



Support to the Fitness Check of monitoring and reporting obligations arising from EU environmental legislation

Final Report

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Directorate-General for the Environment

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Abstract

This report presents the findings of a study to support the European Commission's Fitness Check of monitoring and reporting obligations arising from EU environmental legislation.

The study developed an inventory of 181 EU reporting obligations across 58 items of legislation. A detailed assessment of the costs and benefits of these reporting obligations was undertaken. The study also gathered evidence and views from Member States and stakeholders about the current regulatory monitoring and reporting system, through a stakeholder consultation and series of workshops.

This report summarises the evidence base and presents the consultants' conclusions as input to the Commission's evaluation report. The analysis is structured under the five evaluation themes of relevance, effectiveness, efficiency, coherence and EU added value, and the 19 more detailed evaluation questions under these themes specified in the Fitness Check Roadmap.

Conclusions are drawn about the overall performance of the current system, the effect of recent trends and current initiatives, further potential changes that could be considered to improve the current arrangements, and information gaps and research needs which could be addressed to inform future action.

Résumé

Ce rapport présente les résultats d'une étude visant à soutenir la Commission européenne dans la réalisation du « Bilan de Qualité » des obligations en matière de surveillance et de notification découlant de la législation environnementale de l'UE.

L'étude a établi un inventaire de 181 obligations de notification de l'UE contenues dans 58 actes législatifs différents. Une évaluation détaillée des coûts et bénéfices résultant de ces obligations de notification a été entreprise. L'étude a également rassemblé des preuves et des points de vue des États membres et des parties prenantes au sujet du système réglementaire actuel de surveillance et de notification, par le biais d'une consultation des parties prenantes et d'une série d'ateliers.

Le présent rapport résume les résultats et les conclusions des consultants et vise à contribuer au rapport d'évaluation de la Commission. L'analyse est articulée autour des cinq thèmes d'évaluation suivants: pertinence, efficacité, efficience, cohérence et valeur ajoutée de l'UE, ainsi que de 19 questions d'évaluation plus précises détaillées dans la Feuille de Route du Bilan de Qualité.

Des conclusions sont tirées à propos de la performance globale du système actuel, de l'effet des tendances récentes et des initiatives en cours, des changements potentiels qui pourraient être envisagés pour améliorer les dispositions actuelles, mais également des manques d'information et besoins de recherche qui pourraient être examinés pour informer de futures actions.

Executive summary

This report presents the findings of a study by ICF, IEEP and Denkstatt to support the European Commission's Fitness Check of monitoring and reporting obligations arising from EU environmental legislation.

The support study was informed by a series of evidence gathering tasks. These included: building an inventory of reporting obligations from a desk analysis of the relevant legislation, followed by a process of verification with experts; assessment of the costs and benefits of reporting, using the standard cost model as set out in the Better Regulation Toolbox; supporting the evidence gathering and public consultation of the Fitness Check; and delivering four consultative workshops with external stakeholders. This report summarises the evidence base and presents the consultants' conclusions as input to the Commission's evaluation report.

The inventory developed for the study identifies 181 EU reporting obligations across 58 items of environmental legislation. The report presents an analysis of these reporting obligations against the five evaluation themes of relevance, effectiveness, efficiency, coherence and EU added value, and the 19 more detailed evaluation questions under these themes specified in the Fitness Check Roadmap. Key findings under each theme are as follows:

Relevance:

- Current reporting processes remain relevant, but opportunities for alternative approaches are increasing.
- The purpose underlying reporting obligations varies between legislation, although in many cases it is concerned as much with oversight of Member State implementation as with environmental outcomes.
- The REFIT programme has successfully addressed some issues of irrelevant and obsolete reporting requirements, but there are opportunities for further change, and continued action is necessary to maintain relevance over the longer term.
- Key performance indicators on the implementation and effects of environmental legislation could play an increasing role in environmental reporting, but would require a new and structured approach within the reporting system.
- The process of reporting has taken advantage of advances in technology, although these are not being universally exploited and progress is ongoing.

Effectiveness:

- The effectiveness of reporting arrangements has improved greatly in recent years, but there remain widespread problems with the completeness, quality and timeliness of information received through reporting obligations.
- While the information requested is broadly sufficient, deficiencies in Member States' reporting mean that the available information is sometimes insufficient to establish an understanding of the state and the effectiveness of implementation of the environmental acquis.
- An increasing body of information is being made available by Member States and the Commission on an open access basis. However further efforts are required to ensure that the available information is relevant and realistically accessible to non-technical audiences.
- Environmental monitoring and reporting is a critical input to the evidence base for decision making. However there are some instances where issues with that evidence base have had a detrimental effect on the ability to draw robust conclusions and hence make defensible decisions.

Efficiency:

- The overall costs of the monitoring and reporting arrangements are moderate and proportionate to the benefits, but some stakeholders express concerns about disproportionate costs for certain reporting obligations.
- The efficiency of the system could be improved further, even after significant gains in recent years.
- Enhanced systems and processes are increasing efficiency at Member State level.
- There is scope for further improvements in the efficiency of processes, particularly through further use of IT and involvement of the European Environment Agency.
- Harmonising the timing of reporting could reduce costs, but potential effects on benefits would also need to be considered.
- Active dissemination can increase the efficiency of monitoring and reporting, but more by increasing benefits than reducing costs.
- The reporting system is complex and diverse, and there is great scope for simplification.

Coherence:

- There are instances of overlaps of reporting across the environmental acquis. Improvements in data sharing should provide increasing opportunities to remove and avoid these overlaps.
- There is a lack of evidence on whether information is reported (including to other parts of the Commission) but then full use not made of it. Improvements in data sharing should help to identify and capitalise on opportunities to make wider use of the information reported.
- There are many good examples of coherence between EU and international reporting; however there remain a number of areas of potential incoherence.

EU Added Value:

- EU level reporting delivers clear benefits that could not be achieved through reporting at MS level alone.
- Alternative approaches – such as active dissemination and data harvesting – offer the potential to deliver the required EU added value in future, if certain conditions are met.

The report assesses the arrangements of monitoring and reporting against the key principles of regulatory monitoring set out in the EC Better Regulation Guidelines. Overall, the analysis suggests that the current arrangements perform quite well relative to some principles (comprehensiveness, proportionality, accessibility) but that there is room for improvement in others (e.g. quality, timeliness, overlap and consistency issues) for some areas of legislation. Ongoing developments – in life-cycle stages of legislation implementation, policy contexts and needs, scientific knowledge and technology – mean that the specific requirements for reporting under individual areas of legislation are constantly evolving and require ongoing maintenance to ensure that they continue to deliver upon their objectives and conform to these principles.

