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 (Text with EEA relevance)

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

(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,

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

Having regard to the opinion of the European Economic and Social Committee[(1)],

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure[(2)],

Whereas:

(1) In order to address the need for implementation and compliance information, amendments to several Union legislative acts related to the environment should be introduced, taking into account the results of the Commission report of 9 June 2017 on Actions to Streamline Environmental Reporting and the accompanying Fitness Check of Reporting and Monitoring of EU Environment Policy of 9 June 2017 (together referred to as the ‘Fitness Check on reporting’).

(2) This Regulation seeks to modernise information management and ensure a more consistent approach to the legislative acts within its scope by simplifying reporting so as to reduce the administrative burden, enhancing the database for future evaluations and increasing transparency for the benefit of the public, each time in accordance with the circumstances.

(3) It is necessary that accessibility to data should ensure that the administrative burden on all entities remains as limited as possible, especially on non-governmental entities such as small and medium-sized enterprises (SMEs). Such accessibility requires active dissemination at national level in accordance with Directives 2003/4/EC[(3)] and 2007/2/EC[(4)] 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.

(4) The data and the process of Member States' comprehensive and timely reporting 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 the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[(5)]. 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 and analytical data. In that context, there is a need for relevant data that will allow for a better assessment of the efficiency, effectiveness, relevance, coherence and added value of Union legislation, hence the necessity to ensure appropriate reporting mechanisms that can also serve as indicators for this purpose both for decision-makers and for the general public.

(5) It is necessary to amend the reporting obligations laid down in Articles 10 and 17 of Council Directive 86/278/EEC[(6)]. 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 by electronic means and in accordance with Directives 2003/4/EC and 2007/2/EC, in particular on public access, data-sharing and services. Given the overriding importance of enabling Union citizens to quickly access environmental information, it is essential that Member States make data publicly available as fast as technically feasible with the aim of having the information available within three months of the year end.

(6) In accordance with the evaluation of 13 December 2016 of Directive 2002/49/EC of the European Parliament and of the Council[(7)], 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, the deadline for the review or revision of the action plans should be postponed, once only, by one year so that the deadline of the fourth round of action plans should not be 18 July 2023 but 18 July 2024. Thus, from the fourth round onwards, 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 is currently the case. For the subsequent rounds of action plans, the five-year cycle for the review or revision will then resume. Moreover, in order to better meet the objectives of 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 comprehensible, accurate and comparable information to be made publicly available while aligning this obligation to

other Union legislative acts, such as Directive 2007/2/EC, without duplicating practical requirements.

(7) The Union is committed to strengthening the evidence base of Directive 2004/35/EC of the European Parliament and of the Council[8] in a transparent way, as undertaken by the Commission's Expert Group on that Directive. In order to facilitate comparable evidence, guidelines providing a common understanding of 'environmental damage' as defined in Article 2 of Directive 2004/35/EC should be developed by the Commission.

(8) Based on the Commission report of 20 July 2016 on the implementation of Directive 2007/2/EC and the accompanying evaluation of 10 August 2016, 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 no longer require the Commission to present to the European Parliament and to the Council a summary report, because the Fitness Check on reporting confirmed the limited use of such reports. Nevertheless, the Commission should continue to carry out, every five years, an evaluation of Directive 2007/2/EC and make that evaluation publicly available.

(9) The Commission's Fitness Check of 16 December 2016 of the EU Nature Legislation (Birds and Habitats Directives), that is Directive 2009/147/EC of the European Parliament and of the Council[9] and Council Directive 92/43/EEC[10], concluded that a three-year reporting cycle is required under Directive 2009/147/EC. However, in practice a reporting cycle of six years, as under Directive 92/43/EEC, has already been applied for Directive 2009/147/EC, with a similar primary focus on providing up-to-date information on status and trends of species. The need for a streamlined implementation of Directives 92/43/EEC and 2009/147/EC justifies the need to adapt the legislation to the joint practice, by ensuring a status assessment every six years, while acknowledging that Member States still need to carry out the necessary monitoring activities for some vulnerable species. That joint practice should also facilitate the preparation of reports every six years on application of the Directives that Member States are 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 Directive 2009/147/EC.

(10) In order to improve transparency and reduce the administrative burden, 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[11]. It is necessary to establish a central, open-access searchable database for non-technical project summaries and related retrospective assessments, and confer implementing powers on the Commission. Those implementing powers cover establishing a common format for the submission of non-technical project summaries and related retrospective assessments, as well as a common format and information content for submitting information on implementation and statistical information. It is also necessary to replace the statistical reporting by the Commission every three years by a requirement on the

Commission to set up and maintain a dynamic central database and to release statistical information on a yearly basis.

(11) In accordance with the findings of the Commission REFIT evaluation of 13 December 2017 of Regulation (EC) No 166/2006 of the European Parliament and of the Council[(12)], 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[(13)], implementing powers should be conferred on the Commission to 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 set out in that Regulation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[(14)]. Given the overriding importance of enabling Union citizens to quickly access environmental information, it is essential that Member States and the Commission make data publicly available as fast as technically feasible with the aim of having the information available within three months of the year end, including by progressing towards that objective through an implementing act under Regulation (EC) No 166/2006. 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 the 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 that Regulation, as these obligations provide information that is of limited value or does not correspond to policy needs.

(12) 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[(15)], 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 those data. In order to increase consistency of information and to facilitate the monitoring of the functioning of that Regulation, implementing powers should be conferred on 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 Council Regulation (EC) No 2173/2005[(16)]. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

(13) To improve and facilitate the access of the public to information on the implementation of Regulation (EC) No 2173/2005, 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. 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, the provisions of Regulation (EC) No 2173/2005 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. Furthermore, the provisions on evaluation of that Regulation need to be updated.

(14) Reporting under Council Regulation (EC) No 338/97[(17)] 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) of 3 March 1973, to which the Union and Member States are parties. The reporting requirements under CITES were amended at the 17th 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.

(15) The European Environment Agency is already carrying out important tasks in the monitoring and reporting of Union environmental legislation and those tasks should be explicitly introduced in the relevant legislation. For other pieces of environmental legislation, the role and resourcing of the European Environment Agency in relation to supporting the Commission in environmental reporting will be addressed following the finalisation of the ongoing evaluation.

(16) Regulations (EC) No 166/2006, (EU) No 995/2010, (EC) No 338/97 and (EC) No 2173/2005, and Directives 2002/49/EC, 2004/35/EC, 2007/2/EC, 2009/147/EC, 2010/63/EU and 86/278/EEC should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments to Council Directive 86/278/EEC

Directive 86/278/EEC is amended as follows:

(1) in Article 2, the following points are added:

(e) "spatial data services" means spatial data services as defined in point 4 of Article 3 of Directive 2007/2/EC of the European Parliament and of the Council[(18)];

(f) "spatial data set" means a spatial data set as defined in point 3 of Article 3 of Directive 2007/2/EC.;

(2) Article 10 is replaced by the following:

Article 10

1 Member States shall ensure that up-to-date records are kept, and that those records 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 point (b) of Article 2;

d the names and addresses of the recipients of the sludge and the place where the sludge is to be used;