



SECOND PRTR PROTOCOL IMPLEMENTATION REPORT

The following report is submitted on behalf of PORTUGAL
in accordance with decision I/5

Name of officer responsible for submitting the national report:	Teresa Torcato
Signature:	
Date:	March the 11 th , 2017

IMPLEMENTATION REPORT

Details on the origin of this report

Party	PORTUGAL
National Focal Point	Margarida Marcelino / Teresa Torcato
Full name of the institution:	Agência Portuguesa do Ambiente, IP Ministério do Ambiente
Name and title of officer:	Teresa Torcato Técnica Superior
Postal address:	Rua da Murgueira, 9/9A - Bairro do Zambujal 2720-865 Amadora PORTUGAL
Telephone:	+351 214728200
Fax:	+351 214721457
E-mail:	prtr@apambiente.pt

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.

The present report has based on the 1st Report Nacional de Implementação do Protocolo PRTR.

The format of the European PRTR questionnaire was established by the Decision 2010/205/EU and its submission by Member-States is an obligation established by article 16 of the European PRTR Regulation (Regulation EC No 166/2006, of 18th of January). Portugal submitted the questionnaire to the European Commission on August 2010.

The public version of the present report was made available at the Portal created to help to defund the public consultations:

<http://participa.pt/>

All the national EPRTTR authorities were consulted as well as other public bodies, in a total of the following 19:

National EPRTTR Authorities:

- Azores Regional Directorate for the Environment
- Madeira Regional Directorate for the Environment
- North Regional Coordination and Development Committee
- Central Regional Coordination and Development Committee
- Lisbon and Tagus Valley Regional Coordination and Development Committee
- Alentejo Regional Coordination and Development Committee
- Algarve Regional Coordination and Development Committee
- Decentralized services of the APA:
 - River Basin District Administration for the North Region
 - River Basin District Administration for the Central Region
 - River Basin District Administration for the Tagus Region
 - River Basin District Administration for the Alentejo Region
 - River Basin District Administration for the Algarve Region

Other bodies:

- APA's Department of Citizenship and Environmental Promotion
- Inspectorate-General for Agriculture, Sea, the Environment and Regional Planning
- Water National Council
- Environment and Sustainable Development National Council
- Commission on the access of administrative documents

Overall there were 3 replies, 2 of those were from public bodies representing 11% of the ones that were consulted and 1 from a non-governmental organization .

The APA collected and harmonized all the contributions received and prepared the present final report.

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).

(a) Article 3, paragraph 1:

Measures taken to ensure the implementation of the provisions of the Protocol, including enforcement measures;

The Portuguese national PRTR system includes the APA national PRTR system and the Azores Region PRTR system.

Portugal implemented the PRTR Protocol through the European implementation, established by Council Decision 2006/61/EC, of December 2nd 2005 and Regulation EC No 166/2006, of January 18th (EPRTR Regulation).

National implementation was also established by the following national law:

- Decree-Law No 127/2008, of July 21st;
- Decree-Law No 6/2011, of January 10th
- Regional Decree-Law No 30/2010/A, of November 15th

Decree-Law No 127/2008, of July 21st lays down the content of the national E-PRTR (Article 4), the national authority competent for E-PRTR (article 2), the regional competent authorities (article 3), the workflow and deadlines for the communication of data (articles 3 and 5), the responsibility for the data (article 6) as well as infringements (article 8).

Decree-Law No 6/2011, of January 10th amended Decree-Law No 127/2008 of July 21st regarding the timetable for the communication of annual data.

Regional Decree-Law No 30/2010/A, of November 15th of the Azores Autonomous Region, establishes the regional PRTR. Chapter V of the Regional Decree-Law includes content (article 102nd), operator's obligations (article 103rd), responsibility for the data (article 104th) and infringements (article 123rd f) and j)).

Both the national law and the EPRTR Regulation follow the provisions of the PRTR Protocol.