EU environmental monitoring and reporting arrangements are evolving rapidly, both through policy changes and advances in reporting processes and practices. A number of major initiatives under the Commission's programme of better regulation are introducing enhancements to the environmental monitoring and reporting

arrangements. Examples include the Circular Economy Package, E-PRTR REFIT and INSPIRE REFIT. Furthermore, recent years have seen simplification and harmonisation of reporting under other areas of legislation, such as for water, nature and industrial emissions.

At the process level, the use of information technology has widely improved reporting processes, bringing time savings and efficiencies and helping to enhance the accessibility of the reported information. This has often required substantial investments at the EU and MS levels. Technological developments and related EU initiatives to harness them are opening up new ways of reporting, such as data harvesting, and supporting greater public access to information. For example, the development of Structured Implementation and Information Frameworks (SIIFs) has enabled active dissemination to emerge as an alternative to EU reporting under the Urban Wastewater Treatment Directive. Active dissemination of environmental information by Member States could meet many of the objectives of reporting in future, but there are challenges to ensure that action designed to provide information to multiple stakeholders can serve the specific needs of environmental monitoring and reporting – for example, it must guarantee that the harvested information is suitable for use in legal proceedings.

The analysis suggests that there is room for improvement in a number of areas of reporting. The Commission's REFIT programme provides the vehicle for maintaining the fitness for purpose of the reporting requirements of specific legislation. More broadly, the overall monitoring and reporting system could be examined further with a view to the potential for harmonisation and simplification. There is also a need for further development and implementation of cross-cutting data management and open access initiatives that will support the next evolutionary shift in reporting approaches and provide for a step-change in the realisation of the benefits of reporting.

The report identifies a number of areas where potential changes could be investigated, including in relation to: key performance indicators; improved support for delivering existing data flows; harmonisation of processes; harmonisation of timing; information sharing and systems interoperability; coherence of individual items of legislation; simplification of the overall system; and ongoing regulatory review. While the analysis is able to identify issues and potential areas of opportunity, most of these require further more detailed analysis, and the report therefore lists a number of information gaps and research needs.

Résumé exécutif

Ce rapport présente les résultats d'une étude menée par ICF, IEEP et Denkstatt visant à soutenir la Commission européenne dans la réalisation du « Bilan de Qualité » des obligations en matière de surveillance et de notification découlant de la législation environnementale de l'UE.

L'étude a été alimentée par une série d'actions de collecte de données. Il s'agissait notamment : de dresser un inventaire des obligations de notification à partir d'une analyse approfondie de la législation pertinente, suivi d'un processus de vérification par des experts; d'effectuer une évaluation des coûts et bénéfices des activités de notification sur base de la « méthode de coûts standard » telle qu'indiqué dans la Boîte à outils « Mieux légiférer » (« Better Regulation Toolbox »); d'appuyer la collecte de preuves et la consultation publique du Bilan de qualité; et de tenir quatre ateliers consultatifs avec différentes parties prenantes externes. Le présent rapport résume les résultats de ces activités de recherche et présente les conclusions des consultants visant à contribuer au rapport d'évaluation de la Commission.

L'inventaire établi pour cette étude a identifié 181 obligations européennes de notification en matière d'environnement dans 58 législations européennes différentes. Le rapport présente une analyse de ces obligations de notification par rapport aux cinq thèmes d'évaluation définis (pertinence, efficacité, efficience, cohérence et valeur ajoutée de l'UE), ainsi que de 19 questions d'évaluation détaillées sur ces différents thèmes. Voici les principales conclusions de chaque thème:

Pertinence:

- Les processus de notification existants demeurent pertinents, mais les possibilités d'approches alternatives sont en augmentation.
- Le but sous-jacent aux obligations de notification varie en fonction des législations, bien que, dans de nombreux cas, il couvre tant le contrôle de la mise en œuvre des législations par les États membres que des résultats environnementaux de ces législations.
- Le programme REFIT a permis de résoudre certaines questions relatives aux obligations de notification non pertinentes et obsolètes, mais certains changements sont encore possibles et des actions continues sont nécessaires pour garantir la pertinence sur le long terme.
- Des indicateurs de performance sur la mise en œuvre et les effets de la législation environnementale pourraient jouer un rôle de plus en plus important dans les activités de notification en matière environnementale, mais nécessiteraient une approche nouvelle et structurée du système de notification.
- Les processus de notification ont bénéficié, dans l'ensemble, des avancées technologiques réalisées, bien que celles-ci ne soient pas exploitées de manière uniforme et que certains changements soient actuellement en cours.

Efficacité:

- L'efficacité des dispositions en matière de notification s'est considérablement améliorée au cours des dernières années, mais l'on constate encore toujours certains problèmes d'exhaustivité, de qualité et de ponctualité des informations reçues découlant des obligations de notification.
- Si les informations requises auprès des États membres sont globalement suffisantes, certaines lacunes observées dans les activités de notification peuvent rendre les informations disponibles insuffisantes pour permettre une totale compréhension de l'état et de l'efficacité de la mise en œuvre de l'acquis environnemental.

- Les États membres et la Commission disposent d'un nombre croissant d'informations en « libre accès ». Toutefois, des efforts supplémentaires sont nécessaires pour s'assurer que les informations disponibles soient pertinentes et accessibles pour des publics profanes.
- Les obligations en matière de surveillance et de notification génèrent des informations essentielles à la prise de décision. Cependant, dans certains cas des problèmes liés à certaines informations demeurent, ce qui peut avoir des effets préjudiciables sur la capacité à tirer des conclusions rigoureuses et à justifier certaines décisions.

Efficiences:

- Les coûts globaux des dispositions de surveillance et de notification sont modérés et proportionnels aux bénéfices générés, même si des cas de coûts disproportionnés ont été pointés par certaines parties prenantes.
- L'efficacité du système pourrait être encore améliorée, malgré des progrès significatifs observés ces dernières années.
- Certains systèmes et processus mis en place au niveau des États membres permettent d'améliorer l'efficacité de manière significative.
- Il est possible d'améliorer encore l'efficacité des processus, notamment par une utilisation accrue des technologies de l'information et par la participation active de l'Agence européenne pour l'environnement.
- L'harmonisation du calendrier des opérations de notification pourrait réduire les coûts, mais les effets potentiels sur les bénéfices devraient également être pris en considération.
- La diffusion active permettrait d'accroître l'efficacité des activités de surveillance et de notification, en ayant un effet sur les bénéfices plutôt que sur les coûts.
- Le système de notification est complexe et diversifié, et le potentiel de simplification est significatif.

