> Law on the Implementation of the Protocol on Pollutant Release and Transfer Registers of 21 May 2003 and the Implementation of Regulation (EC) 166/2006 of 6 June 2007

<sup>6</sup> Law (of 9 December 2020) to change the Law on the Implementation of the Protocol on Pollutant Release and Transfer Registers of 21 May 2003 and the Implementation of Regulation (EC) 166/2006 of 6 June 2007

and refers to its provisions to a large extent to avoid duplication or inconsistent rules. The German Law on PRTR, therefore, does not contain new reporting obligations. However, it contains rules on the competent authorities, procedures and formalities as well as provisions regarding the protection of whistleblowers, confidentiality of data, penalties and transitional provisions.

Germany is a federal state with competences allocated between the federal level and the states („Länder“) level. The PRTR involves competent authorities at state level as well as the German Environment Agency at the federal level. The competent authorities at state level (a list of which can be provided upon request) receive the data reported by the operators, assess and forward them to the German Environment Agency. Some of the federal states have adopted their own respective rules in this regard. The German Environment Agency also assesses the data, compiles the German dataset from the reports of each federal state, publishes it in the German PRTR and forwards it to the EU for publication in the European PRTR.

In May 2024, EU's new Industrial Emissions Portal Regulation (EU) 2024/1244<sup>7</sup> entered into force, repealing the E-PRTR Regulation with effect from 1 January 2028 and therefore applying for reporting years 2027 onwards.

#### ***Answer to b)***

The German PRTR is more extensive than required by the Protocol. It complies with the requirements of the European PRTR, which in comparison to the Protocol contains information on additional pollutants.

In addition, the German PRTR features better public availability than required by the Protocol. The website can be accessed by anyone free of charge and contains the following features in addition to the requirements of the Protocol:

- Search results in electronic format and for download
- extended search features such as:
  - map search
  - overview search (emissions in short)
  - proximity search which is the accessibility counterpart to the map search
  - search for data marked as confidential and the reasons for confidentiality (see also article 12 below)
  - optional data (e.g. operating hours), operator information for the public
- edited information such as top issue and news
- background documents and information (FAQ, top issues, evaluation)
- download of the whole PRTR dataset as an SQLite database and in different formats (xlsx, csv, ods)

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<sup>7</sup> Regulation (EU) 2024/1244 of the European Parliament and of the Council of 24 April 2024 on reporting of environmental data from industrial installations, establishing an Industrial Emissions Portal and repealing Regulation (EC) No 166/2006

- high standards of user friendliness
- requirements for accessibility of the PRTR
- comprehensive Legal Commentary as supporting document for operators and competent authorities on both the German Law on PRTRs as well as the E-PRTR Regulation
- yearly revised overview on emissions of every pollutant covered by PRTR sine 2007
- yearly revised articles on emissions from the production and processing of metals and from combustion plants
- yearly reports on the newest available PRTR data

The German PRTR at [www.thru.de](http://www.thru.de) had been technically updated in June 2024. A translation to English is possible by using web-based translation tools.

***Answer to c)***

The protection of whistleblowers is implemented by the statutory provisions in section 4 of the Law on PRTR. Employees may not be penalized or incur other disadvantages by operators for reporting specific indications of violations of pertinent rules. In addition, any reporting person is protected from being penalized by competent authorities.

***Answer to d)***

The Germany PRTR is integrated with other reporting systems and thereby avoids duplicated reporting of data on releases and transfers to a large extent. It is part of the German federal government's e-government initiative and contributes to reducing red tape. The German PRTR has been the first electronic end-to-end process chain implemented in Germany in 2009. Together with the PRTR, additional reporting obligations to three emission regulations (the 11<sup>th</sup>, 13<sup>th</sup> and 17<sup>th</sup> Federal Immission Control Ordinances - BImSchV) and to the EU Registry according to Implementing Decision (EU) 2018/1135<sup>8</sup> are integrated in the data collecting and management system called "BUBE" ("Betriebliche Umweltdatenberichterstattung"). From 2022 to 2024, BUBE had been redeveloped while keeping existing reporting mechanisms.

Data is being collected based on a master data module serving as the common basis for the PRTR, the 11<sup>th</sup>, 13<sup>th</sup> and 17<sup>th</sup> Federal Immission Control Ordinances as well as the EU Registry. The annual PRTR report is generated by the operator itself by using the PRTR module of BUBE.