(b) Article 3, paragraph 2:

Measures taken to introduce a more extensive or more publicly accessible PRTR than required by the Protocol;

Both Article 4 of Decree-Law No 127/2008, of July 21st and article 103rd of Regional Decree-Law No 30/2010/A, of November 15th establish the obligation of communication, by all EPRTR operators, of all emissions and transfers (of EPRTR pollutants and also of waste) regardless of the threshold established by the EPRTR Regulation.

However, only the data above the thresholds is made public.

(c) 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;

The communication of environmental infringement, including the infringement of the PRTR Protocol, is communicated to the competent authorities.

Individual or collective action is regulated by the Portuguese Republic Constitution (VII Constitutional Revision, 2005), which states:

All citizens have the right to communicate, individually or collectively, to the sovereign bodies, (...) and competent authorities, petitions (...) and complaints in pursue of the defense of their rights, of the Constitution, of the Laws or of the general interest as well as the right to be informed upon the result of their action within a reasonable period of time. (Extracted from No 1 of article 52)

It is conferred to all, personally or through defense of interest associations, the right of popular action (...) regarding (...) the preservation of the environment (Extracted from a) of No 3 of article 52)

It is ensured to the administered effective judicial protection of their rights or legally protected interests, including, in particular, the recognition of such rights or interests, impeachment of any administrative actions which affect them, in whatever form, determining the performance of administrative acts legally due and adoption of appropriate precautionary measures (Extracted from No 4, article 268)

(d) 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?

The national PRTR electronic system wasn't integrated into other reporting mechanisms. A PRTR specific electronic application was built to accommodate PRTR reporting requirements.

However, since PRTR cycle of 2010:

- At Autonomous Region of Azores:

The PRTR electronic questionnaire is provided to the regional operators pre-filled with identification data and pollutants based on the previous PRTR cycle. Operators must fill the information regarding the current cycle, such as quantities and determination method, and add, emend or eliminate the displayed information.

- At the APA's national system:

The national PRTR system was built having in mind the need to harmonize most of the reporting obligations set by IPPC Directive, and the Directive 2010/75/EU of the European Parliament and of the Council, of November 24th and, at a national level, by Decree-Law No 127/2013, of August 30th.

The current national PRTR system was also built to harmonize the collection of waste data from facilities, as set by Directive No 2008/98/CE of the European Parliament and of the Council, of November 19th and, at national level, by Decree-Law No 73/2011, of June 17th and allow EPRTR operators to communicate waste only once.

The harmonization process followed a "bottom-up" methodology in which the most desegregated data is communicated by operators and automatically transformed until it reaches the EPRTR form (kg/year for pollutants and tones/year for waste).

The PRTR data based on IPPC reporting obligations (measurements mostly) is collect by the PRTR system respecting the IPPC demands (pollutant concentration and air flow, for example) and transform by the PRTR system to achieve PRTR values, in kg pollutant/year.

The PRTR national system is a platform of the national electronic system which centralizes the identification of PRTR facilities, IPPC facilities and Emissions Trading Scheme (ETS) facilities.

The harmonization process was very challenging due to its complexity. The major difficulties were related to the different legislatives obligations that still need to be addressed, and the system is being reformulated as follows:

- Improvement of the national system as to abolish the autocontrol of air emissions reporting, including the IPPC verification, *per se* since it still exists in paper;
- Improvement of the national system as to abolish the reporting of air emission of non-IPPC facilities to regional authorities.

There are also some improvements related to the speed of the online PRTR national system platforms.

(e) Article 5, paragraph 1:

How releases and transfers can be searched and identified according to the parameters listed in subparagraphs (a) to (f);

The Portuguese PRTR datasets are made public by:

- The European EPRTTR website: <http://prtr.ec.europa.eu>
- The national site (in the form of Excel and pdf tables):
www.apambiente.pt → Instrumentos → PRTR → Resultados PRTR Portugal (direct link: <http://www.apambiente.pt/index.php?ref=17&subref=156&sub2ref=369>)

In both sites the PRTR data can be searched by all parameters listed in article 5, paragraph 1 of the PRTR Protocol:

- (a) Facility and its geographical location;
- (b) Activity;
- (c) Operator;
- (d) Pollutant or waste;
- (e) Environmental media into which the pollutant is released;
- (f) The destination of the waste transfer and the disposal or recovery operation for waste.