Cohérence:

- Il existe des cas de chevauchement de certaines obligations de notification au sein de l'acquis environnemental. L'amélioration du partage de données devrait permettre de supprimer et d'éviter certains chevauchements.
- Aucun élément ne prouve que certaines informations sont communiquées à la Commission (ou à certains services au sein de la Commission) mais ne sont pas utilisées. L'amélioration du partage des données devrait permettre d'identifier et de capitaliser sur les possibilités d'utiliser plus largement les informations notifiées.
- Il existe de nombreux exemples de cohérence entre les obligations de notification au niveau de l'UE et au niveau international; cependant, il subsiste un certain nombre de domaines d'incohérence potentielle.

Valeur ajoutée de l'UE:

- Les opérations de notification au niveau de l'UE fournissent des avantages évidents qui ne pourraient être obtenus si celles-ci étaient limitées au niveau des États membres.
- Des approches alternatives – telles que la diffusion active et la collecte des données – pourraient offrir la valeur ajoutée requise au niveau de l'UE si certaines conditions sont réunies.

Le rapport évalue les dispositions de surveillance et de notification en fonction des principes clés du contrôle réglementaire énoncés dans les Lignes directrices de l'UE « Mieux légiférer » (« Better Regulation Guidelines »). Dans l'ensemble, l'analyse suggère que les dispositions actuelles sont relativement satisfaisantes par rapport à certains principes (exhaustivité, proportionnalité, accessibilité), mais que des améliorations dans d'autres domaines sont encore possibles (par exemple, en matière de qualité, ponctualité, chevauchement et cohérence). Les évolutions actuelles – relatives aux étapes de mise en œuvre de la législation, au contexte et besoins politiques, aux connaissances scientifiques et à la technologie – transforment sans cesse les obligations de notification propres aux différents domaines législatifs et nécessitent des améliorations constantes pour faire en sorte que ces obligations continuent d'atteindre leurs objectifs et soient conformes à ces principes.

Les dispositifs de surveillance et de notification découlant de la législation environnementale de l'UE évoluent rapidement, suite aux changements de politiques et aux améliorations des processus et pratiques. Un certain nombre d'initiatives importantes s'inscrivant dans le cadre du programme de la Commission qui vise à améliorer la réglementation européenne, permettent d'améliorer les dispositifs de surveillance et de notification en matière environnementale. Ces initiatives comprennent notamment le Paquet sur l'économie circulaire, E-PRTR REFIT et INSPIRE REFIT. En outre, ces dernières années des mesures de simplification et d'harmonisation ont eu lieu dans d'autres domaines législatifs tels que l'eau, la nature et les émissions industrielles.

En termes de processus, l'utilisation des technologies de l'information a permis d'améliorer considérablement les processus de notification, en réalisant des économies de temps et d'efficacité et en améliorant l'accessibilité des informations reçues. Cela a souvent nécessité des investissements considérables au niveau de l'UE et des États membres. Les développements technologiques et les initiatives connexes de l'UE visant à les exploiter ouvrent de nouvelles voies pour les activités de notification, telles que la collecte de données et l'accès à l'information par le grand public. Par exemple, l'élaboration des Cadres de mise en œuvre et d'information structurés (SIIF) a permis d'encourager la diffusion active comme alternative aux obligations européennes de notification dans le cadre de la Directive sur le traitement des eaux urbaines résiduaires. À l'avenir, la dissémination active des informations environnementales par les États membres pourrait répondre à de nombreux objectifs de notification. Il reste cependant de nombreux défis à relever pour faire en sorte que les actions visant à fournir de l'information à différents types de public puissent répondre aux besoins spécifiques de surveillance et de notification en matière environnementale – cela doit, par exemple, garantir que les informations récoltées soient aptes à être utilisées en justice.

L'analyse suggère que des améliorations dans un certain nombre de domaines de notification sont possibles. Le programme REFIT de la Commission fournit le moyen de maintenir l'adéquation entre les obligations de notification découlant de certaines législations et les objectifs poursuivis. D'une manière plus générale, le système global de surveillance et de notification pourrait être examiné davantage en vue d'une harmonisation et d'une simplification plus poussée. Il est également nécessaire d'élaborer et de mettre en œuvre des initiatives visant le partage transversal de données et le « libre accès » qui soutiendront le prochain virage évolutif des méthodes de notification et apporteront un changement radical dans la réalisation de leurs bénéfices.

Le rapport identifie un certain nombre de domaines où des changements potentiels pourraient être opérés, y compris en ce qui concerne: les principaux indicateurs de performance; un soutien accru pour la fourniture de flux de données existants; l'harmonisation des processus; l'harmonisation des délais; le partage de l'information et l'interopérabilité des systèmes; la cohérence des différentes législations; la simplification du système global; et l'examen réglementaire en cours. Bien que

l'analyse soit en mesure de cerner les problèmes et les domaines d'opportunité potentiels, la plupart d'entre eux nécessitent une analyse plus approfondie. Le rapport identifie, enfin, un certain nombre de lacunes en matière d'information et de besoins de recherche.

1 Introduction

1.1 The Fitness Check of EU environmental monitoring and reporting obligations

The European Commission is undertaking a Fitness Check of monitoring and reporting obligations arising from EU environmental legislation as part of its Regulatory Fitness and Performance programme (REFIT). Under REFIT, action is taken to make EU law simpler and to reduce regulatory costs, thus contributing to a clear, stable and predictable regulatory framework supporting growth and jobs. The purpose of the Fitness Check is to ensure that environmental reporting is fit for purpose and to help to identify concrete actions towards a low burden, high effects monitoring and reporting in the context of environmental legislation. In March 2016, the Commission published a Roadmap¹ setting out the scope and objectives of the Fitness Check.

The overall aims of the Fitness Check are to:

- Further develop more modern, effective and efficient monitoring and reporting for EU environment policy as a necessary step towards delivering a better environment. This will reduce pressure on the public and private sector contributing to reporting, whilst also filling information gaps and thereby contribute to the REFIT objectives; and
- Contribute to the Commission's priority to create a Union for Democratic Change, making environmental information more visible and accessible to citizens, and achieving higher standards of transparency and accountability.

The Fitness Check will also support the following specific objectives:

- Better results on the ground (i.e. higher implementation and compliance rates);
- Better information and empowerment of citizens (i.e. transparent and publicly available information through active dissemination);
- Facilitating Better Regulation in the EU environment policy cycle (i.e. having the evidence base for evaluations and Impact Assessments and improving the overall knowledge and evidence base for Union environment policy); and
- Lower costs and less burden for those providing the information.

