

Environmental reporting: procedural rules

2016/0394(COD) - 15/12/2016 - Legislative proposal

PURPOSE: to enhance legal clarity and to rationalise reports on the implementation of certain Directives relating to the environment.

PROPOSED ACT: Decision of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: improving the transparency of Union law is an essential element of the Better Regulation agenda that the Union Institutions are pursuing also under the [new Interinstitutional Agreement on better law making](#).

The [2014 REFIT Communication](#) announced that the Commission will prepare repeals of legislation, inter alia, in relation to standardised reporting in the area of environment.

Moreover, the [2015 Better Regulation Communication](#) called for a broad review of reporting in several policy areas including the environment.

Given these links, the repeal of [Council Directive 91/692/EEC](#) on standardising and rationalising reports on the implementation of certain Directives relating to the environment (SRD) is now being addressed.

In brief, the SRD aimed at streamlining the reporting obligations of all EU environmental legislation in effect at the time of its adoption. However in practice, not all environmental reporting requirements were harmonised by Directive 91/692/EEC. Moreover, the implementation of the Directive was burdensome and ineffective from the outset.

Directive 91/692/EEC refers to 28 environmental acts covered by its provisions. The majority of the original obligations set out in Directive 91/692/EEC have become obsolete and have no legal effect anymore.

The repeal package consists of **four proposed initiatives** related to the repeal of the SRD:

- **a Communication** which declares the obsolescence of 11 implementing acts adopted by the Commission to establish questionnaires for environmental reporting including Decision 95/337/EEC;
- **two proposals for Commission Decisions** repealing 2 of the implementing decisions (via comitology procedures), namely Commission Decision 2011/92/EU and Commission Decision 2010/681/EU that have exhausted their legal effect, but for procedural reasons will be repealed via a later comitology procedure by the Commission;
- **proposal for a European Parliament and Council Decision**, which will repeal and amend provisions of the 6 legal acts referring to the SRD.

CONTENT: the proposed Decision seeks to: (i) amend [Directive 87/217/EEC](#) of the Council, [Directive 2003/87/EC](#) of the European Parliament and of the Council, [Directive 2009/31/EC](#) of the European Parliament and of the Council, [Regulation \(EU\) No 1257/2013](#) of the European Parliament and of the Council, [Council Directive 86/278/EEC](#) and [Council Directive 94/63/EC](#) as regards procedural rules in the field of environmental reporting and repealing Council Directive 91/692/EEC.

The proposed amendments seek to **remove requirements for standardised reporting**.

It is also proposed that references to the old comitology rules are replaced by [Regulation \(EU\) No 182/2011](#) of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

The proposal to **repeal Directive 91/692/EEC** and to remove obsolete provisions, **while making reference to new rules on implementing acts**, should ensure legal certainty, improve transparency, reduce administrative burden and ensure that EU legislation is "fit for purpose" in line with the Better Regulation agenda.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.