(f) 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;

At an European level: <http://prtr.ec.europa.eu>

At a national level: <http://www.apambiente.pt/index.php?ref=17&subref=156&sub2ref=369>

(www.apambiente.pt → Instrumentos → PRTR → Resultados PRTR Portugal)

(g) 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.

The APA at its institutional site presents:

- A section dedicated to the national/ European PRTR, at:

www.apambiente.pt → *instrumentos* → *PRTR*

(direct link <http://www.apambiente.pt/index.php?ref=17&subref=156>)

In this section, one can find all the relevant PRTR information, including:

National Results

www.apambiente.pt → *instrumentos* → *PRTR* → *Resultados PRTR Nacional*

Direct link: <http://www.apambiente.pt/index.php?ref=17&subref=156&sub2ref=369>

Links to other PRTRs, at:

www.apambiente.pt → *instrumentos* → *PRTR* → *Links Úteis*,

Direct link: <http://www.apambiente.pt/index.php?ref=17&subref=156&sub2ref=855>

- A section dedicated to the PRTR Protocol, at:

www.apambiente.pt → Políticas → Promoção e Cidadania Ambiental → Acesso à Informação e à Justiça e Participação Pública → ONU Convenção de Aarhus

Direct link:

<http://www.apambiente.pt/index.php?ref=16&subref=142&sub2ref=726&sub3ref=727>

The Azores Region also has a dedicated site, at

<http://www.azores.gov.pt/Gra/srrn-ambiente/> → PRTR

Direct link: <http://www.azores.gov.pt/Gra/srrn-ambiente/menus/secundario/PRTR/>

Where all information regarding the Azores PRTR is available:

<http://www.azores.gov.pt/Gra/srrn-ambiente/> → PRTR (Registo de Emissões e Transferência de Poluentes) → Relatórios de Implementação do PRTR na RAA

Direct Link:

http://www.azores.gov.pt/Gra/srrn-ambiente/conteudos/destaques/2013/Dezembro/Destaques_Relatórios+PRTR.htm

ARTICLE 7

List legislative, regulatory and other measures that implement article 7 (reporting requirements). Describe or identify as appropriate:

(a) Article 7, 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;

The reporting requirements of the Portuguese national PRTR system, in obedience to the European PRTR Regulation, comply with option a) of paragraph 1 of article 7 of the PRTR Protocol (capacity thresholds).

(b) Article 7, 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;

In compliance with the EPRTR Regulation, both article 5 of Decree-Law No 127/2008, of July 21st and article 103 of Regional Decree-Law No 30/2010/A, of November 15th requires the operator of the facility to fulfil the national PRTR reporting requirements.

By definition, operator “means any natural or legal person who operates or controls the facility or, where this is provided for in national legislation, to whom decisive economic power over the technical functioning of the facility has been delegated” (article 2 of EPRTR Regulation)

(c) Article 7, 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;

The national list of PRTR activities and associated thresholds is established by Decree-Law No 127/2008, of July 21st and also by Regional Decree-Law No 30/2010/A, of November 15th and follow the European list of PRTR activities set by annex I of the European PRTR Regulation.

There is no difference between the national PRTR list of activities and associated thresholds and the European PRTR and, therefore, the Protocol's list.

(d) Article 7, paragraph 1 and annex II:

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;

The national list of PRTR pollutants and associated thresholds is established the European list of PRTR pollutants and associated thresholds set by annex II of the European PRTR Regulation and also published by part 2 of annex VI of the Regional Decree-Law No 30/2010/A, of November 15th.