Based on the five evaluation criteria of effectiveness, efficiency, coherence, EU-added value and relevance, the Fitness Check will identify simplification potentials taking into account the need for ensuring attainment of existing regulatory objectives and compliance control. It will consider the scope of the various reporting obligations, their details, frequency and timing. Coherence and greater synergies across reporting obligations with other policy areas will also be considered as well as a modernisation of the reporting tools and solutions. A key focus will be on administrative burdens associated with reporting, and on ensuring that the system provides maximum benefits from the resources used. To this end, the Better Regulation Guidelines, in particular section V on monitoring, will be used as a reference point.

The Roadmap notes that simplification should lead to more useful information, and stresses that the initiative is not only about identifying ways to streamline and reduce the burden of reporting obligations but also about identifying whether additional information and data are needed and, if so, how that information can be collected in the most efficient way with least burden.

¹ European Commission (2016). Fitness Check (FC) Roadmap. Fitness Check of environmental monitoring and reporting obligations in environmental policy. http://ec.europa.eu/smart-regulation/roadmaps/index_en.htm

1.2 The aims and objectives of the support study

ICF, the Institute for European Environmental Policy (IEEP) and Denkstatt were commissioned by the European Commission to undertake a support study to provide evidence to inform the Fitness Check.

The overall objective of the contract was to provide administrative, organisational and technical support for the review of EU environmental monitoring and reporting obligations under the Better Regulation agenda.

The support study comprised the following main elements:

- Building an inventory of reporting obligations arising from EU environmental legislation;
- Assessment of the costs and benefits of reporting, using the standard cost model as set out in the Better Regulation Toolbox;
- Support to the evidence gathering and public consultation of the REFIT initiative and preparing dedicated products / reports as result of these processes;
- Support for consultative workshops with external stakeholders, including provision of administrative and organisational support as well as the necessary preparation of technical meeting documents; and
- Preparing a report on the basis of the Better Regulation Guidelines which presents the evidence base responding to the evaluation questions set out in the Fitness Check Roadmap, and also the consultants' conclusions as input to the Commission's evaluation report.

The work was carried out in close consultation with the Commission services and aimed to ensure a consultative process, allowing all contributors internally and externally to contribute to all of the deliverables of the contract.

1.3 Overview of study methodology

The methodology employed for each of the main tasks is summarised briefly as follows.

1.3.1 Inventory of reporting obligations

A desk review was carried out to identify the requirements meeting an agreed definition of "reporting obligations", and to assess the different aspects of those reporting requirements (including the timing and frequency of reporting, the nature of the information reported, the use of specific formats defined in implementing acts, etc.), which were recorded in the form of an Excel database. A process of validation with Commission services, followed by validation with the European Environment Agency (EEA) and with wider stakeholders, particularly Member States, allowed for further refinement of the characterisation of the obligations. Data on key characteristics was extracted from the inventory to inform the stakeholder workshops, and to provide the overview in Section 3 of the report, as well as to inform the responses to the evaluation questions.

1.3.2 Analysis of costs and benefits

An analysis was undertaken of the costs and benefits of each reporting obligation identified in the inventory, following the Standard Cost Model set out in the Better Regulation Guidelines. The initial assessment involved a desk review, designed to assess the overall significance of costs and benefits. This was followed up by further evidence gathering, including interviews with European Commission (EC), EEA and Member State (MS) officials, and focusing on those areas of legislation which appear to have the greatest and/or more uncertain costs and benefits (these were: air and noise, industrial emissions, waste and water). The findings were presented in a series of fiches for each item of legislation, which were shared in draft form with

stakeholders and revised to take account of the comments received. The methodology for the assessment of costs and benefits is set out in Annex 2 and the fiches in Annex 3.

1.3.3 Support for the public consultation

A public consultation to inform the Fitness Check was held between 18 November 2015 and 10 February 2016. The questionnaire included 15 questions, organised in six sections (introduction, general information, general principles and objectives relating to monitoring and reporting, current perceptions, areas for further consideration and additional evidence), and presented in a variety of closed-ended and open-ended formats. Responses were received from 150 stakeholders comprising public authorities, citizens and other stakeholders. The results are summarised in Annex 4.

1.3.4 Stakeholder workshops

The Fitness Check was launched at a workshop organised by the European Commission in cooperation with the Make It Work' project in November 2015 (in Brussels)². Stakeholder workshops were held in April 2016 (in Brussels) and in September 2016 (in Barcelona), to share emerging findings from the analysis and to give stakeholders an opportunity to comment on and input to the work. A further workshop took place in Brussels on 8 December 2016 to present and discuss the findings from the draft final report. Reports of these workshops are given in Annex 6.

1.3.5 Preparation of the evaluation report

The evidence collected was organised under the five themes and 19 questions specified in the Fitness Check Roadmap. This report presents responses to each of these questions.

1.4 This report

This final report presents the main findings of the support study, structured under the evaluation questions specified in the REFIT Roadmap.

The report is structured as follows:

- Section 2 summarises the purpose, objectives and intervention logic for environmental monitoring and reporting;
- Section 3 provides an overview of the suite of monitoring and reporting obligations linked to EU environmental legislation;
- Sections 4-8 present evidence, organised under the five evaluation themes of relevance, effectiveness, efficiency, coherence and EU added value, and the evaluation questions set out in the Roadmap under each theme; and
- Section 9 presents overall conclusions from the support study.

There are 9 annexes:

- Annex 1 contains the Excel spreadsheet inventory of EU environmental reporting obligations;
- Annex 2 outlines the methodology used in the assessment of costs and benefits of reporting obligations;
- Annex 3 presents fiches for each reporting obligation, which include a summary of the main details of the obligation and information about its costs and benefits;
- Annex 4 presents a summary of the responses to the public consultation;

² http://ec.europa.eu/environment/legal/reporting/workshops_en.htm

- Annex 5 presents fiches addressing 6 horizontal issues associated with monitoring and reporting;
- Annex 6 presents summaries of the findings of each of the stakeholder workshops;
- Annex 7 presents an analysis of the Standardised Reporting Directive;
- Annex 8 presents three fiches provided by the European Environment Agency, providing evidence on different reporting issues;
- Annex 9 presents a summary of the benefits of recent and ongoing initiatives to streamline reporting obligations.

2 The Purpose of Environmental Monitoring and Reporting

2.1 Introduction and definitions

The Commission's Better Regulation Guidelines define **monitoring** as the process that generates evidence of an intervention's activities and impacts over time in a continuous and systematic way. Such (regulatory) monitoring allows the European Commission to review the Member States' efforts when implementing EU law.

A monitoring system is a necessary and integral part of Better Regulation, helping to:

- Identify whether a policy is being applied on the ground as expected;
- Address any implementation problems of an intervention; and/or
- Identify whether further action is required to ensure that it can achieve its intended objectives.

Good monitoring generates factual data to improve the quality of future evaluation and impact assessment.

