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2018/0205 (COD)

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the alignment of reporting obligations in the field of environment policy and thereby amending Directives 86/278/EEC, 2002/49/EC, 2004/35/EC, 2007/2/EC, 2009/147/EC and 2010/63/EU, Regulations (EC) No 166/2006 and (EU) No 995/2010, and Council Regulations (EC) No 338/97 and (EC) No 2173/2005**

(Text with EEA relevance)

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

#### • **Reasons for and objectives of the proposal**

In June 2017, the Commission published a comprehensive Fitness Check evaluation on reporting and monitoring of EU environment policy<sup>1</sup> (['the Fitness Check evaluation'](#)) and drew up an action plan. Action 1 noted that some streamlining of reporting can best be achieved through amending the relevant legislative provisions. To implement this action, legislative amendments can be prepared one-by-one or grouped together in one proposal, which amends several pieces of environmental legislation in relation to their reporting provisions only ('the alignment proposal'). This alignment proposal has been prepared on the basis of the evidence in the Fitness Check evaluation and other evaluations that were recently carried out on individual pieces of legislation. The alignment proposal's objectives are to improve the evidence base for implementing EU policy, increase transparency for the public and simplify reporting with a view to reducing administrative burden.

#### • **Consistency with existing policy provisions in the policy area**

The proposal forms part of the activities on better regulation in the field of environment policy. Consistent approaches on environmental reporting and monitoring were part of the Fitness Check evaluation.

The proposal also contributes to priority objective 4, paragraph 65, of the 7th Environment Action Programme<sup>2</sup>, which requires that the public has access to clear environmental information at national level. It will also help the public have an overview of what is happening in the environmental field in Europe as a whole and will help national public authorities handle cross-border issues. To that end, the proposal makes cross-references and guarantees consistency with the requirements of Directive 2003/4/EC on access to environmental information<sup>3</sup> and of the Directive 2007/2/EC on spatial data<sup>4</sup>.

A cross-cutting and comprehensive analysis of reporting obligations in all relevant pieces of environment legislation has been carried out in the context of the Fitness Check evaluation<sup>5</sup>. This also looked at the coherence of existing obligations. As a result, several pieces of legislation were identified<sup>6</sup> where the reporting obligations could be amended to streamline them. The proposal has been prepared to ensure a consistent approach across the various pieces of legislation by, as appropriate:

- increasing transparency;
- providing an evidence base for future evaluations;

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<sup>1</sup> SWD(2017) 230.

<sup>2</sup> OJ L 354, 28.12.2013, p. 171-200.

<sup>3</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 (OJ L 41, 14.2.2003, p. 26) implementing the requirements on access to information under the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention).

<sup>4</sup> Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).

<sup>5</sup> COM(2017) 312 and SWD (2017) 230.

<sup>6</sup> Annex VI of SWD(2017) 230.

- simplifying and reducing administrative burden for the Member States and the Commission.

It is also consistent with the Commission's recent proposal to revise the Drinking Water Directive<sup>7</sup>, which factored in the results of the Fitness Check evaluation.

- **Consistency with other Union policies**

Coherence with other EU policies has been analysed as part of the Fitness Check on Environmental Reporting and Monitoring.<sup>8</sup> In general terms of modernising information management, it is in line with the Digital Single Market Strategy and follows the Better Regulation policy, e.g. by reducing administrative burden.

## 2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

In line with the original pieces of legislation which are being amended, the legal basis for this proposal are Articles 114, 192(1) and 207.

- **Subsidiarity (for non-exclusive competence)**

The EU has shared competence with Member States to regulate the environment. This means that the EU can only legislate as far as the Treaties allow, and must observe the principles of necessity, subsidiarity and proportionality. The proposal's aim is to optimise already existing obligations on monitoring implementation, reporting and transparency in EU legislation in order to, inter alia, reduce the burden for Member States. Given the nature of the action set out in the alignment proposal, this can only be achieved at EU level, rather than national level. This approach strengthens subsidiarity and brings information on implementation closer to the citizens.

- **Proportionality**

The alignment proposal follows the findings of the recent evaluations and translates these into legislative amendments to ensure that the European Commission is getting the right information in the right form at the right time. As was found in the Fitness Check evaluation, the current status of reporting is largely efficient and the administrative burden is moderate, justified and proportionate (estimated costs of EUR 22 million annually). The benefits, such as improved implementation and better information of the public, far outweigh the costs. Efficiency gains are expected through streamlining the process in a more cross-cutting and strategic manner to simplify and reduce burdens. The proposal is proportionate because it simplifies reporting where this is meaningful, strengthens transparency and information to the public where this has not previously been the case and/or increases the evidence base where this has been demonstrated to be insufficient for evaluation in line with the Better Regulation Guidelines.

- **Choice of the instrument**

The legal instrument chosen is a Regulation.

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<sup>7</sup> COM/2017/0753 final

<sup>8</sup> The proposal does not concern reporting in the field of climate change. In the climate and energy policy areas, the Commission has already proposed a simplification of planning, reporting and monitoring obligations: "Proposal for a Regulation of the European Parliament and of the Council on the Governance of the Energy Union" COM(2016) 759.

### 3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

#### • Ex-post evaluations/fitness checks of existing legislation

This proposal is based on the outcome of the Fitness Check evaluation on reporting and monitoring of EU environment policy<sup>9</sup>. This evaluation covered 181 reporting obligations found in 58 pieces of EU environmental legislation. They require numerical and geospatial information but most are in text format — the hardest to report, structure and analyse. Frequency of reporting varies. Around half are required every two or more years, and around half lead to a Commission report to the other EU institutions. Processes also vary but seem to work best when the European Environment Agency processes the data. It was found that there is room for improvement on some cross-cutting issues (such as streamlining for a process that is more similar in all Member States) and for specific pieces of legislation. The following individual evaluations have provided further, more detailed evidence in relation to the reporting obligations in these pieces of legislation:

- Directive 2002/49/EC (Environment Noise Directive)<sup>10</sup>;
- Directive 2004/35/EC (Environment Liability Directive - ELD)<sup>11</sup>;
- Directive 2007/2/EC (INSPIRE Directive) — Infrastructure for spatial information<sup>12</sup>;
- Directives 2009/147/EC and 92/43/EEC (i.e. Birds and Habitats Directive)<sup>13</sup>;
- Directive 2010/63/EC (Animal Testing Directive)<sup>14</sup>;
- Regulation (EC) No 166/2006 (European Pollutant Release and Transfer Register Regulation (E-PRTR))<sup>15</sup>.

#### • Stakeholder consultations

The Fitness Check evaluation included a wide range of consultation activities, such as a public consultation<sup>16</sup> where members of the public, public authorities, business and non-governmental organisations across the EU submitted responses. Member States were very active throughout the process, and supported the objectives of streamlining and simplifying reporting. There was also a specific Member State-led initiative making a crucial contribution, the Make It Work project<sup>17</sup>. The Committee of the Regions prepared and adopted an Opinion, on 7 April 2016, that called on the Commission to explore efficiency gains and tackle unnecessary administrative burden in environmental monitoring and reporting in particular by automating reporting tools and looking at synergies across reporting obligations from different instruments<sup>18</sup>. The Commission also organised a number of events to discuss environmental reporting with stakeholders including NGOs, businesses and public authorities in November 2015, April 2016, September 2016 and December 2016. These consultations showed that, in terms of the principles and objectives of reporting, respondents felt that the

<sup>9</sup> SWD(2017) 230.