The EPRTR Regulation and the national PRTR system go beyond the PRTR Protocol by:

- Requiring the reporting on 5 additional pollutants:

NUMBER	NAME	ENVIRONMENTAL MEDIA	THRESHOLD (kg/YEAR)
87	Octylphenols and Octylphenol ethoxylates	WATER	1
88	Fluoranthene	WATER	1
90	Isodrin	WATER	1
91	Hexabromobipheny	AIR, WATER, SOIL	0,1
92	Benzo(g,h,i)perylene	WATER	1

- Imposing more stringent thresholds for another 6 pollutants:

NUMBER	NAME	ENVIRONMENTAL MEDIA	PROTOCOL'S THRESHOLD (kg/YEAR)	EPRTR'S THRESHOLD (kg/YEAR)
47	PCDD (dioxins), PCDF (furans)	AIR, WATER, SOIL	0,001	0,0001
52	tetrachloroethylene (PER)	WATER	-	10
53	tetrachloromethane (TCM)	WATER	-	1
54	trichlorobenzene (TCB)	WATER	-	1
57	Trichloroethylene	WATER	-	10
58	Trichloromethane.	WATER	-	10

(e) Article 7, 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;

Nothing to report.

(f) Article 7, paragraph 4:

The competent authority designated to collect the information on releases of pollutants from diffuse sources specified in paragraphs 7 and 8;

Pursuant to article 8 of the EPRTR Regulation “*The Commission, assisted by the European Environmental Agency, shall include in the European PRTR information on releases from diffuse sources (...)*”

The information is collected by the APA in the scope of the United Nations Economic Commission for Europe (UNECE) Convention on Long-range Transboundary Air Pollution (CLRTAP) and United Nations Framework Convention on Climate Change (UNFCCC).

(g) Article 7, 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;

The national PRTR dataset complies with annex III of the EPRTR Regulation.

All information in paragraph 5a), 5b), 5c), 5e) and 5f) of the PRTR Protocol is included and regarding paragraph 5a) the national system also includes information regarding the:

- Year of the report
- Facility's identification number; country, NACE code and hydrographic region

Regarding paragraph 5d), the national PRTR follows the EPRTR Regulation and thus paragraph 5d)ii) - waste-specific.

(h) Article 7, 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;

Diffuse sources are included at a European level and can be accessed by the following link: <http://prtr.ec.europa.eu/DiffuseSourcesAir.aspx>

The diffuse emissions include various sources such as road transport, shipping, aviation, domestic heating, agriculture and small business.

(i) Article 7, paragraph 8:

The types of methodology used to derive the information on diffuse sources.

The information is derived from the United Nations Economic Commission for Europe (UNECE) Convention on Long-range Transboundary Air Pollution (CLRTAP) and United Nations Framework Convention on Climate Change (UNFCCC).

ARTICLE 8

For each reporting cycle since the last national implementation report (or date of entry into force of the Protocol [October 8th 2009]), please indicate:

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

Reporting cycle	Reporting year	Date for national report do the European Commission
2010	2011	2012 (March 31 st)
2011	2012	2013 (March 31 st)
2012	2013	2014 (March 31 st)
2013	2014	2015 (March 31 st)
2014	2015	2016 (March 31 st)
2015	2016	2017 (March 31 st)

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

The deadline for operators, set by article 1 of national Decree-Law No 6/2011, of January 10th is May 31st of the following year of the reporting cycle. The deadline in Azores Autonomous Region is also May 31st of the following year.

For example, the PRTR 2010 dataset was communicated by operators until May 31st of 2011.

(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);

National PRTR data is publicly accessible on the EPRTR site (prtr.ec.europa.eu) within 16 months from the end of each reporting year, as set by article 7 of the EPRTR Regulation.

(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;

The deadlines regarding the publication of data at the EPRTR site were met.

Regarding the national deadlines for operator's report to the competent authorities we've experience some delays thus the need to extend the deadline established as to ensure a complete collection of PRTR data.

Most of the delays were related to electronic difficulties and some overlap of other environmental report obligations experienced by some PRTR operators.

To ensure a minimization of these problems the APA produced a series of manuals and created a dedicated email address (prtr@apambiente.pt) to support the communication of PRTR data by the operators. This email remains in use being the privileged mean of communication between operators and APA.