Harmonized interfaces have been installed. A further step towards creating synergies is to harmonize calculation methods for certain reporting obligations as well as to elaborate and provide emission factors for certain releases. These measures improved the quality of the test routines and test reports. BUBE also features a number of automated quality assurance mechanisms.

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<sup>8</sup> Commission Implementing Decision (EU) 2018/1135 of 10 August 2018 establishing the type, format and frequency of information to be made available by the Member States for the purposes of reporting on the implementation of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions

Further synergies are achieved with other reporting procedures, e.g. under the European Emissions Trading System (ETS), the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the EU Urban Waste-water Treatment Directive (UWWTD), the EU Regulation on Persistent Organic Pollutants (POP) and the Stockholm Convention as well as the Geneva Convention on Long-range Transboundary Air Pollution (CLRTAP).

Since 2018, thematic data on both large combustion plants as well as PRTR facilities are being reported in one reporting flow.

**Answer to e)**

The public can search data from the German PRTR at [www.thru.de](http://www.thru.de) by various criteria. There is a geographic search in an interactive map, an advanced search by several criteria, an overview search (emissions in short) and a barrier-free accessible proximity search. In addition, the whole dataset can be downloaded as an SQL database.

The search function includes criteria such as: reporting year, name of the facilities, address (postcode or name of the town), owner / operator, parent company, sector, activity, pollutant, media (air, water, soil), waste (hazardous / non-hazardous waste), state to which hazardous waste was being transferred, waste water.

Currently, work is being done to incorporate data on large combustion plants on [www.thru.de](http://www.thru.de).

In addition to these criteria required by the Protocol, the following search criteria are also included: confidentiality, river basin district, federal state (Länder), main-activity/non-main activity, NACE-code (code number or name), group of pollutants, method of calculation (calculation measurement or estimation), total or accidental pollutant releases.

The search results can be presented sorted by name of the facilities or by federal state, waste amount or pollutant amount. The map search provides five zoom levels, from a single facility to an overview for federal states or counties. Searching is possible by facility or address.

**Answer to f)**

Since 3 June 2009, the German PRTR is available free of charge via the internet, since 2012 at [www.thru.de](http://www.thru.de).

The German Wikipedia entry for „pollutant register“ also provides a link to the German PRTR.

**Answer to g)**

The German PRTR has a page containing numerous links, grouped by (1) PRTR of other countries and of the EU, (2) thematically related websites of the federal and Länder governments and (3) further links related to environmental information and PRTR: <https://thru.de/links/>. At <https://thru.de/thrude/projekte-international/>, information is included on the support of Germany to other countries from 2011 to 2024.

In addition, relevant links to specific topics are provided. The German PRTR website does not have direct access to other databases.

## Article 7

<b>List legislative, regulatory and other measures that implement article 7 (reporting requirements).</b>
Describe or identify as appropriate:
(a) With respect to <b>paragraph 1</b> , 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;
(b) With respect to <b>paragraphs 1, 2 and 5</b> , whether it is the owner of each individual facility that is required to fulfil the reporting requirements or whether it is the operator;
(c) With respect to <b>paragraph 1 and annex I</b> , 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;
(d) With respect to <b>paragraph 1 and annex II</b> , any difference between the list of pollutants for which reporting is required under the Protocol, or their associated thresholds, and the list of pollutants and associated thresholds for which reporting is required under the national PRTR system;
(e) With respect to <b>paragraph 3 and annex II</b> , 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;
(f) With respect to <b>paragraph 4</b> , the competent authority designated to collect the information on releases of pollutants from diffuse sources specified in paragraphs 7 and 8;
(g) With respect to <b>paragraphs 5 and 6</b> , 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;
(h) With respect to <b>paragraphs 4 and 7</b> , 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;
(i) With respect to <b>paragraph 8</b> , the types of methodology used to derive the information on diffuse sources.
<b>Answer to a)</b>
Germany opted for a 1:1 implementation of the E-PRTR Regulation and has therefore, like the EU, chosen the capacity threshold in accordance with article 7, paragraph 1 (a). The German Law on PRTR fully refers to article 5 of the directly applicable E-PRTR Regulation. The capacity

thresholds are determined in Annex I and the thresholds for releases in Annex II of the E-PRTR Regulation.