Reporting is a transfer of information and data from one entity to another. In the context of this initiative, it is a requirement for a European Member State to transmit information to the European Commission as a means to demonstrate successful implementation.

It is important to distinguish between the broader process of regulatory monitoring (see above) – which plays an important role in better regulation and applies to a wide range of policy contexts – and more specific environmental monitoring activities as set out in EU environment legislation. The information used in regulatory monitoring and reporting in the environmental field is often the result of environmental monitoring activities. For example, data collected from monitoring of ambient air quality or urban wastewater discharges informs environmental reporting under the relevant EU Directives, and plays an important role in regulatory monitoring in this context.

There are reporting provisions in place across the EU environmental acquis and, in particular, requirements for Member States to transmit to the Commission and/or to agencies such as the European Environment Agency information on:

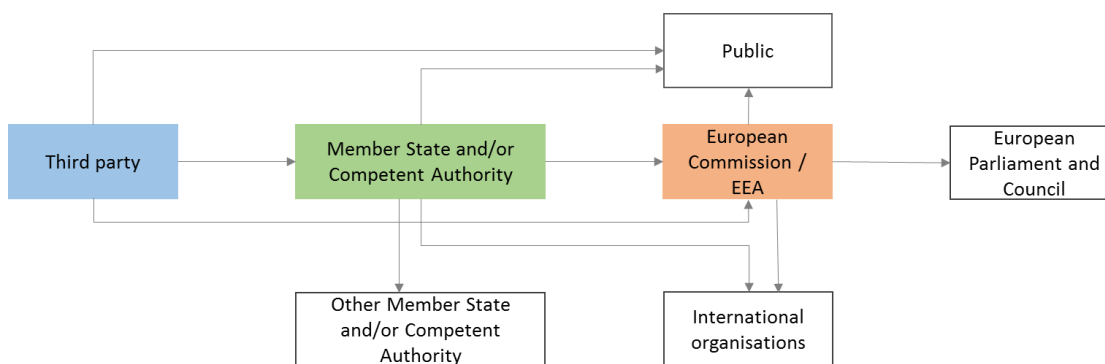
- (a) Basic details of implementation, for example on numbers of facilities regulated, decisions on regulatory issues, etc.;
- (b) The situation/progress in attaining the objectives and targets defined by legislation;
- (c) The profile and intensity of environmental pressures; and
- (d) The effectiveness of responses to environmental pressures.

The drafting of obligations varies by topic, and by the date at which the legislation was adopted, with the rationale for different design choices not always clearly articulated. These provisions lay down specific requirements for the information to be reported: data features, templates to be used, periodicity of submissions, etc. The definition of some of these requirements is left to expert committees or to legislative procedures within a particular environmental policy area.

The multiple paths of information flows are presented in Figure 1 Those which are in the scope of this study are highlighted.

Information flows may differ depending on the nature of the reporting obligation, but typically require a Member State and/or Competent Authority sourcing relevant information from third parties and data holders. They then make this information available to the European Commission in the first instance (which may also release this information to the Council of Europe and European Parliament), followed by the wider public and international organisations, as appropriate. For many items of environmental legislation, the EEA provides support to the Commission with regard to environmental monitoring and reporting, and collects, analyses and reports information from the Member States on the Commission's behalf.

Figure 1. Information flows under reporting obligations



In order to assess reporting obligations, it is important to distinguish them from other information obligations resulting from EU law.

Our definition of reporting obligations includes only those information obligations that arise as a result of the need to report to the Commission or to relevant agencies. A test of whether the gathering and transmission of information constitutes a reporting obligation is: whether that information would be collected and provided in the absence of a requirement to report to the Commission.

Other information obligations – such as the information required for permitting, labelling, product registration, inspections, compliance-checking or action planning – are not regarded as reporting obligations. To be clear, this report focuses on reporting and regulatory monitoring but not on the day-to-day environmental monitoring, which would happen regardless of any reporting requirement at the EU level.

The following list of reporting obligations were **not in the scope** of this study:

- Obligations for the European Commission to report, for example to the Council and Parliament, where this is not directly linked to the information supplied in response to the reporting obligations on Member States);
- When there is a reporting obligation (either for the European Commission or the Member States) to provide information to the public, without a requirement to provide this information to the Commission or to relevant agencies;

- When a Member State is required to provide information to another Member State, for example as part of the operation of the regulatory system (e.g. alerting another Member State to a cross-border issue); and
- When a third party, including for instance from the industry sector, is required to report to the Member State authorities but this information does not reach the European Commission.

2.2 The purpose and objectives of EU environmental monitoring and reporting

The role of environmental reporting varies between areas of legislation. In some cases it allows for Commission and legislator oversight of individual Member State choices on implementation. In other cases, it enables the collation of data that provides evidence on the implementation and impacts of EU environmental policy. This is a critical part of Better Regulation and ensures that evidence-based actions can be taken to ensure that policy is amended where necessary to ensure that it remains fit-for-purpose.

2.2.1 Objectives of environmental monitoring and reporting

Reporting obligations are put in place for most items of EU environmental legislation. They provide the legal mechanism to ensure that Member States provide information to the European Commission that can enable evidence-based regulation. This system is a critical part of Better Regulation, helping to:

- Enable the Commission to fulfil its duties as guardian of the accurate implementation of EU obligations by Member States;
- Identify whether a policy is being applied on the ground as expected;
- Provide evidence to identify and address any implementation problems of an intervention; and/or
- Indicate the impacts as they relate to the policy objectives and hence monitor whether the implementation of EU legislation is achieving its intended objectives, and identify whether further action is required to ensure that it can achieve its intended objectives.³

Monitoring and reporting is an essential part of the legislative cycle, as set out in the Better Regulation Guidelines. The Fitness Check Roadmap states that, in the field of environmental policy, the collection and use of information has several broad functional objectives:

- A. To demonstrate compliance with a legal obligation.
- B. To determine if the objectives of legislation are being achieved effectively and efficiently, including, where appropriate, ensuring a level playing field of the internal market.
- C. To inform the other EU institutions as well as the public and stakeholders at EU level on the progress of implementation and the identification of gaps.
- D. To help inform the understanding of an environmental issue and so help to improve decision making, e.g. policy evaluations or impact assessments.
- E. To identify and spread good practices amongst Member States.

Respondents to the Public Consultation were asked to rate⁴ the importance of a series of objectives for environmental monitoring and reporting. The overall average ratings

³ Based on: EC Better Regulation Guidelines. (SWD(2015)110, chapter 5). Available at: http://ec.europa.eu/smart-regulation/guidelines/ug_chap5_en.htm

⁴ On a scale of 1 to 10, where a score of 1 is of no importance and 10 is of very high importance.

indicate that respondents consider that all are important. Highest importance is attached to providing an assessment of whether legal obligations are met, followed by allowing stakeholders to understand the state of the environment and actions being taken to maintain it, ensuring access to environmental information for citizens, comparing MS performance in implementing EU law, with the lowest rating for indicating how well legislation is working (i.e. costs and benefits).