<sup>10</sup> SWD(2016) 454.

<sup>11</sup> SWD(2016) 0121.

<sup>12</sup> COM(2016) 478 and SWD(2016) 273).

<sup>13</sup> SWD(2016) 472 final

<sup>14</sup> COM(2017) 631 and SWD(2017) 353.

<sup>15</sup> SWD(2017) 0711.

<sup>16</sup> [http://ec.europa.eu/environment/consultations/reporting\\_en.htm](http://ec.europa.eu/environment/consultations/reporting_en.htm)

<sup>17</sup> <http://minisites.ieep.eu/work-areas/environmental-governance/better-regulation/make-it-work/>

<sup>18</sup> <http://cor.europa.eu/en/activities/opinions/pages/opinion-factsheet.aspx?OpinionNumber=CDR5660/2015>.

most important principle is that reporting should collect information once, and share it where possible for many purposes. On the question of whether ‘*reporting obligations should be laid down in individual legislation*’, the majority of all stakeholder groups, i.e. NGOs (56 %), public authorities (75 %), members of the public (85 %), business (75 %), expressed support. The EU is seen as the most appropriate level of governance for harmonising reporting processes. Respondents generally felt that IT systems have significant potential for supporting streamlining reporting processes and reducing administrative burden<sup>19</sup>. Consultation with Member State experts took place in various thematic groups dealing with carrying out the specific reporting obligations. Overall, these experts broadly supported the specific intentions in their subject area. Some thematic areas have already taken proactive initiatives to streamline reporting beyond amending legislation (e.g. developing a register of industrial installations under the Industrial Emissions Directive, which is beneficial for many other reporting areas).

These consultation activities covered all relevant issues justifying that no further online public consultation has taken place on the details of the current proposal. However, targeted consultations involving the experts dealing with the various pieces of legislation took place prior to the adoption of this proposal.

- **Collection and use of expertise**

Not applicable.

- **Impact assessment**

No impact assessment was carried out because the evidence was gathered mainly through the above-mentioned evaluations.

- **Regulatory fitness and simplification**

As this proposal for revision of several existing pieces of legislation falls under the Commission’s Regulatory Fitness and Performance Programme ([REFIT](#)), the Commission has looked at opportunities to simplify and reduce burdens. Analysis shows that process improvements are possible with regard to reporting in this area. These improvements will reduce costs or increase benefits, in particular by more widely applying the most efficient processes and by increasing the use of electronic tools and templates. This may require an initial investment, which will, however, pay off in the mid-, and long-term. Given the lack of data, as explained in the reporting Fitness Check evaluation<sup>20</sup>, the detailed costs and benefits resulting from the proposed simplification measures have not been quantified. However, Annex 9 of the final project report ‘Support to the Fitness Check of monitoring and reporting obligations arising from EU environmental legislation’<sup>21</sup> looked at the benefits of streamlining EU environmental reporting obligations in relation to a number of recent or ongoing streamlining initiatives over the 2012-2020 period. It is expected that this will lead to a reduced burden relating to the reporting obligations under EU environmental legislation. It was not possible to quantify all of the benefits of burden reductions in financial terms. However, based on the available figures, the project<sup>22</sup> estimated that these changes together reduce annual administrative burdens for Member States by a minimum of between EUR 1.4 million and EUR 2.0 million annually across the EU28. Hence, the burden reduction as a result of this proposal is likely to be in the same order of magnitude.

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<sup>19</sup> See Annex IV of SWD (2017) 230.

<sup>20</sup> See in particular Chapter 6.

<sup>21</sup> See [http://ec.europa.eu/environment/legal/reporting/fc\\_overview\\_en.htm](http://ec.europa.eu/environment/legal/reporting/fc_overview_en.htm).

<sup>22</sup> See under footnote 19.

Issues addressed in the proposal:

- the relevance and need for certain reporting obligations is no longer clear;
- the timing and frequency for reporting obligations does not meet major policy cycle needs;
- the extending of access to information and the sharing with the public;
- the roles of the Commission and European agencies are not always clear and explicit;
- aligning the content, timing and procedures with the evaluation cycle under the Better Regulation agenda.

The proposal is therefore designed for the purpose of regulatory fitness and simplification.

- **Fundamental rights**

Information systems that support better reporting could raise issues affecting a number of Charter rights, such as the right to good administration and the right to an effective remedy (Articles 41 and 47). Nothing in this proposal should be interpreted or implemented in a manner that is inconsistent with the European Convention on Human Rights.

#### **4. BUDGETARY IMPLICATIONS**

Not applicable.

#### **5. OTHER ELEMENTS**

- **Implementation plans and monitoring, evaluation and reporting arrangements**

A detailed implementation plan was prepared to facilitate implementation of the proposed amendments. It highlights the main problems, challenges and what specific actions are planned to address these.

There is no specific monitoring planned for this proposal, as it proposes a series of amendments in multiple pieces of legislation, and evaluation of the new provisions is expected within the framework of the amended individual legal acts.

## Detailed explanation of the specific provisions of the proposal

**Table 1. Overview of acts and topics covered by the proposal for a Regulation**

Legal acts covered	Improving transparency and subsidiarity	Simplify/eliminate reporting	Align timing of reporting	Simplify EU-wide overviews / clarifying roles of Institutions	Prepare for future evaluations
1) Directive 86/278/EEC (Sewage Sludge Directive)	✓	✓			
2) Directive 2002/49/EC (Noise Directive)	✓	✓	✓	✓	
3) Directive 2004/35/EC (Environmental Liability Directive)	✓				✓
4) 2007/2/EC (INSPIRE Directive)	✓	✓		✓	✓
5) Directive 2009/147/EC (Birds' Directive)			✓	✓	
6) Directive 2010/63/EC (Animal Testing Directive)	✓	✓		✓	✓
7) Regulation (EC) No 166/2006 (E-PRTR Regulation)	✓	✓	✓	✓	
8) Regulation (EU) No 995/2010 (EUTR)	✓	✓		✓	✓
9) Council Regulation (EC) No 338/97 (CITES)				✓	
10) Council Regulation (EC) No 2173/2005 (FLEGT Regulation)	✓	✓		✓	✓
No. of acts covered	8	7	3	8	5

- Explanations for the general terms used in Table 1

#### Improving transparency and subsidiarity in 8 legal acts:

In the context of this proposal, this means improving transparency and making it possible for the public to access environmental information in a more user-friendly manner, in line with the requirements of the Directive 2007/2/EU and Directive 2003/4/EC, requirements on public access and potential exemptions based on confidentiality and protection of personal data (see in particular Article 4(1) and (2) of Directive 2003/4/EC). Increased transparency will better serve the European Union institutions, the Member States, members of the public and other stakeholders. This also has an impact on subsidiarity, because Member States will be empowered to provide information directly to members of the public on the implementation of EU environmental legislation, not just via EU-level information-sharing systems, as is currently the case. The EU-level comparison of data builds on the information published by Member States and this therefore strengthens subsidiarity and accountability at national level.

#### Simplification / elimination of reporting in 7 legal acts:

In order to reduce administrative burden while making more information available to the public, and based on the findings of the Fitness Check evaluation, it would be helpful to reduce the amount of textual reporting so that delays in processing information are reduced. In some cases, simplifying or eliminating the process of reporting textual information and focusing on improving public access to information would be useful.

