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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND  
THE COUNCIL**

**on the exercise of the power to adopt delegated acts conferred on the Commission  
pursuant to Regulation (EC) No 166/2006 concerning the establishment of a European  
Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and  
96/61/EC**

## **1. INTRODUCTION**

Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006<sup>1</sup> (Regulation) has established an integrated pollutant release and transfer register at the EU level in the form of an electronic database. It provides public and free access to data on releases of pollutants to the environment from industrial activities and is part of the EU Zero Pollution Monitoring framework. The Regulation implements the UNECE Kyiv Protocol (Protocol) on Pollutant Release and Transfer Registers. Articles 8(3), 18 and 18a of the Regulation empower the Commission to adopt delegated acts (i) to supplement it by initiating reporting on releases of relevant pollutants from one or more diffuse sources and (ii) to adapt Annexes II and III to the Regulation (a) to scientific or technical progress and/or (b) as a result of the adoption by the Meeting of the Parties to the Protocol of any amendment to the Annexes to the Protocol. Whereas Annex II contains the list of pollutants covered by the Regulation together with release thresholds, its Annex III has been deleted since 1 January 2020 in accordance with Article 7 of Regulation (EU) 2019/1010<sup>2</sup>.

## **2. LEGAL BASIS**

This report is required under Article 18a(2) of the Regulation, empowering the Commission to adopt delegated acts for a period of five years from 26 July 2019. It also requires the Commission to draw up a report in this respect. This delegation shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council oppose it no later than three months before the end of each period. Article 18a(3) states that the delegation of power may be revoked at any time by the European Parliament or the Council.

## **3. EXERCISE OF THE DELEGATION**

The Commission reports that it has not adopted delegated acts. Data gathered under the EU relevant legislation on protection of air and water quality provides sufficient information on diffuse emission of pollutants to support the implementation of the Zero Pollution strategy. This has served as basis for the Zero Pollution Monitoring and Outlook Report published in 2022<sup>3</sup>. Moreover, the Meetings of the Parties to the Kyiv Protocol did not adopt any Decision that would require adopting a delegated act for the adaptation of Annex II to the Regulation.

## **4. CONCLUSION**

The Commission has, over the past five years, not exercised the delegated powers conferred to it under Regulation (EC) No 166/2006. It invites the European Parliament and the Council to take note of this report.

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<sup>1</sup> OJ L 33, 4.2.2006, p.1.

<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 (OJ L 170, 25.6.2019, p. 115–127).

<sup>3</sup> [European Commission, J.R.C., Zero Pollution Outlook 2022](#), EUR 31248 EN, Publications Office of the European Union, Luxembourg, 2022, ISBN 978-92-76-57575-7, doi:10.2760/778012, JRC129655.