Table 1. Ratings assigned to the importance of different objectives, by participants in the Public Consultation

Monitoring and reporting objective	Mean score (out of 10)
Monitoring and reporting should allow for an assessment of whether EU legal obligations are being met	8.8
Monitoring and reporting should allow stakeholders to understand the state of the environment and the actions taken to maintain and improve it	8.5
Monitoring and reporting should generate reliable environmental information and ensure access to environmental information for citizens	8.2
Monitoring and reporting should allow comparison between Member States as regards their performance when implementing EU environment law	7.7
Monitoring and reporting should indicate how well the legislation is working (i.e. costs and benefits)	7.3

2.2.2 Intervention logic for EU monitoring and reporting obligations

A model of intervention logic for EU monitoring and reporting obligations has been defined, as a reference point for the evaluation. The intervention logic defines the objectives of environmental monitoring and reporting, specifies the inputs used to meet these objectives, the activities involved, and the expected outputs, results and impacts of these activities.

At the core of this Fitness Check are the provisions in the different legal acts of the EU environmental acquis that focus on reporting obligations. Hence, the intervention logic presented below only refers to these reporting obligations contained in the different articles of the respective legal acts and not to the overall objectives of these pieces of legislation.

Amongst the reporting obligations in the acquis, the most common purpose is to provide information on implementation and measures taken in Member States, which allows for an assessment of EU level compliance. There are also many reporting obligations that indirectly facilitate this and allow for the European institutions and the public more widely to understand how the acquis is working in practice and what it is delivering.

A graphic representation of the general intervention logic for reporting obligations in the EU environment acquis is presented below in Figure 2.

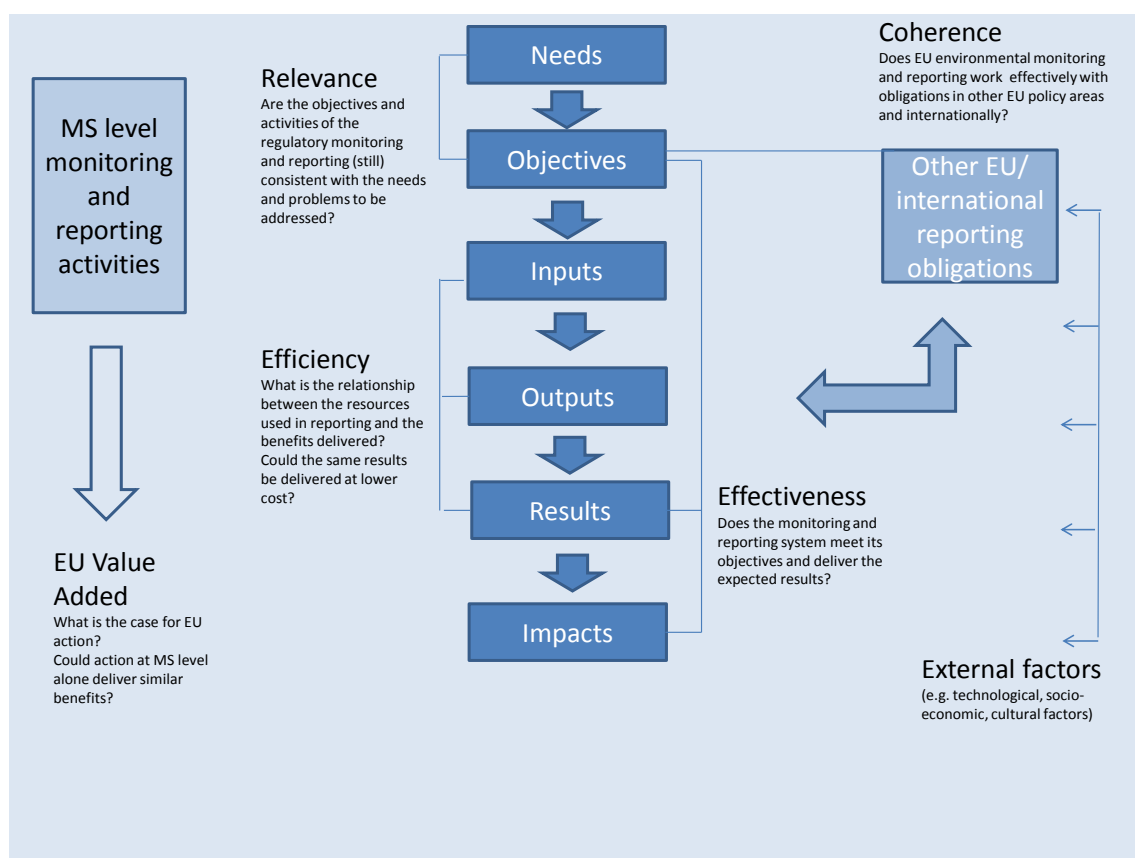
Figure 2. Intervention logic for reporting and monitoring obligations in the EU environment acquis



The intervention logic also provides a reference point for examination of the five evaluation themes (Figure 3):

- **Relevance** considers whether the objectives of the reporting system are consistent with the needs they are seeking to address;
- **Effectiveness** concerns the performance of the reporting system against its objectives, and is measured by the results and impacts achieved;
- **Efficiency** examines the relationship between the inputs used in reporting and the outputs and results achieved;
- **Coherence** examines the interactions of the system with other reporting obligations, including in other EU policy areas and internationally; and
- **EU added value** concerns the extent to which the effects achieved are greater than those that could be delivered by action at Member State level.

Figure 3. Links between the Intervention Logic Model and Evaluation Themes



2.2.3 Principles of environmental monitoring and reporting

The Better Regulation Guidelines stipulate that a fit-for-purpose environmental monitoring and reporting system should follow five 'governing principles'. It should be: comprehensive, proportionate, timely, minimise overlap and provide accessibility (Box 2.1).