#### Aligning timing of reporting in 3 legal acts:

In some cases the reporting mechanisms were established, without aligning the different requirements within the same legal act or between different legal acts. It would help to reduce the administrative burden if the dates and timing of these different reporting streams were aligned. Reducing the frequency or giving Member States more time between different reporting steps would also reduce the administrative burden and/or improve the effectiveness of the process.

#### Simplification of EU-wide overviews / clarifying roles of EU institutions in 8 legal acts:

There are currently a number of reporting streams under the environmental acquis. As a result, the roles that the Commission and, in some cases, the European Environment Agency play already in the respective reporting processes should be clarified. Providing a regular overview of factual information on the implementation of legislation and the state of the environment in the EU is simplified if up-to-date information is published using modern information technology (e.g. through web pages) rather than preparing paper-based reports adopted by the Commission. Instead, the Commission's formal role should be focused on carrying out evaluations where relevant (see below). The tasks that are now proposed to be laid down in legislation will have no impact on the budget for the European Environment Agency (EEA) for tasks undertaken by the EEA in other areas such as climate policy. There will be no re-allocation of resources for the work by the EEA in other areas such as climate action towards the tasks set out in the proposal. For other pieces of legislation that are currently not covered, the role and resourcing of the EEA in relation to supporting the Commission in environmental reporting will be addressed following the finalisation of the ongoing evaluation.

#### Preparation for future evaluations in 5 legal acts:

In line with the Better Regulation Guidelines, there should be regular evaluation of the functioning of the acquis in this area. In order to have information on the implementation of



EU legislation in this area and the fulfilment of the legislation's objectives, the Commission should carry out evaluations and request Member States to provide the necessary information for these evaluations.

- Explanations for the need for amending legislation in this proposal

### **Directive 86/278/EEC**

It is necessary to amend the reporting obligations laid down in articles 10 and 17 of Directive 86/278/EEC of the Council of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture. While Member States should continue collecting and publishing the relevant data annually, the reporting obligation to the Commission should be simplified. At the same time, Member States should be required to ensure a higher level of transparency, whereby the relevant information will be made available in an easily accessible manner, electronically, in line with the requirements of Directive 2003/4/EC and the Directive 2007/2/EC, in particular on public access, data-sharing and services.

### **Directive 2002/49/EC**

A number of amendments to the reporting and monitoring provisions under Directive 2002/49/EC<sup>23</sup> are proposed, based on the outcome of the recent evaluations<sup>24</sup>, the second implementation report<sup>25</sup>, the requirements under Article 11 (4) of the Directive itself, and the need to align the provisions of Directive 2002/49/EC with the requirements of Directive 2007/2/EC<sup>26</sup>.

During the evaluation, representatives of Member States' competent authorities proposed extending the time period between reporting on noise mapping and reporting on action plans from one year to two. This adjustment would help Member States to better prepare their action plans — which must be based on the noise maps — and to effectively consult the public on these, as required by the Directive.

Feedback received as part of the evaluation does not suggest that the process of reporting itself constitutes a significant administrative burden, as it consists mainly of electronically sending to the Commission documentation that already exists (noise maps and action plans). The reporting mechanism itself is managed by the European Environmental Agency and used by nearly all Member States to submit information to the Commission. Making the reporting mechanisms compulsory for Member States will allow the Commission and the European Environmental Agency — who assesses the data for the Commission — to gain a better and faster overview on the noise exposure of people in the EU, saving time and unnecessary administrative work. This will help achieve the Directive's objectives. The power to make detailed technical specifications on the methodology to be followed when reporting the data is delegated to the Commission, to be adopted by the comitology procedure.

Directive 2007/2/EU will require to make noise-relevant geospatial data with a geospatial property discoverable and available through metadata and network services on national geoportals. At the same time Directive 2002/49/EC requires data to be made available to the

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<sup>23</sup> Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise., OJ L 189, 18.7.2002.

<sup>24</sup> SWD(2016) 454 final and SWD(2017) 230.

<sup>25</sup> COM(2017) 151 final.

<sup>26</sup> Directive 2007/2/EC of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE), OJ L 108, 25.4.2007, p. 1-14.

public. The proposed changes clarify the obligation to publish data on national geoportals, thus ensuring alignment of the two Directives.

### **Directive 2004/35/EC**

The Directive's REFIT evaluation<sup>27</sup> found that the availability of information can be further improved, in particular for certain key data that potentially affect the environment and human health. This would:

- inform the public about instances of environmental damage, in particular where people are likely to be affected by such instances;
- enable operators and authorities to undertake the necessary preventive and remedial action in such instances; and
- provide the Commission with the required evidence base enable a proper evaluation in relation to the purpose and performance of the Directive.

To minimise the administrative burden, the focus should be on ensuring the electronic or online availability of information and on ensuring that the information meets relevant EU standards and is easy to use, of sufficient quality and comparable. In doing this, publicly accessible environmental information should meet the requirements of Directive 2007/2/EC, in particular in relation to services and accessibility of data for the public and the authorities.

### **Directive 2007/2/EC**

The Commission INSPIRE implementation report to the Council and the European Parliament and the REFIT evaluation were completed in 2016<sup>28</sup>. The implementation report recommended that the Commission review and possibly revise the rules under Directive 2007/2/EC. To simplify implementation of the Directive and reduce the administrative burden related to monitoring by Member States, the obligation for triennial reporting will be removed, keeping only the monitoring requirement based on monitoring indicators calculated directly from the metadata of spatial data sets and spatial data services to be provided by Member States as laid down by Directive 2007/2/EC. This will help ensure that the information on implementation is more up to date and available to the public in a transparent manner. In practical terms, Member States will be asked to provide annual updates, if necessary, on the country-specific information the Commission already publishes<sup>29</sup>. The Commission will provide simple tools and procedures for Member States to update this information.

As a yearly overview by the European Environmental Agency is envisaged, there is no further need to prepare a Commission report to Council and European Parliament because the relevant information will be publically available online and annually updated. Therefore, the reporting obligation will be removed. In addition, regular evaluation by the Commission based on the monitoring indicators, in line with the Better Regulation Guidelines, is being proposed instead of an implementation report.

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<sup>27</sup> SWD(2016) 121.

<sup>28</sup> COM(2016) 478 and SWD(2016) 273.

<sup>29</sup> See country fiche 2016 available for all EU Member States at <http://inspire.ec.europa.eu/INSPIRE-in-your-Country>

## Directive 2009/147/EC

A Fitness Check of the EU Nature Legislation, covering Directives 2009/147/EC<sup>30</sup> and 92/43/EEC,<sup>31</sup> was completed in 2016<sup>32</sup>. It concluded that while a three-year reporting cycle is required under the Birds Directives, whereas reporting has in practice followed a reporting cycle of six years as for the Habitats Directive, with a similar primary focus on providing up-to-date information on status and trends of species. The need for more streamlined implementation of the two Directives explains the need to adapt the legislation to better suit the practice in place in Member States. This will also facilitate the preparation of the six yearly reports on the application of the Directives that Member States submit to the Commission. In the reporting format currently used, Member States are required to provide relevant data in the report necessary for the assessment of the implementation progress. In particular information on status and trends of wild bird species, the threats and pressures on them, the conservation measures taken and the contribution of the network of Special Protection Areas to the objectives of the Directive need to be reported on.