**Answer to b)**

Like the EU, Germany requires the operator to fulfil the reporting requirements. Although the owner is not subject to a reporting obligation, the Law on PRTR requires the operator to report the name of the owner of the respective facility. This facilitates searching and increases transparency.

**Answer to c)**

For the activity 3 b -opencast mining-, Germany imposes a stricter reporting obligation than the Protocol as it introduces a reporting obligation for quarries above 25 hectares. This is due to the respective requirement in the E-PRTR Regulation. Apart from this, there are no further deviations.

**Answer to d)**

Due to the requirements of the E-PRTR Regulation, Germany deviates from the Protocol in the following respects, all of which extend the PRTR:

- additional substances: No. 87 Octylphenols and Octylphenol ethoxylates - threshold in water 1 kg/yr; No. 88 Fluoranthene threshold in water 1 kg/yr; No. 89 Isodrin - threshold in water 1 kg/yr; No. 90 Hexabromobiphenyl - threshold in air 0,1 kg/yr, threshold in water 0,1 kg/yr and threshold in soil 0,1 kg/yr; No. 91 Benzo(g,h,i)perylene - threshold in water 1 kg/yr;
- lower threshold values for releases: substance No. 47 PCDD + PCDF (dioxins + furans) - threshold in air, water and soil 0,0001 kg/yr respectively (lowered by factor 10 compared to PRTR Protocol);
- additional threshold values for releases to water: No 52 Tetrachloroethylene (PER) - threshold in water 10 kg/yr; No. 53 Tetrachloromethane (TCM) - threshold in water 1 kg/yr; No. 54 Trichlorobenzenes (TCBs) (all isomers) - threshold in water 1 kg/yr; No. 57 Trichloroethylene - threshold in water 10 kg/yr; No. 58 Trichloromethane - threshold in water 10 kg/yr;
- it is possible for operators to additionally, and on a voluntary basis, report the amount of non-biogen CO<sub>2</sub> as a share of releases of the pollutant CO<sub>2</sub>.

**Answer to e)**

Germany has not determined any deviating threshold under article 7 paragraph 3.

**Answer to f)**

The Federal Environment Agency is the competent authority as determined by the Law on PRTR.

**Answer to g)**

The German PRTR fulfils all the requirements of article 7 paragraphs 5 and 6 (see answer to question d).

Like the EU, Germany has chosen a waste-specific approach in accordance with article 7 paragraph 5 (d) (ii).

***Answer to h)***

The German Law on PRTR requires the German Environment Agency to include in the PRTR releases from diffuse sources that are available in adequate geographical detail at the competent federal and state level authorities and that can be included in a practical manner. At present, the German PRTR includes emissions to air (CO, CO<sub>2</sub>, NMVOC, NO<sub>x</sub>, PM10) from diffuse sources that cover the sectors transport, agriculture and households. Currently available at <https://diffuse-quellen.de/> is data for the years 2008, 2012, 2016 and 2018; the grid dimension is 3x3 km. The integration of data for 2020 and 2022 is being investigated

***Answer to i)***

The data is based on GRETA, a tool of the German Environment Agency to determine the spatial distribution of emissions. These data are expected to be updated every two years.

**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 to a)***

The EU is a separate party to the Protocol and established, as the former European Community (EC), a European PRTR through a European regulation as early as 2006 (see answers to questions relating Articles 3, 4 and 5). Since the Protocol entered into force in October 2009, the German PRTR provides data for the reporting years 2007 to 2022.

***Answer to b)***

The Amending German Law on PRTR sets new deadlines for reporting data from the facilities to the competent authority. The reports have to be submitted at the latest by 30 April of the year following the reporting year. The deadline can be extended until 31 May upon application and on a case by case basis, provided that this does not negatively affect the reporting of the data to the European Commission for the E-PRTR. The application has to be submitted by the operator by 31 March.

***Answer to c)***

The Amending German Law on PRTR requires the German Environment Agency to publish the information in the PRTR at the latest 13 months after the end of the reporting year.

***Answer to d)***

The reports by facilities and federal states are within the deadlines and reliable. The German Environment Agency complies with the deadline for publishing the data in the German PRTR. In exceptional cases the publication was delayed due to adjustments to changed requirements (see answer to question 12).