Box 2.1 Governing principles for a monitoring and reporting system

The Better Regulation Guidelines⁵ specify five governing principles that a regulatory monitoring and reporting system should follow:

- **Comprehensive:**
 - The system should provide data that is sufficiently detailed to inform monitoring, evaluation and decision making.
 - It must provide data that cover the objectives of the intervention and should provide evidence on both the costs and benefits of the legislation.
 - Although monitoring systems generally collect objective (e.g. factual, quantitative) evidence, monitoring of subjective (e.g. opinion based, qualitative) evidence (e.g. periodic opinion polls or surveys) should also be included where useful.
- **Proportionate:**
 - A balance should be struck between the extent of information requested and the cost of its provision.
 - The weight of evidence provided should reflect the importance placed on different aspects of the intervention.
- **Minimise overlap:**
 - It should not duplicate requirements already in place. New reporting obligations should focus on gaps that need to be filled.
 - Information should be collected once and shared where possible for many purposes.
- **Timeliness:**
 - The timing of reporting should align with the when the evidence will be used.
 - It should provide data that is up-to-date at the point of use.
- **Accessibility:**

In principle, all evidence gathered should be made available to the general public. Reported information should be fully available to the general public, after due consideration of the appropriate level of aggregation and subject to appropriate confidentiality constraints.

The Make it Work⁶ initiative has proposed a similar set of principles, with some differences in emphasis (Box 2.2).

⁵ EC Better Regulation Guidelines. (SWD(2015)110, chapter 5)

⁶ *Make it Work* is an initiative by the governments of the Netherlands, the UK, Germany, Sweden and the Czech Republic, which aims to identify opportunities to improve the quality of EU environmental law, achieving its benefits while delivering a level playing field across the EU. MiW aims at delivering environmental outcomes more efficiently and effectively, without lowering existing protection standards.

Box 2.2 Principles suggested by the Make it Work initiative

- **Sufficiency:** is the information provided enough (level of detail, geographic coverage, etc.) to answer the questions being asked? If indicators are developed, do these encompass the right issues? If not, the information that is provided may have little or no value.
- **Proportionality:** is the amount of information requested AND the effort required to collect, analyse and provide that information proportional to the importance of the questions being asked? There is the 'other side of the coin' to the principle of sufficiency.
- **Quality:** it is important to ensure the information is of good quality, etc (so provisions to ensure this might be established at EU level, both in relation to monitoring and the processing and delivery of information).
- **Comparability:** there may be needs to ensure that information from different MS is comparable, so provisions to ensure common methods might be established at EU level.
- **Timeliness:** it is important to know if targets are being met (or progress towards) in a timely way so that failure can be acted upon.
- **Practicability:** whatever reporting provisions are adopted, it is important to ensure that these are practicable - in relation to collecting information (monitoring), processing and reporting, including the time to put systems in place.
- **Continuity:** a consistent time series of data might be needed in order to be able to assess trends and progress.

Most of these Better Regulation and Make It Work principles have already featured in environmental policy for some time, e.g. when developing the Shared Environment Information System (SEIS)⁷.

The Make it Work initiative and the public consultation both explored stakeholder perceptions of principles of environmental monitoring in detail. They highlighted that the value of information interrelates with many other principles. This underlines the necessity of understanding the key reason for reporting in each case and who the audience is for the required information. Some 60% of respondents to the public consultation noted a strong agreement with the principle that a balance needs to be struck between asking for information and the cost of its provision.

Respondents to the public consultation were asked to rate the importance of six principles based on those in the Better Regulation Guidelines. When average scores are compared by principle, we can see strong support for the principles that information should be collected once and used for many purposes, made fully available to the general public as appropriate, and be timely and up to date (Table 2).

⁷ <http://ec.europa.eu/environment/archives/seis/>

Table 2. Rating of importance of principles according to participants in the public consultation

Monitoring and reporting principle	Mean score (out of 10)*
Information should be collected once and shared where possible for many purposes	9.1
Reported information should be fully available to the general public, after due consideration of the appropriate level of aggregation and subject to appropriate confidentiality constraints	8.7
Monitoring and reporting should be timely and up to date	8.5
A balance should be struck between asking for more information, and the cost of that provision	8.2
Monitoring and reporting should provide a very detailed picture	6.4
Monitoring and reporting should cover the costs and benefits of the action	6.4

*Score is on a scale of 1-10, where 1 is not at all important at 10 is extremely important

3 Overview of EU Monitoring and Reporting obligations

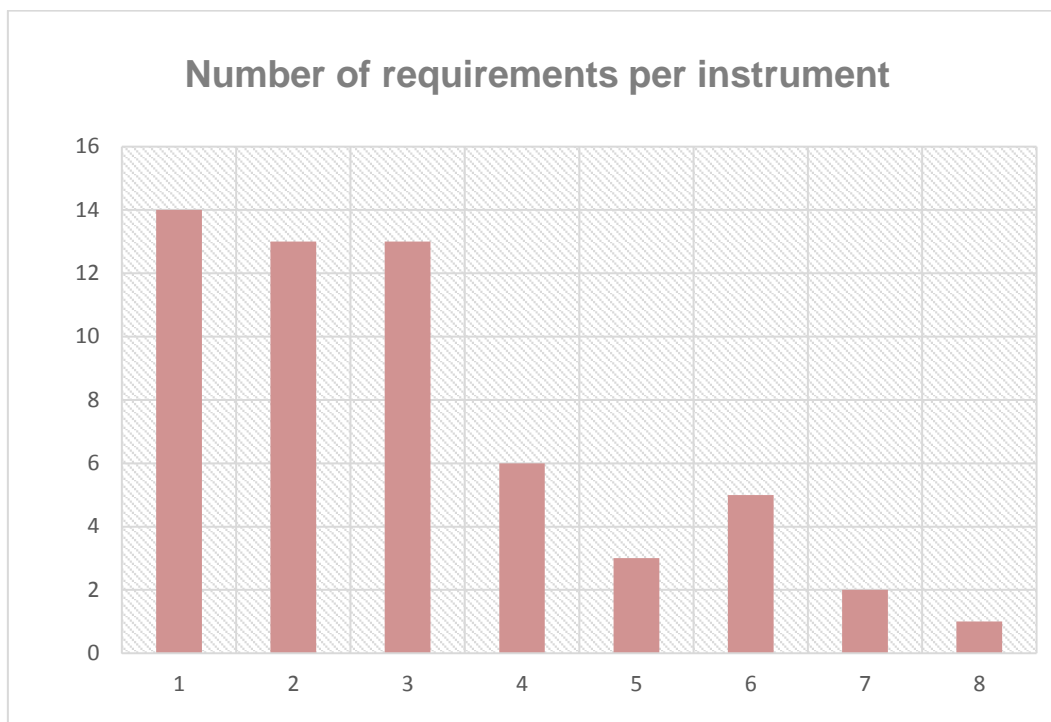
3.1 Number of Reporting Obligations linked to EU Environmental Legislation

The inventory developed for this study identifies 58 pieces of EU environmental legislation which give rise to 181 reporting obligations at EU level. The focus on environmental legislation for which the EC Directorate General for the Environment (DG ENV) is responsible means that the inventory does not include environmental data covered in reporting obligations in legislation under the remit of other Commission Directorate Generals even if they have relevance for the environment (for example, statistical reporting under the responsibility of Eurostat). The issue is, however, addressed under the evaluation criterion of coherence to a certain extent. Within the scope of this project, reporting obligations (ROs) were identified in total. Each of the reporting obligations has a separate entry in the inventory.