## Directive 2010/63/EU

The existing obligations on transparency and reporting under Directive 2010/63/EU<sup>33</sup> aim to improve understanding of the reasons for and the value of the use of live animals for research, testing and educational purposes, and allow for a more objective assessment of the actual welfare harm to animals. These obligations include collecting information on the implementation of the Directive, statistical data, exemptions to methods of killing, and in particular publishing non-technical project summaries on authorised projects that use live animals.

Member States are also required to carry out a retrospective assessment of certain projects to:

- identify whether the use of animals has enabled the achievement of the objectives set for the project;
- evaluate the actual harm inflicted on animals; and
- identify any elements that can further contribute to implementing the requirement to replace, reduce and refine the use of animals.

Member States may publish the results of these retrospective project assessments.

However, one third of Member States do not currently require non-technical project summaries to be updated with these results. This significantly hinders wider access for the scientific community, the general public and policy makers to essential information on the actual benefits, research outcomes and inflicted harm resulting from the use of live animals. The lack of systematic dissemination may also slow down the uptake of new ways to implement replacement, reduction and refinement, defeating the very reason for the obligation to carry out retrospective assessments.

These issues were also reflected in the Commission report on the Directive, published on 8 November 2017<sup>34</sup>, which made specific recommendations on transparency and non-technical project summaries in the accompanying SWD<sup>35</sup> in particular the following recommendations:

<sup>30</sup> OJ L 20, 26.1.2010, p. 7–25.

<sup>31</sup> OJ L 206, 22.7.1992, p. 7–50

<sup>32</sup> SWD(2016) 472 final.

<sup>33</sup> Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes.

<sup>34</sup> COM (2017) 631.

<sup>35</sup> SWD (2017) 353.

- 41. Member States should ensure that non-technical project summaries are published in a timely manner.
- 43. The Commission, Member States and stakeholders should explore possibilities for a central repository of (or provide easy, searchable access to) all non-technical project summaries at EU level, taking into account legal requirements and linguistic limitations.

There is an annual obligation to publish national statistical data on the use of live animals and to submit these data to the Commission. Implementation reports need to be submitted every 5 years to the Commission. These reports should be made available at EU level in a more timely fashion, using electronic tools and centrally accessible and searchable databases.

The Commission's obligations include making a formal statistical report to the European Parliament and the Council every 3 years and reporting to the European Parliament and the Council every 5 years, based on Member States' implementation reports. These obligations should be replaced by submitting data electronically to central data repositories. This statistical data should be updated annually, replacing the current rigid requirement to report data that is up to 5 years old.

### **Regulation (EC) No 166/2006**

The reporting obligations in Regulation (EC) No 166/2006<sup>36</sup> need to be amended to rationalise and simplify reporting obligations in this area and pursue the objective of better regulation,<sup>37</sup> the changes required are as follows:

- The reporting obligations laid down in Article 7 need to be changed by abolishing the reference to the reporting format in Annex III and instead granting the Commission implementing powers to set that format through implementing acts (comitology) and repeal Annex III accordingly. This would improve coherence with reporting under Directive 2010/75/EU on industrial emissions<sup>38</sup>, which covers almost the same activities. This will allow a more streamlined approach and increased interoperability of data collected under Directive 2010/75/EU and under Regulation (EC) No 166/2006, in line with the provisions of the Directive 2007/2/EC. It will also enable the development and use of more efficient and consistent electronic reporting tools, to be developed and maintained with the assistance of the European Environmental Agency.
- The specific reporting obligations for Member States in Article 16 and the corresponding Commission reporting obligation in Article 17 should also be repealed, as the information referred to is of limited value and/or does not meet policy needs. This avoids excessive administrative burden.
- Coherence with reporting obligations on similar facilities under other pieces of EU law (e.g. Directive 2010/75/EU on industrial emissions and Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances) needs to be improved by amending Article 11 on confidentiality, to

<sup>36</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.

<sup>37</sup> SWD(2017) 710.

<sup>38</sup> OJ L 334, 17.12.2010, p. 17-119.

clarify that confidential information must also be reported to the Commission, but this will not be made public.

### **Regulation (EU) No 995/2010**

To improve and facilitate public access to information on the implementation of Regulation (EU) No 995/2010<sup>39</sup>, data provided by Member States on the implementation of the Regulation should be made publicly available through a Commission-managed EU-wide overview. This proposal modifies the frequency for providing data on how the Regulation is being implemented so that it will be updated annually to cover the previous calendar year, in line with the FLEGT Regulation. This will make the data comparable with other available datasets, such as those providing information on timber trade between the EU and non-EU countries. The Commission, assisted by the Committee set up under Article 18 of the Regulation, will be given implementing powers to set the required format and procedure for Member States to make information available under the Regulation. The proposal also provides for the Commission to publish annual EU-wide overviews of implementation of the Regulation. Formal reporting from the Commission to the European Parliament and to the Council will take place at least once every 6 years, reporting on the results of the regular review of the Regulation's functioning and effectiveness.

### **Council Regulation (EC) No 338/97**

Council Regulation (EC) No 338/97 implements in EU law the provisions of the Convention on International Trade in Endangered Species of wild fauna and flora ('the CITES Convention'), to which the EU and all EU Member States are parties. In Article VIII(7), the CITES Convention provides that parties to the Convention must report annually on trade in CITES-listed species and they must also report every two years on a number of measures taken to implement the CITES Convention ('implementation reports'). These provisions have been implemented in EU law through Article 15(4) of Council Regulation 338/97.

At the 17th Conference of the Parties to the CITES Convention in 2016, the CITES parties<sup>40</sup> decided that:

- the frequency of implementation reports should be amended, so that these reports are submitted by CITES parties one year before each Conference of the Parties, which usually take place every three years, rather than every two years;
- a new annual report on illegal trade should be submitted by 31 October each year by all CITES parties to the CITES Secretariat, covering actions in the preceding year.

Article 15(4) of Council Regulation 338/97 therefore needs to be amended to reflect these decisions, changing the frequency of the submission of the implementation reports and implementing in EU law the requirement for an annual report by the EU Member States on illegal trade.

### **Council Regulation (EC) No 2173/2005**

To improve and facilitate the access of the public to information on the implementation of Council Regulation (EC) No 2173/2005<sup>41</sup>, the data provided by the Member States on the

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<sup>39</sup> Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market.

<sup>40</sup> Including the EU and its 28 Member States.

implementation of the Regulation should be made publicly available at national level and through a Commission EU-wide overview of this data.

FLEGT licences were issued for the first time in November 2016. The experience that the Commission and Member States gained from first year of FLEGT licensing shows that some of the Regulation's provisions on reporting have become obsolete. In particular, the description of the contents of Member State reports in Article 8(1)(a), (b) and (c) is ambiguous, internally inconsistent and prone to differing interpretations. Even if these descriptions are non-exhaustive, they provide an incomplete basis to monitor progress on the licensing scheme and on the implementation of the Regulation. Therefore, this proposal deletes these paragraphs. Instead, the proposal introduces a mechanism to carry out checks, through the Committee set up under Article 11 of the Regulation, allowing the Commission to exercise its implementing powers to set the format and procedure for Member States to make the necessary information available. The proposal also sets up a regular review of the FLEGT Regulation every 6 years (aligned with that required under the Timber Regulation), instead of the current one-off review required in Article 9, and includes an obligation to formally report to the European Parliament and the Council on the results.