***Answer to e)***

In order to facilitate reporting by operators, a cooperation between the federal level and the federal states jointly redeveloped and financed the reporting software BUBE ("Betriebliche Umweltdatenberichterstattung") which is online since 5 April 2024. The reporting software integrates other reporting obligations besides the PRTR (see answers to Articles 3, 4 and 5).

The software is based exclusively on open source components. It is available online and the operators who are required to report receive their respective access code from the competent authorities. The software implements a seamless electronic reporting chain, without media discontinuity, from the operators to the German Environment Agency and into the German PRTR as well as to the EU and into the E-PRTR. The data entered by the operators is validated and quality-checked by both integrated quality check routines and by the competent authorities and then transferred to the German Environment Agency via the respective authorities at state level. The software has XML interfaces for integrating the data into the German PRTR and for providing the data to the EU. There is no reporting in paper format at any stage.

**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:***

Article 5 paragraphs 3, 4 and 5 of the E-PRTR Regulation, which is directly applicable in Germany, imposes an obligation on operators that is virtually identical to Article 9 paragraph 1 of the Protocol. The competent authorities

usually know from the permit procedures which facilities are subject to the reporting requirements.

Pursuant to Article 5 paragraph 1 sentence 1 of the E-PRTR Regulation, the collection of data has to be based on measurement, calculation or estimation. Operators are required to report which of these procedures were applied.

According to Article 5 paragraph 1 sentence 3 of the E-PRTR Regulation, if data is reported based on measurement or calculation, the analytical method and/or the method of calculation shall be reported. References to relevant procedures are contained in guidelines that were commonly agreed on within the EU.

It is an administrative offence under paragraph 7 of the Amending German Law on PRTR to intentionally or negligently

- fail to report, to report incorrect or incomplete data or to report not on time; or
- fail to keep the data available, or keep available incomplete data or not as long as required.

## 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 rules on quality assurance are provided in the E-PRTR Regulation which is directly applicable in Germany. As Germany uses the data collected both for the E-PRTR and the German PRTR, the same rules apply for the German PRTR. Thus, the quality assurance requirements primarily apply to operators, but also the authority.

Operators are obliged to ensure the quality of data (see also answer to Article 9). Facilities that are subject to the reporting obligation submit their data to the competent federal state authorities using the reporting software BUBE. The reporting software facilitates the quality assurance by providing many check routines which verify the data for completeness, consistency and credibility. For a number of activities, media and pollutants, the software provides emission factors to which operators can resort to in the absence of better information on emissions. For example, these factors are available for heavy metal emissions from urban waste water treatment plants or for ammoniac (NH<sub>3</sub>) for intensive livestock farming.

The E-PRTR Regulation imposes obligations regarding quality assurance on the competent authorities as well. The competent authorities check the quality of data before they pass on the information to the German Environment Agency. In particular, they are required to consider the completeness, consistency and credibility of the data. For this purpose, they draw on, inter alia, the check routines of the reporting software, permit data, air data from the emissions declaration and the emission report under the 11<sup>th</sup>, 13<sup>th</sup> and 17<sup>th</sup> Federal Immission Control Ordinances, water data from administrative supervision and self-monitoring as well as on waste data from the waste monitoring system ASYS.

In addition, the German Environment Agency also checks the data for completeness, consistency and syntax. Consistency is also checked by automatic outlier tests and comparison with data from previous years.

All emission factors used for the PRTR reporting have been revised in 2021 and 2022, e.g.:

- emission factors for carbon dioxide (CO<sub>2</sub>) regarding waste combustion, sewage sludge incineration,
- emission factors for carbon dioxide (CO<sub>2</sub>) regarding industrial processes,
- emission factors for heavy metals used for calculation of annual loads of wastewater treatment plants.

In cooperation with colleagues from federal states, the German Environment Agency revised a guideline on the calculation of annual loads in waste water treatment plants for PRTR reporting ("Leitfaden zur Berechnung von Stofffrachten im Abwasser für die PRTR-Berichterstattung") in 2022. This guideline was published and thus supports operators and competent authorities.

In 2021, the German Environment Agency, based on an expertise, has calculated an emission factor for PM10 emissions from opencast coal mining facilities and provided it to operators and competent authorities.

## 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:***

In Germany, the Law on PRTR stipulates an internet access free of charge to the PRTR. The website is directly accessible without any registration or application.