Also Decree-Law No 6/2011, of January 10th, established the report deadline to May to minimize the experienced overlap. This adjustment also ensures that the data regarding waste reports is concluded, and is available to be imported to the PRTR report. As a note we inform that Decree-Law No 127/2008, of July 21st had initially established the report deadline to March 30th

(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.

National PRTR communication is accomplished in an electronic system where PRTR operators access and report PRTR data online. The report by operators is made by an electronic online questionnaire.

The use of non-electronic communication is limited to communications after the end of the deadline and it has represented less than 1%.

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).

Article 5 of the EPRTTR Regulation follows article 9 of the PRTR Protocol. Additionally, article 8 of National Decree-Law n° 127/2008, of July 21st and article 123 of Regional Decree-Law No 30/2010/A, of November 15th both establish an infringement whenever the operator fails to keep PRTR records for a 5 year period.

Regarding the types of methodologies used in the gathering of PRTR data, the national PRTR system follows the EPRTTR Regulation that sets as mandatory the indication of whether the information is based on measurement, calculation or estimation. Furthermore, there is also a description code to each determination method, as follows:

Determination method	Description	Description Code
Measurement	CEN/ISO measurement standards	CEN/ISO
	Methodology equivalent to existing CEN/ISO measurement standard	ALT
	Methodology prescribed by the competent authority in a licence or an operating permit	PER
	Other methods	OTH
	National or Regional Methodology	NRB
	Approved equivalent methodology by means of Certified Reference Materials	CRM
Calculation	UN-ECE/EMEP Atmospheric Emission Inventory Guidebook	UNECE/EMEP
	IPCC Guidelines	IPPC
	ETS Guidelines	ETS
	Methodology prescribed by the competent authority in a licence or an operating permit	PER
	Mass Balance approved by the competent authority	MAB
	European-wide sector specific methodology	SSC
	Other methods	OTH
	National or Regional Methodology	NRB
Estimation	-	-

These guidelines are specified on the national PRTR methodology document.

The national PRTR methodology document was produced by the APA and follows the guidelines of the Guidance Document for the implementation of the European PRTR, produced by the European Commission in May 2006.

At a regional level, in Azores Autonomous Region, there is also a methodology document based both on the national PRTR methodology document and on the European guidelines.

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).

PRTR data quality depends on the quality of the data reported by PRTR operators and is followed by validation from competent authorities.

Data reported by PRTR operators

The PRTR operator's obligations are established by article 5 of Decree-Law No 127/2008, of July 21st and by article 103 of Regional Decree-Law No 30/2010/A, of November 15th.

Data quality is established by article 6 of Decree-Law No 127/2008, of July 21st and by article 104 of Regional Decree-Law No 30/2010/A, of November 15th.

Validation by PRTR competent authorities

The PRTR competent authorities' obligations are established by article 3 of Decree-Law No 127/2008, of July 21st, and include the obligation to "guaranty the quality and integrity of the data communicated by PRTR operators"

For this purpose the validation of the PRTR data is based on the cross-checking of PRTR data with data collected in response to other obligations..

In particular, the competent authorities check the environmental data by means of:

- Checking the calculations made by operators by validating the related documents (annexes) submitted, in particular analysis reports, calculation files, etc. In the absence of auxiliary documentation, the competent authority may contact the operator and request the necessary documents in order to check the data communicated;
- Checking consistency between the PRTR quantities and the information communicated in the Annual Environmental Reports, in the context of the obligations of the facilities which are also covered by the IPPC - Industrial Emissions Directive (Directive 2010/75/UE);
- Checking the PRTR data to the historical monitoring data which exists for each facility in the context of the obligations imposed by the discharge/emission permits imposed by national legislation.
- Comparing the PRTR data communicated by the operators in a particular year with those data communicated in the previous year(s);
- Checking the PRTR releases with regard to the pollutant CO₂, cross-checking with the values collected under emission trading scheme (Directive 2003/87/EC of October 13th 2003);
- Checking the transfers of waste by cross-checking with the quantities indicated in the Integrated Map for the Registration of Waste (MIRR) under Decree-Law No 73/2011 of June 17th that transposes Directive 2006/12/EC of the European Parliament and of the Council of April 5th 2006 into the Portuguese context.
- Comparing data from each facility with others from the same sector.