### **Main legal provisions of the proposed Regulation**

In line with these findings, and the proposal's general objectives of streamlining and modernising reporting, speeding up the availability of data and reducing administrative burden, the amendments proposed are strictly limited to reporting obligations and therefore are as follows:

#### **Article 1**

Amends Council Directive [86/278/EEC](#) by amending Article 10 and Article 17 on information and reporting requirements.

#### **Article 2**

Amends Article 8 of the Directive [2002/49/EC](#) on the deadlines for submitting action plans, Article 9 to increase transparency by referring to Directive [2003/4/EC](#) and the Directive [2007/2/EC](#), Article 10 on availability of information electronically in the data repositories, and updating Annex VI to set up the mechanism for providing information on implementation.

#### **Article 3**

Amends Directive [2004/35/EC](#) by:

- deleting Article 14(2);
- replacing Article 18 by requiring information on implementation and evidence base;
- updating Annex VI with the information referred to in Article 18(1) on instances of environmental damage and instances of liability.

#### **Article 4**

Amends the Directive [2007/2/EC](#)<sup>42</sup> by:

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<sup>41</sup> Council Regulation (EC) No [2173/2005](#) of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community.

<sup>42</sup> Directive [2007/2/EC](#) of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE).

- amending Article 21(2) on monitoring;
- deleting Article 21(3) on reporting; and
- replacing Article 23 with provisions to create a regular EU-wide overview and prepare for the future evaluation of the Directive.

#### **Article 5**

Amends Article 12 of Directive 2009/147/EC by extending the reporting cycle from three to six years.

#### **Article 6**

Deletes Article 57 of Directive 2010/63/EU and amends the following provisions:

- Article 43(2)-(4) on provisions relating to project summaries and setting up an online database;
- Article 51 on exercise of delegated powers; and
- Article 54 on information on monitoring implementation and provision of statistical data.

#### **Article 7**

Amends Regulation (EC) No 166/2006 to:

- delete the triennial reporting requirements in Articles 16 and 17;
- amend Article 7 to facilitate better integrated reporting under the Industrial Emissions Directive;
- repeal the reporting format in Annex III, instead giving the Commission implementing powers to set the format and frequency of E-PRTR reporting through the Committee procedure set out in Article 19(2); and
- amend Article 11 on confidentiality, to ensure all relevant data are reported to the Commission, while avoiding disclosure to the public.

#### **Article 8**

Amends Regulation (EU) No 995/2010 by replacing Article 20(1)-(4) on monitoring on implementation and access to information, setting the frequency of EU-wide overviews to be annual and updating provisions on evaluating the Regulation.

#### **Article 9**

Amends Council Regulation (EC) No 338/97 to replace Article 15(4) (b), (c) and (d) that require the publication of an EU-wide overview.

#### **Article 10**

Amends Regulation (EC) No 2173/2005 to replace Articles 8 and 9 on information requirements and requiring an EU-wide overview on the basis of the data collected by the Member States. It also updates the provisions on evaluating the Regulation.

#### **Article 11**

Enacts the entry into force of the draft proposal for a Regulation.

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the alignment of reporting obligations in the field of environment policy and thereby amending Directives 86/278/EEC, 2002/49/EC, 2004/35/EC, 2007/2/EC, 2009/147/EC and 2010/63/EU, Regulations (EC) No 166/2006 and (EU) No 995/2010, and Council Regulations (EC) No 338/97 and (EC) No 2173/2005**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 114, 192(1) and 207 thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Economic and Social Committee<sup>43</sup>,

Having regard to the opinion of the Committee of the Regions<sup>44</sup>,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) In order to address the need for implementation and compliance information, amendments of several pieces of environmental legislation should be introduced taking into account the results of the Commission Report on Actions to Streamline Environmental Report<sup>45</sup> and its related Fitness Check<sup>46</sup>.
- (2) It is necessary that accessibility to data should ensure that the administrative burden on all entities remains as limited as possible. It requires active dissemination at national level in accordance with Directives 2003/4/EC<sup>47</sup> and 2007/2/EC<sup>48</sup> of the European Parliament and of the Council and their implementing rules, to ensure the appropriate infrastructure for public access, reporting and data-sharing between public authorities.
- (3) Data reported by Member States are essential for the Commission to monitor, review and assess the performance of the legislation against the objectives it pursues in order to inform any future evaluation of the legislation, in accordance with paragraph 22 of

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<sup>43</sup> OJ C [...], [...], p. [...].

<sup>44</sup> OJ C [...], [...], p. [...].

<sup>45</sup> COM(2017) 312.

<sup>46</sup> SWD(2017) 230.

<sup>47</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 (OJ L 41, 14.2.2003, p. 26).

<sup>48</sup> Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).



the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016<sup>49</sup>. It is appropriate to add provisions to several legislative acts in the environmental sector for the purpose of their future evaluation, on the basis of data collected during implementation, possibly complemented by additional scientific, analytical data. In that context, there is a need for relevant data that will allow better assessment of the efficiency, effectiveness, relevance, coherence and EU value added of Union legislation, hence the necessity to ensure appropriate reporting mechanisms that can also serve as indicators for this purpose.

- (4) It is necessary to amend the reporting obligations laid down in Articles 10 and 17 of Council Directive 86/278/EEC. The obligation to report to the Commission should be simplified and, at the same time, Member States should be required to ensure a higher level of transparency, whereby the required information will be made available in an easily accessible manner, electronically, in line with the requirements of Directives 2003/4/EC and Directive 2007/2/EC, in particular on public access, data-sharing and services.
- (5) In accordance with the evaluation of Directive 2002/49/EC of the European Parliament and of the Council<sup>50</sup> there is a need to streamline the reporting deadlines for noise maps and action plans to allow sufficient time for public consultation of action plans. To that end, and for one time only, the deadline for the review or revision of the action plans is postponed by one year so that the deadline of the next round (the fourth round) of action plans is not 18 July 2023 but 18 July 2024. Thus, from the fourth round onwards, the Member States will have approximately two years between making the noise maps and completing the review or revision of action plans instead of one year as currently the case. For the following rounds of action planning, the five years cycle for the review or revision will then resume. Moreover, in order to better meet the objectives of the Directive 2002/49/EC and to provide a basis for developing measures at Union level, reporting by Member States should be carried out by electronic means. It is also necessary to enhance public participation by requiring certain information to be made publicly available while aligning this obligation to other Union legislation, such as Directive 2007/2/EC, without duplicating practical requirements.
- (6) In accordance with the findings of the REFIT evaluation of Directive 2004/35/EC of the European Parliament and of the Council,<sup>51</sup> availability of information can be further improved in particular on certain key data. This will serve the purposes to inform the public on environmental damage instances, in particular where it is likely to be affected by such instances, to enable operators and authorities to undertake the necessary preventive and remedial action in such instances, and to provide the Commission with the required evidence base to carry out regular evaluations of the Directive. The need to ensure a higher level of transparency is further underpinned by the requirements of Directive 2003/4/EC namely to make available information to the public that might result in an imminent threat to human health or the environment. Online information should also fulfil requirements of Directive 2007/2/EC, in particular on services and accessibility of data to the public and to the authorities.

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<sup>49</sup> OJ L 123, 12.5.2016, p. 1.