## 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:***

The Amending German Law on PRTR provides rules concerning the confidentiality of information in the German PRTR. Paragraph 5 of the Law on PRTR refers to the reasons for confidentiality of Article 12 of the PRTR Protocol while leaning on the German Environmental Information Law that transposes into German law both the EU Environmental Information

Directive 2003/4/EG<sup>9</sup> and the provisions of the UNECE Aarhus Convention. The confidentiality reasons „personal data“ and „confidentiality of commercial or industrial information “ are not applicable to information on pollutant releases, cf. paragraph 5 section 3, sentence 2 of the Law on PRTR.

In principle, information can be marked confidential provided that reasons for confidentiality are given by the operator and that confidentiality is not claimed for pollutant releases themselves. With the Amending Law on PRTR, the new provisions of the E-PRTR on confidentiality are being transposed whereas confidential information is to be marked as such and will not be made public while still being reported from the operator and the competent authorities to both the German Environment Agency and the EU.

The competent authority has to check ex officio whether one of the reasons for confidentiality applies and whether it is outweighed by the public interest to disclose the information. If an operator claims confidentiality, it will be crucial to what extent the respective authority considers a detailed substantiation necessary and sufficient. An important element in assessing confidentiality is whether the data is already available to the public, e.g. as part of a permit procedure. The legal assessment is more difficult where confidentiality is based on basic constitutional rights.

If the competent authority considers that the public interest to disclose the information prevails, certain procedural safeguards apply in order to protect the person concerned. For instance, the information may be made public in the PRTR only after a hearing.

Individual operators have relied on these provisions in recent years. While the number of confidentiality claims is constantly low in absolute numbers, it has been increasing in recent years. The following tables provide an overview of the reasons for confidentiality claimed in 2007 to 2022 („FA“ means facilities).

In these tables, the number of confidentiality cases for a certain reporting year may differ from the number given in the previous national implementation reports. Competent authorities, in dialogue with the operators, strive for best possible solutions in order to reduce the number of cases of confidentiality. Operators may reverse originally claimed confidentiality and publish all data.

<b>Year 2007</b>	<b>number</b>	<b>reason for confidentiality</b>
facilities	7 FA	confidentiality of commercial or industrial information
release	1 FA	adverse effects on the course of justice (1 FA)
activities	18 FA	all FA referred to several reasons

<sup>9</sup> 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

transfer waste water	1 FA	infringement of intellectual property rights
waste	75 FA	confidentiality of commercial or industrial information
<b>Year 2008</b>		
<b>Year 2008</b>	<b>number</b>	<b>reason for confidentiality</b>
facilities	3 FA	confidentiality of commercial or industrial information (2 FA), adverse effects on the course of justice (1 FA)
release	1 FA	infringement of intellectual property rights
activities	1 FA	confidentiality of commercial or industrial information
transfer waste water	1 FA	infringement of intellectual property rights
waste	54 FA	confidentiality of commercial or industrial information
<b>Year 2009</b>		
<b>Year 2009</b>	<b>number</b>	<b>reason for confidentiality</b>
facilities	3 FA	confidentiality of commercial or industrial information (2 FA), adverse effects on the course of justice (1 FA)
release	1 FA	infringement of intellectual property rights
activities	2 FA	confidentiality of commercial or industrial information (1 FA), infringement of intellectual property rights
transfer waste water	1 FA	infringement of intellectual property rights (1 FA)
waste	53 FA	confidentiality of commercial or industrial information
<b>Year 2010</b>		
<b>Year 2010</b>	<b>number</b>	<b>reason for confidentiality</b>
facilities	-	-
release	1 FA	infringement of intellectual property rights
activities	2 FA	commercial and industrial information (1 FA), infringement of intellectual property rights (1 FA)
transfer waste water	-	-

waste	46 FA	confidentiality of commercial or industrial information
<b>Year 2011</b>		
<b>Year 2011</b>	<b>number</b>	<b>reason for confidentiality</b>
facilities	1 FA	disclosure of personal data
release	1 FA	infringement of intellectual property rights
activities	1 FA	infringement of intellectual property rights
transfer waste water	-	-
waste	42 FA	confidentiality of commercial or industrial information