The frequent communication and close cooperation between the PRTR officials in the facilities regarding data communicated should also be highlighted, as well as that between the competent authorities and the APA on questions asked by operators about the applicable PRTR methodology.

In particular, in the archipelago of Azores, annual PRTR events are organized at which PRTR issues are discussed. In this region, transfers of PRTR waste are cross-checked with the regional system (SRIR).

Whenever irregularities are detected, the data are returned to the operator to be corrected, or clarifications are required and data is corrected by APA officials.

Overall, the PRTR national datasets are consistent with the pollution emitted by PRTR facilities.

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).

Public access to environmental data, including PRTR data, is established by Law No 26/2016, of August 22th (national transposition of Directive No 2003/4/CE of the European Parliament and Council of January 28th).

Additionally, public access to PRTR data is available by electronic platforms as well as excel and pdf documents that can be downloaded.

The Portuguese PRTR datasets are made public by:

- The European EPRTR website: <http://prtr.ec.europa.eu>
- The national site (in the form of excel and pdf tables):
www.apambiente.pt → Instrumentos → PRTR → Resultados PRTR Portugal (direct link: <http://www.apambiente.pt/index.php?ref=17&subref=156&sub2ref=369>)
- Azores Regional PRTR site:
<http://www.azores.gov.pt/Gra/srrn-ambiente/> → PRTR (Registo de Emissões e Transferência de Poluentes).

Also, the APA at its institutional site presents:

- A section dedicated to the national/ European PRTR, at:

www.apambiente.pt → *instrumentos* → *PRTR*

(direct link <http://www.apambiente.pt/index.php?ref=17&subref=156>)

In this section, one can find all the relevant PRTR information, including:

National Results

www.apambiente.pt → *instrumentos* → *PRTR* → *Resultados PRTR Nacional*

Direct link: <http://www.apambiente.pt/index.php?ref=17&subref=156&sub2ref=369>

Links to other PRTRs, at:

www.apambiente.pt → *instrumentos* → *PRTR* → *Links Úteis*,

Direct link: <http://www.apambiente.pt/index.php?ref=17&subref=156&sub2ref=855>

- A section dedicated to the PRTR Protocol, at:

www.apambiente.pt → *Políticas* → *Promoção e Cidadania Ambiental* → *Acesso à Informação e à Justiça e Participação Pública* → *ONU Convenção de Aarhus*

Direct link: <http://www.apambiente.pt/index.php?ref=16&subref=142&sub2ref=726&sub3ref=727>

The Azores Region also has a dedicated site, at

<http://www.azores.gov.pt/Gra/srrn-ambiente/> → PRTR

Direct link: <http://www.azores.gov.pt/Gra/srrn-ambiente/menus/secundario/PRTR/>

Where all information regarding the Azores PRTR is available:

<http://www.azores.gov.pt/Gra/srrn-ambiente/> → PRTR (Registo de Emissões e Transferência de Poluentes) → Relatórios de Implementação do PRTR na RAA

Direct Link:

http://www.azores.gov.pt/Gra/srrn-ambiente/conteudos/destaques/2013/Dezembro/Destaques_Relatórios+PRTR.htm

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.

Data confidentiality is established by article 11 of the EPRTR Regulation and also by national Law No 26/2016, of August 22th (national transposition of Directive No 2003/4/CE of the European Parliament and Council of January 28th).

Until this day, confidentiality has never been requested by national PRTR operators.

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.

The Portuguese national PRTR system includes the APA PRTR system and the Azores Region PRTR system.