<sup>50</sup> Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise (OJ L 189, 18.7.2002).

<sup>51</sup> SWD(2016) 0121.

- (7) Based on the Commission report to the Council and the European Parliament concerning the implementation of Directive 2007/2/EC and the REFIT evaluation<sup>52</sup>, it is appropriate, with a view to simplifying the implementation of that Directive and reducing administrative burden related to monitoring by Member States, to no longer require Member States to send to the Commission triennial reports, and the Commission to present to the European Parliament and to the Council a summary report, because the reporting Fitness Check confirmed the limited use of such reports.<sup>53</sup>
- (8) The Fitness Check of Directives 2009/147/EC<sup>54</sup> and 92/43/EEC<sup>55</sup> concluded that the a three year reporting cycle is required under Directive 2009/147/EC, however this has in practice already been done with the same reporting cycle of six years as for the Directive 92/43/EEC, with a similar primary focus on providing up to date information on status and trends of species. The need for a streamlined implementation of the two Directives justifies the need to adapt the legislation to the practice, by ensuring a six-yearly status assessment, while acknowledging that Member States do the necessary monitoring activities for some vulnerable species. This joint practice should also facilitate the preparation of the six yearly reports on application of the Directives that Member States to submit to the Commission. In order to ensure an assessment of the policy progress, Member States should be required to provide information, in particular, on the status and trends of wild bird species, the threats and pressures on them, the conservation measures taken and the contribution of the network of Special Protection Areas to the objectives of the Directive.
- (9) It is necessary to amend the reporting obligations laid down in Articles 43, 54 and 57 of Directive 2010/63/EU of the European Parliament and of the Council<sup>56</sup>. These provisions include, with the objective of improving transparency and reducing administrative burden, the establishment of a central, open-access searchable database for non-technical project summaries and related retrospective assessments, conferral of implementing powers on the Commission to establish a common format for the submission of non-technical project summaries and related retrospective assessments, information on implementation and replacing the three-yearly statistical reporting by the Commission by the requirement of setting up a dynamic central database hosted by the Commission and releasing information on a yearly basis.
- (10) In accordance with the findings of the REFIT evaluation<sup>57</sup> of Regulation (EC) No 166/2006 of the European Parliament and of the Council<sup>58</sup>, it is necessary to amend or abolish the reporting obligations laid down in that Regulation. In order to enhance coherence with reporting under Directive 2010/75/EU of the European Parliament and of the Council<sup>59</sup>, it is necessary to confer implementing powers to the Commission to

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<sup>52</sup> COM(2016) 478 and SWD(2016) 273.

<sup>53</sup> COM(2017) 312.

<sup>54</sup> Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7.)

<sup>55</sup> SWD(2016) 472 final.

<sup>56</sup> Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes (OJ L 276, 20.10.2010, p. 33).

<sup>57</sup> SWD(2017) 710.

<sup>58</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 (OJ L 33, 4.2.2006, p. 1).

<sup>59</sup> Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

establish the type, format and frequency of information to be made available under Regulation (EC) No 166/2006, and to abolish the reporting format currently laid down in that Regulation. It is also necessary to amend Article 11 of Regulation (EC) No 166/2006 on confidentiality to ensure greater transparency of reporting to the Commission. To minimise administrative burden on Member States and the Commission, it is further necessary to abolish the reporting obligations laid down in Articles 16 and 17 of Regulation (EC) No 166/2006, as these provide information that is of limited value or does not correspond to policy needs.

- (11) To improve and facilitate the access of the public to information on the implementation of Regulation (EU) No 995/2010 of the European Parliament and of the Council<sup>60</sup>, the data provided by the Member States on the implementation of that Regulation should be made publicly available by the Commission through a Union-wide overview of this data; in order to increase consistency of information and to facilitate the monitoring of the functioning of the Regulation, implementing powers should be conferred to the Commission to lay down the format and procedure for Member States to make information available, and the frequency and period of provision of information should be aligned to that of the Council Regulation (EC) No 2173/2005<sup>61</sup>.
- (12) Reporting under Council Regulation (EC) No 338/97<sup>62</sup> needs to be streamlined and aligned with the reporting requirements under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), signed at Washington, D.C., on 3 March 1973, to which the European Union and all of its Member States are parties. The reporting requirements under CITES were amended at the 17<sup>th</sup> CITES Conference of the Parties which took place in 2016, to adjust the frequency of the reporting for measures on the implementation of CITES and to create a new reporting mechanism on illegal trade in CITES-listed species. Those changes need to be reflected in Regulation (EC) No 338/97.
- (13) To improve and facilitate the access of the public to information on the implementation of the Regulation (EC) No 2173/2005, the data provided by the Member States on the implementation of that Regulation should be made publicly available through a Commission Union-wide overview. On the basis of the experience that the Commission and the Member States have gained from the first year of Forest Law Enforcement, Governance and Trade licencing, provisions of the Regulation related to reporting need to be updated. The Commission, in exercising its implementing powers to lay down the format and procedure for Member States to make information available, should be assisted by the Committee established in Article 11 of that Regulation. The provisions on evaluation of the Regulation need to be updated.
- (14) The European Environment Agency (EEA) is already carrying out important tasks in the monitoring and reporting of EU environmental legislation, which should be explicitly introduced in the relevant legislation. For other pieces of legislation, the role

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<sup>60</sup> Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market (OJ L 295, 12.11.2010, p. 23).

<sup>61</sup> Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community (OJ L 347, 30.12.2005, p. 1).

<sup>62</sup> Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein (OJ L 61, 3.3.1997, p. 1).

and resourcing of the EEA in relation to supporting the Commission in environmental reporting will be addressed following the finalisation of the ongoing evaluation.

HAVE ADOPTED THIS REGULATION:

### *Article 1*

*Amendments to Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture*

Directive 86/278/EEC is amended as follows:

1. Article 10 is replaced by the following:

"Article 10

1. Member States shall ensure that publicly available up-to-date records are kept, which register:

- (a) the quantities of sludge produced and the quantities supplied for use in agriculture;
- (b) the composition and properties of the sludge in relation to the parameters referred to in Annex II A;
- (c) the type of treatment carried out, as defined in Article 2(b);
- (d) the names and addresses of the recipients of the sludge and the place where the sludge is to be used;
- (e) any other information with regard to the transposition and implementation of this Directive provided by the Member States to the Commission pursuant to Article 17.

Spatial data services as defined in Article 3(4) of Directive 2007/2/EC of the European Parliament and of the Council\* shall be used to present the spatial data sets included in the information registered in those records.

2. The records referred to in paragraph 1 shall be made available to the public for each calendar year, within three months of the end of the relevant calendar year, in a consolidated format as laid down in the Annex to Commission Decision 94/741/EC\*\* or another format provided pursuant to Article 17.

Member States shall submit to the Commission the electronic location of the information made publicly available under paragraph 1.

3. Information on the methods of treatment and the results of the analyses shall be released upon request to the competent authorities.

\* Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)(OJ L 108, 25.4.2007, p. 1).

\*\* Commission Decision (94/741/EC) of 24 October 1994 concerning questionnaires for Member States reports on the implementation of certain Directives in the waste sector (implementation of Council Directive 91/692/EEC)(OJ L 296, 17.11.1994, p. 42).";

2. Article 17 is replaced by the following:

"The Commission is empowered to lay down, by means of an implementing act, a format in accordance with which Member States are to provide information on the implementation of Directive 86/278/EEC as required by Article 10 of this Directive. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 15(2). The

Commission services shall publish a Union-wide overview including maps on the basis of the data made available by the Member States pursuant to Articles 10 and 17."