<b>Year 2012</b>	<b>number</b>	<b>reason for confidentiality</b>
facilities	-	-
release	1 FA	infringement of intellectual property rights
activities	1 FA	confidentiality of commercial or industrial information
transfer waste water	2 FA	confidentiality of commercial or industrial information
waste	37 FA	confidentiality of commercial or industrial information

<b>Year 2013</b>	<b>number</b>	<b>reason for confidentiality</b>
facilities	2 FA	international relations and public security or national defence
release	1 FA	infringement of intellectual property rights
activities	-	-
transfer waste water	-	-
waste	35 FA	confidentiality of commercial or industrial information

<b>Year 2014</b>	<b>number</b>	<b>reason for confidentiality</b>
facilities	--	

release	1 FA	infringement of intellectual property rights
activities	-	-
transfer waste water	-	-
waste	38 FA	confidentiality of commercial or industrial information

<b>Year 2015</b>	<b>number</b>	<b>reason for confidentiality</b>
facilities	1 FA	confidentiality of commercial or industrial information
release	1 FA	infringement of intellectual property rights
activities	-	-
transfer waste water	-	-
waste	33 FA	confidentiality of commercial or industrial information

<b>Year 2016</b>	<b>number</b>	<b>reason for confidentiality</b>
facilities	1 FA	international relations and public security or national defence
release	1 FA	infringement of intellectual property rights
activities	-	-
transfer waste water	-	-
waste	54 FA	confidentiality of commercial or industrial information

<b>Year 2017</b>	<b>number</b>	<b>reason for confidentiality</b>
facilities	3 BA	confidentiality of commercial or industrial information (2 FA), disclosure of personal data (1 FA)
release	1 FA	infringement of intellectual property rights
activities	-	-
transfer waste water	-	-

waste	57 FA	confidentiality of commercial or industrial information
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<b>Year 2018</b>	<b>number</b>	<b>reason for confidentiality</b>
facilities	3 FA	confidentiality of commercial or industrial information (2 FA), disclosure of personal data (1 FA)
release	1 FA	infringement of intellectual property rights
activities	-	-
transfer waste water	-	-
waste	54 FA	confidentiality of commercial or industrial information

<b>Year 2019</b>	<b>number</b>	<b>reason for confidentiality</b>
facilities	2 FA	confidentiality of commercial or industrial information (1 FA), disclosure of personal data (1 FA)
release	-	-
activities	-	-
transfer waste water	-	-
waste	55 FA	confidentiality of commercial or industrial information

<b>Year 2020</b>	<b>number</b>	<b>reason for confidentiality</b>
facilities	3 FA	confidentiality of commercial or industrial information (2 FA), disclosure of personal data (1 FA)
release	1 FA	infringement of intellectual property rights
activities	-	-
transfer waste water	2 FA	confidentiality of commercial or industrial information
waste	54 FA	confidentiality of commercial or industrial information

Year 2021	number	reason for confidentiality
facilities	2 FA	confidentiality of commercial or industrial information
release	-	-
activities	-	-
transfer waste water	1 FA	confidentiality of commercial or industrial information
waste	63 FA	confidentiality of commercial or industrial information

Year 2022	number	reason for confidentiality
facilities	4 FA	confidentiality of commercial or industrial information
release	1 FA	infringement of intellectual property rights
activities	-	-
transfer waste water	2 FA	confidentiality of commercial or industrial information
waste	61 FA	confidentiality of commercial or industrial information

### 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:***

The legal basis for the German PRTR is the German Law on PRTR of 2007 which has been drafted and adopted following the usual, transparent legislative process applying to Acts of Parliament. The same is true for the Amending Law on PRTR from 2020.

The public was involved in the development of the German PRTR through workshops and a number of expert meetings, and it was also informed about the PRTR legislation in Germany.

In order to give the wider public a straightforward opportunity to become actively involved in the PRTR process, the German Environment Agency can be contacted by email to [thrude@uba.de](mailto:thrude@uba.de). This way, the German Environment Agency receives specific questions on particular facilities or pollutants as well as general questions on the PRTR, which can indicate need for further development.

So far, many environmentally relevant questions have been posed by the public, political parties, NGOs and environmental journalists (so far on emissions from coal combustion plants, voluntary pollution prevention measures, ammonia emissions from intensive livestock rearing).