The APA PRTR system aimed to harmonize the PRTR data report with:

- Waste report (Directive No 2008/98/CE of the European Parliament and of the Council, of November 19th and, at a national level, by Decree-Law No 73/2011, of June 17th);
- ETS report (Directive 2003/87/EC of the European Parliament and of the Council of October 13th 2003), and;
- IPPC report (recently published by Directive 2010/75/EU of the European Parliament and of the Council, of November 24th and, at a national level, by Decree-Law No 127/2013, August of 30th)

For the development of such a system meetings were arranged with competent authorities, PRTR facility operators and industrial associations. All observations and inputs were reported to the PRTR national email (prtr@apambiente.pt) and incorporated whenever possible in the system specifications.

After the developments the PRTR national email is still available and it represents the preferential way for operators and competent authorities to express their difficulties.

The Azores PRTR system aimed to harmonize the PRTR data in the whole Autonomous Region.

For the development of such a system meetings were arranged with PRTR facility operators who also participated in the system's test phase. All observations and inputs were reported to the Azores PRTR authority and incorporated whenever possible in the system specifications.

An alteration on the current system is being developed at the moment, to accommodate the report for large combustion plants. The comments and difficulties described by the operators will be taken in consideration in the new system design, whenever possible.

After the developments the PRTR regional email (prtr.dra@azores.gov.pt) is still available and it represents the preferential way for operators and competent authorities to express their difficulties.

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.

Public national authorities are obliged by Law No 26/2016, of august 22th, to disseminate public environmental information and to make it available whenever asked.

The information is provided in the form or format asked by the individual except if it was already made available in a facilitated form or format or if the public authority considers more suitable to provide it in another form or format.

If the individual considers that his/her request for information has been ignored, wrongfully refused or otherwise not dealt with in accordance to Law No 26/2016, of august 22th, he/she may impugned the decision, act or omission in the general legal terms or present a complaint to the Commission for Access of Administrative Documents (CADA).

Access to information is regulated by Law No 26/2016, of august 22th regarding the national transposition of Directive No 2003/98/CE of the Parliament and the Council of November 17th

ARTICLE 15

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

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;

All PRTR national and regional authorities, as well as the Inspectorate-General for Agriculture, Sea, the Environment and Regional Planning, have free access to the PRTR national system, provide by APA.

Several meetings and presentations were made with the public authorities and multiple documentation was provided in order to assist the public authorities in their PRTR obligations.

The main support documents is the national PRTR methodology document, available at the APA's PRTR site:

www.apambiente.pt → Instrumentos → PRTR

(Direct Link: <http://www.apambiente.pt/index.php?ref=17&subref=156>)

This document was produced by APA technicians.

All PRTR datasets are available, for free, at the APA's national site.

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

The duty of public assistance in accessing environmental information is established by articles 10 and 11 of Law No 26/2016, of August 22th.

Several meetings and presentations were made with the public, in particular with EPRTTR operators and industrial associations and multiple documentation was provided in order to assist the public and the EPRTTR operators.

The APA has a dedicated PRTR site where all PRTR information is available:

www.apambiente.pt → Instrumentos → PRTR

(Direct Link: <http://apambiente.pt/index.php?ref=17&subref=156>)

The site, in Portuguese only for the time being, has the following structure:

- National Implementation (Implementação Nacional)
- PRTR Competent Authorities (Autoridades Competentes PRTR)
- Scope (Atividades Abrangidas)
- What to report (Dados a comunicar)
- Help on PRTR Inventory (Apoio ao Inventário PRTR)
- Help on PRTR Questionnaire (Apoio ao Formulário PRTR)
- PRTR data validation (Validação dos dados PRTR)
- Portugal PRTR Results (Resultados PRTR Portugal)
- Reports and questionnaires (Relatórios e Questionários)
- Calendar (Calendarização)
- Contacts (Contactos)
- Useful Links (Links Úteis)
- European PRTR Evaluation Program (Programa de Avaliação do PRTR Europeu)

All PRTR documents and datasets are available, for free, at the APA's national site.

There is also an email account (prtr@apambiente.pt) dedicated to support EPRTTR operators and the public in general.

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).**

Nothing to report.

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.

Nothing to report.