## Article 2

### *Amendments to Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise*

Directive 2002/49/EC is amended as follows:

1. In Article 3 the following point is added:

‘ (x) ‘data repository’ means an information system, managed by the European Environment Agency, containing environmental noise information and data made available through national data reporting and exchange nodes under the control of the Member States. ‘

2. Article 8(5) is replaced by the following:

"The action plans shall be reviewed, and revised if necessary, when a major development occurs affecting the existing noise situation, and at least every five years after the date of their approval.

For those reviews and revisions, that in accordance with subparagraph 1 would be due to take place in 2023, that review and revision shall be postponed to take place no later than 18 July 2024."

3. Article 9 (1) is replaced by the following:

‘1. Member States shall ensure that the strategic noise maps they have made, and where appropriate adopted, and the action plans they have drawn up are made available and disseminated to the public in accordance with relevant EU legislation, in particular Directive 2003/4/EC of the European Parliament and of the Council\* and Directive 2007/2/EC of the European Parliament and of the Council \*\*, and in conformity with Annexes IV and V to Directive 2002/49/EC, including by means of available information technologies.

\* Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information (OJ L 41, 14.2.2003, p. 26).

\*\* Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)(OJ L 108, 25.4.2007, p. 1)."

4. Article 10(2) is replaced by the following:

‘2. The Member States shall ensure that the information from strategic noise maps and summaries of the action plans as referred to in Annex VI are sent to the Commission within six months of the dates laid down in Articles 7 and 8 respectively. For that purpose, Member States shall only report the information electronically to the data repository to be established in accordance with the regulatory procedure with scrutiny referred to in Article 13(3). In case a Member State wants to update information, it shall describe the differences between the updated and original information and the reasons for the update when making the updated information available to the data repository."

5. Annex VI point 3 is replaced by the following:

‘3. Information exchange mechanism

"The Commission, assisted by the European Environment Agency, shall develop a mandatory digital information exchange mechanism to share the information from the strategic noise maps and summaries of action plans, as referred to in Article 10 (2) in accordance with the regulatory procedure with scrutiny referred to in Article 13(3).".

### Article 3

#### *Amendments to Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage*

Directive 2004/35/EC is amended as follows:

1. Article 14(2) is deleted;
2. Article 18 is replaced by the following:

‘Article 18

Information on implementation and evidence base

Member States shall ensure that adequate and up-to-date information, at least on imminent threats of damage is available to the public in an open data format online, in accordance with Annex VI of this Directive and with Article 7(4) of Directive 2003/4/EC of the European Parliament and of the Council\*. For each incident, the information listed in Annex VI of this Directive shall be provided as a minimum.

2. Spatial data services as defined in Article 3(4) of Directive 2007/2/EC of the European Parliament and of the Council\*\* shall be used to present the spatial data sets, such as the spatial location of incidents, included in the information referred to in paragraph 1 of this Article.

3. The Commission services shall publish a Union-wide overview including maps on the basis of the data made available by the Member States pursuant to paragraph 1.

4. The Commission shall, at regular intervals, carry out an evaluation of this Directive. The evaluation shall be based, inter alia, on the following elements:

- (a) the experience gathered with the implementation of this Directive;
- (b) the spatial data sets from Member States set up in accordance with this Article and the related Union-wide overviews under paragraph 3.

\* Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information (OJ L 41, 14.2.2003, p. 26).

\*\* Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)(OJ L 108, 25.4.2007, p. 1).’;

3. Annex VI is replaced by the following:

‘ANNEX VI

INFORMATION AND DATA REFERRED TO IN ARTICLE 18(1)

The information referred to in Article 18(1) shall refer to emissions, events or incidents causing environmental damage or imminent threat of damage, with the following information and data for each instance:

1. scale and type of environmental damage, date of occurrence and/or discovery of the damage. The scale of environmental damage shall be classified as small, medium, large or very large. The type of environmental damage shall be classified as damage to water, marine environment, soil, nature/ecosystems or damage to human health caused by pollution;
2. activity which has caused the environmental damage, including, where the damage falls within the scope of this Directive, the activity classification in accordance with Annex III;
3. whether and when liability proceedings were commenced, including under which legal regime (administrative, civil, criminal liability), and in particular whether such a liability proceeding was commenced under this Directive;
4. whether and when preventive and/or remedial action was commenced, in particular whether such preventive and/or remedial action was commenced under this Directive;
5. once available, the dates when the proceedings and prevention and/or remedial actions under points 3 and 4 were closed or finished;
6. outcome of the remediation process, with particular regard to any primary, complementary and/or compensatory remediation under this Directive, where applicable;
7. costs incurred in relation to the following:
  - (a) prevention and remediation measures, which may be either of the following:
    - (i) paid by or recovered from the liable party;
    - (ii) unrecovered from the liable party;
  - (b) precautionary measures of operators for any of the following:
    - (i) financial security cover;
    - (ii) environmental management or environmental safety systems;
    - (iii) introduction of pollution abatement or mitigation technology;
  - (c) administrative requirements of:
    - (i) operators;
    - (ii) competent authorities.

#### *Article 4*

#### *Amendments to Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)*

Directive 2007/2/EC is amended as follows:

1. Article 21 is amended as follows:
  - (a) in paragraph 2, the introductory sentence is replaced by the following:
 

"2. No later than 31 March every year Member States shall update and publish their summary report. This report, which shall be made public by the Commission services assisted by the European Environment Agency, shall include summary descriptions of:";
  - (b) paragraph 3 is deleted;
2. Article 23 is replaced by the following:

‘The European Environment Agency shall publish and update annually the Union-wide overview on the basis of metadata and data made available by the Member States through network services in accordance with Article 21. The Union-wide overview shall include, as appropriate, indicators for outputs, results and impacts of this Directive, Union-wide overview maps and Member State overview reports.

The Commission shall, at regular intervals, carry out an evaluation of this Directive. The evaluation shall be based, inter alia, on the following elements:

- (a) the experience gathered with the implementation of this Directive;
- (b) the information collected by Member States in accordance with Article 21 and the Union-wide overviews compiled by the European Environment Agency;
- (c) relevant scientific, analytical data;
- (d) other information including relevant scientific, analytical data required on the basis of the Better Regulation guidelines, in particular by relying on efficient and effective information management processes.’

#### *Article 5*

#### *Amendments to Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds*

Article 12 of Directive 2009/147/EC is amended as follows:

1. paragraph 1 is replaced by the following:

"1. Member States shall forward to the Commission every six years, at the same time as the report drawn up pursuant to Article 17 of Council Directive 92/43/EEC\*, a report on the implementation of the measures taken under this Directive and the main impacts of these measures. This report shall include in particular information concerning the status and trends of wild bird species protected by this Directive, the threats and pressures on them, the conservation measures taken for them and the contribution of the network of Special Protection Areas to the objectives laid out in Article 2 of this Directive.";

\*Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7.)";

2. in paragraph 2, the first sentence is replaced by the following:

"2. The Commission, assisted by the European Environment Agency, shall prepare every six years a composite report based on the information referred to in paragraph 1."