#### 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 Germany, the public can directly access the PRTR on the internet as provided for in Article 11, paragraph 1. The application procedure as referred to in Article 11, paragraph 2 is therefore not required in Germany. It is therefore also not necessary to provide for access to courts, because Article 14 requires such access only where Article 11, paragraph 2 applies.

#### 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 to a)***

Germany funded several research projects which were tasked, inter alia, with preparing and updating expert manuals and with resolving questions and problems that occurred during the implementation process. These manuals and support material are available to competent authorities and operators in an expert Wiki and are regularly updated and upgraded (<https://infonext.schleswig-holstein.de/nextcloud/index.php/s/ZHqoNj6s7YZFKfo>). The expert Wiki is available in German only.

Through these research projects, various workshops and information events were organized for competent authorities, industrial facilities and academia on the implementation of the PRTR in Germany.

In February 2021, a research project on the benefit and impact of the German PRTR was finalized that looked deeper into the issue of PRTR as a tool to prevent or reduce industrial pollution.

Questions or problems regarding the reporting software BUBE are shared and answered by the competent authorities and in the context of the cooperation between the federal government and the federal states.

**Answer to b)**

The webpage of the German Environment Agency as well as numerous webpages of state authorities provide a direct link to the German PRTR. The newly established catalogue on environmental metadata [umwelt.info](http://umwelt.info) lists [Thru.de](http://Thru.de) as well.

In addition, Germany seeks to continuously maintain the German portal as user friendly and understandable as possible.

In particular, the different search options now provide comprehensive access to the data. An extensive help function and a Q&A section facilitate the search and the understanding of the data. The home page of [www.thru.de](http://www.thru.de) as well as other sections are meant to introduce specific analyses and questions and provide background information. By now, the data is being used by many associations (i.e. German Chemical Industry Association (VCI)) or academic institutions. In order to cover all possible questions, the website [www.thru.de](http://www.thru.de) provides the complete dataset as a database for download.

Finally, question put forward by the public are answered within 10 days.

**Article 16**

**Describe how the Party has cooperated and assisted other Parties and encouraged cooperation among relevant international organisations, 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 to a)**

Germany supported international activities in particular by capacity building measures on PRTR. For example, at MOPP-1 Germany distributed information on the German PRTR and on the subsequent use of the open source components. Germany had published the open source code of its first reporting software BUBE, the XML scheme and stand-alone-GDI. The guidance materials, rule books etc. that were developed in the course of

the three below-mentioned advisory assistance projects (see below) are accessible to all interested states (<https://thru.de/thrude/projekte-international/>).

**Answer to b)**

In the past, the German Environment Agency cooperated with other parties in particular via Twinning and Advisory Assistance Programmes.

- Advisory Assistance Programme: „Capacity building on the Aarhus Convention and the development of PRTR systems in North Macedonia and Serbia” (4/2011 to 10/2013),
- Advisory Assistance Programme: „Support the Establishment and Advancement of Pollutant Release and Transfer Registers (PRTR) in Western Balkan Countries and in Moldova” (3/2015 to 2/2017),
- Advisory Assistance Programme: „Enhancing Pollutant Release and Transfer Registers (PRTR) in Western Balkan Countries and in Moldova” (5/2021 to 7/2024),
- Regional experience sharing workshop concerning the Establishment and Advancement of Pollutant Release and Transfer Registers (PRTRs) in Western Balkan Countries and in the Republic of Moldova, 8.-9.11.2016 in Skopje,
- Twinning-Project with Israel: Support to the Israeli Ministry of Environmental Protection in the Establishment and Implementation of a System of Integrated Pollution Prevention and Control (IPPC) and a Pollutant Release and Transfer Register (PRTR) (6/2013 to 2/2015),
- Twinning-Project with Croatia: "Improvement of Croatian Environment Pollutant Register (Croatian EPR) and its Integration into Croatian Environmental Information System (CEIS) (CRO EPR)" (1/2016 to 7/2017)

**Answer to c)**

The complete German PRTR data is available in both German and English version on the PRTR website <https://thru.de/downloads/>. Germany cooperates closely with other EU Member States through the EU as well as with the UNECE and the OECD for improving and further developing PRTRs.

**Answer to d)**

Germany is a party to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal of 22 March 1989. It cooperates closely with other EU Member States in the context of the EU and the E-PRTR.

**Answer to e)**

See the answer to question b).

**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: no further comments***