#### *Article 6*

#### *Amendments to Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes*

Directive 2010/63/EU is amended as follows:

1. Article 43 is amended as follows:

- (a) paragraphs 2 and 3 are replaced by the following:

‘2. From 1 January 2021, Member States shall require the non-technical project summary to specify whether a project is to undergo a retrospective assessment and by what deadline.



Member States shall ensure that the non-technical project summary is updated within 6 months of the completion of the retrospective assessment with the results thereof.

3. Member States shall, until 31 December 2020, publish the non-technical project summaries of authorised projects and any updates thereto. From 1 January 2021, Member States shall submit and publish the non-technical project summaries, at the latest within 6 months of authorisation, and any updates thereto, by electronic transfer to the Commission.'

(b) the following new paragraph 4 is added:

'4. The Commission shall establish a common format for submitting the information referred to in paragraphs 1 and 2 in accordance with the regulatory procedure referred to in Article 56(3). The Commission services shall establish and maintain a searchable, open access database on non-technical project summaries and any updates thereto.';

2. Article 54 is amended as follows:

(a) the title of the Article and paragraphs 1 and 2 are replaced by the following:

'Information on implementation and provision of statistical data

1. Member States shall by 30 September 2023, and every 5 years thereafter, send the information on the implementation of this Directive and in particular Articles 10(1), 26, 28, 34, 38, 39, 43 and 46 thereof.

Member States shall submit and publish that data, by electronic transfer in a format established by the Commission in accordance with paragraph 4.

The Commission services shall publish a Union overview on the basis of the data submitted by the Member States.

2. Member States shall collect and make publicly available, on an annual basis, statistical information on the use of animals in procedures, including information on the actual severity of the procedures and on the origin and species of non-human primates used in procedures.

Member States shall submit that statistical information to the Commission, at the latest by 30 September of the following year, by electronic transfer, in a non-summarised format established by the Commission in accordance with paragraph 4.

The Commission shall establish and maintain a searchable, open access database containing that statistical information. On an annual basis, the Commission services shall make publicly available the statistical information submitted by the Member States in accordance with this paragraph and a summary report thereof."

(b) paragraph 4 is replaced by the following:

"4. The Commission shall establish a common format and information content for submitting the information referred to in paragraphs 1, 2 and 3 in accordance with the regulatory procedure referred to in Article 56(3).";

3. Article 57 is deleted.

#### *Article 7*

*Amendments to 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*

Regulation (EC) No 166/2006 is amended as follows:

1. in Article 5(1), the second subparagraph is replaced by the following:

‘The operator of each facility that undertakes one or more of the activities specified in Annex I, above the applicable capacity thresholds specified therein, shall communicate by electronic means to its competent authority the information identifying the facility in accordance with the format referred to in Article 7(2) unless that information is already available to the competent authority.’;

2. Article 7(2) and (3) are replaced by the following:

2. Member States shall provide, each year, to the Commission by electronic transfer a report containing all the data referred to in Article 5(1) and (2) in a format and by a date to be established by the Commission by means of implementing acts in accordance with the procedure referred to in Article 19(2). The reporting date shall be, in any case, no later than 9 months after the end of the reporting year.

3. The Commission services, assisted by the European Environment Agency, shall incorporate the information reported by the Member States into the European PRTR within 2 months from completion of reporting by the Member States in accordance with paragraph 2.";

3. Article 11 is replaced by the following:

Article 11

Confidentiality

Whenever information is considered confidential by a Member State in accordance with Article 4 of Directive 2003/4/EC of the European Parliament and of the Council\*, the report referred to in Article 7(2) of this Regulation for the reporting year concerned shall indicate separately for each facility which information cannot be made public and why. That reason shall be made public.

\*Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information (OJ L 41, 14.2.2003, p. 26).";

4. Articles 16 and 17 are deleted;

5. Annex III is deleted.

#### Article 8

*Amendments to Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market*

In Article 20, the title and paragraphs (1), (2) and (3) are replaced by the following:

"Article 20

*Monitoring of implementation and access to information*

1. Member States shall make available to the public and the Commission, by 30 April of each year information on the application of this Regulation during the previous calendar year. The Commission may establish, by means of implementing acts, the format and procedure for Member States to make available such information. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 18(2).

2. Based on the information referred to in paragraph 1, the Commission services shall make publicly available, on an annual basis, a Union-wide overview on the basis of the data submitted by the Member States. In preparing the overview, the Commission services shall have regard to the progress made in respect of the conclusion and operation of the FLEGT VPAs pursuant to Regulation (EC) No 2173/2005 and their contribution to minimising the

presence of illegally harvested timber and timber products derived from such timber on the internal market.

3. By 3 December 2015 and every six years thereafter, the Commission shall, on the basis of information on and experience with the application of this Regulation, review the functioning and effectiveness of this Regulation, including in preventing illegally harvested timber or timber products derived from such timber being placed on the market. It shall in particular consider the administrative consequences for small and medium-sized enterprises and product coverage. The Commission shall report to the European Parliament and to the Council on the results of the review and accompany such reports, if necessary, by appropriate legislative proposals."

#### *Article 9*

#### *Amendments to Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community*

Regulation (EC) No 2173/2005 is amended as follows:

1. Article 8 is replaced by the following:

"Article 8

1. Member States shall make available to the public and the Commission, by 30 April of each year, information on the application of this Regulation during the previous calendar year.

2. The Commission may establish, by means of implementing acts, the format and the procedure for Member States to make available the information referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(3).

3. Based on the information referred to in paragraph 1, the Commission services shall make publicly available, on an annual basis, a Union-wide overview on the basis of the data submitted by the Member States.

2. Article 9 is replaced by the following:

"Article 9

By December 2021 and every 6 years thereafter, the Commission shall, on the basis of information on and experience with the application of this Regulation, review the functioning and effectiveness of this Regulation. In doing so it should take into account the progress on implementation of the voluntary Partnership Agreements. The Commission shall report to the European Parliament and to the Council on the result of the review and accompany such reports where appropriate, by proposals for improvement of the FLEGT licensing scheme."

#### *Article 10*

#### *Amendments to Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein*

Article 15(4) of Regulation (EC) No 338/97 is amended as follows:

1. points (b), (c) and (d) are replaced by the following:

"(b) On the basis of the data submitted by the Member States referred to in point (a), the Commission services shall make publicly available, before 31 October each year a Union-wide overview on the introduction into, and the export and re-export from, the Union of

specimens of the species to which this Regulation applies and shall forward to the Convention Secretariat information on the species to which the Convention applies.

(c) Without prejudice to Article 20, the management authorities of the Member States shall, one year before each meeting of the Conference of the Parties to the Convention, communicate to the Commission all the information relating to the relevant preceding period required for drawing up the reports referred to in Article VIII.7 (b) of the Convention and equivalent information on the provisions of this Regulation that fall outside the scope of the Convention. The information to be communicated and the format for its presentation shall be specified by the Commission in accordance with the regulatory procedure referred to in Article 18(2).

(d) On the basis of the of the data submitted by the Member States referred to in point (c), the Commission shall make publicly available a Union-wide overview on the implementation and enforcement of this Regulation.";

2. the following new point (e) is added:

"(e) The management authorities of the Member States shall communicate to the Commission before 15 April each year all the information relating to the preceding year for drawing up the annual illegal trade report referred to in CITES Resolution Conf. 11.17 (rev. CoP17).".

#### *Article 11*

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*. It shall apply from XXX.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*