Figure 4 shows the distribution of the number of reporting obligations per legal instrument. As expected, many of the legal instruments only have one reporting obligation but there are a small number of legal instruments which have multiple obligations. For instance, 5 instruments have 6 reporting obligations, including the Noise Directive and the Packaging and Packaging Waste Directive.⁸

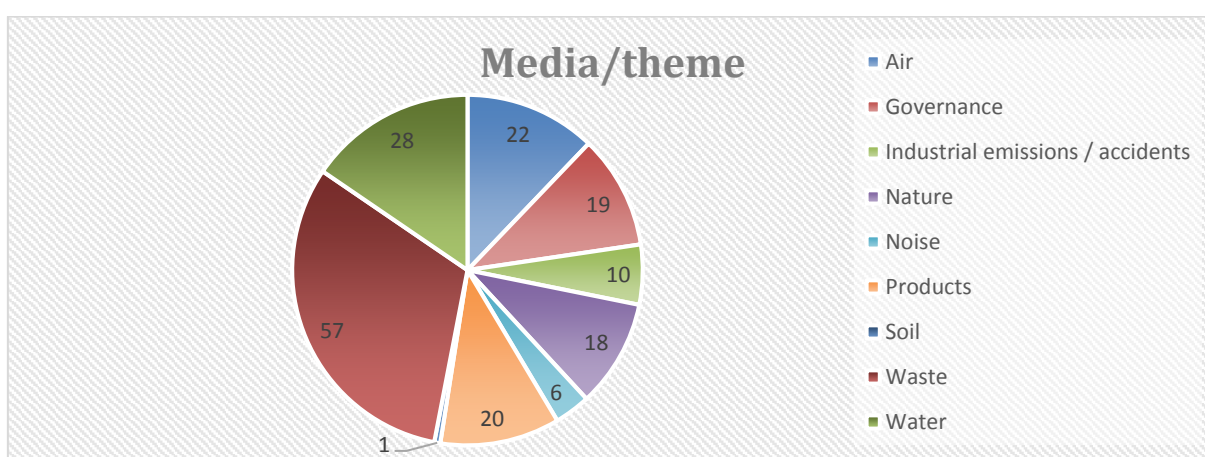
⁸ As indicated above, the presented reporting obligations are covered by primary legislation, i.e. in Directives, Regulations and Recommendations. Secondary legislation, which often provide more details about these reporting obligations and include delegated and implementing acts, are not discussed here.

Figure 4. Number of reporting requirements per legal instrument



The identified reporting obligations were categorised per leading environmental medium or theme and Figure 5 presents the overview of this. The greatest number of reporting obligations relate to waste. The second largest group is on water related issues while reporting obligations covering broader governance issues (e.g. environment impact assessment) came third. At the other end of the scale, only one soil related reporting obligation was identified and this relates to the Sewage Sludge Directive⁹.

Figure 5. Media / theme of the reporting obligations¹⁰



⁹ Council Directive 86/278/EEC on the protection of the soil, when sewage sludge is used in agriculture

¹⁰ The governance theme covers for instance the Directive 2004/35/CE on environmental liability with regard to the prevention and remedying of environmental damage and the Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment.

The identified reporting obligations were also assessed according to whether they are included in the European Environment Information and Observation Network's (EIONET) Reporting Obligations database (ROD)¹¹. We found that only 69 of the 181 reporting obligations were separately included in the EIONET ROD, reflecting in large part our identification of a range of ad hoc and one-off reporting obligations (where there is little value in including the information in the ROD), and also some sectoral coverage issues (for example, chemicals legislation is under-represented in the ROD, due to the preponderant role of the European Chemicals Agency (ECHA)).

3.2 DPSIR coverage of the reporting obligations

The European Environmental Agency (EEA) uses a framework to assess the interplay between the environment and socio-economic activities as part of the causal chain on environmental issues. This is the so-called DPSIR framework (Driver, Pressure, State, Impact and Response)¹², which can be used to assess which types of content are included in reporting obligations, in order to provide an overview of the types of purpose and rationale behind reporting obligations.

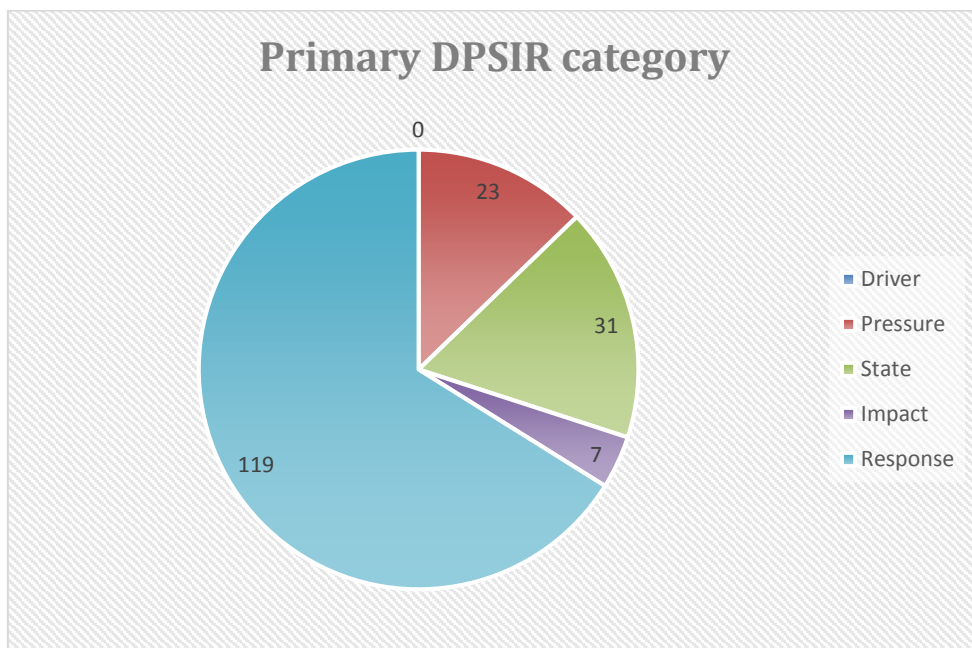
As part of the scoping exercise, we therefore recorded which DPSIR categories are addressed by the identified reporting obligations. In order to have a clear overview, for each reporting obligation we assigned one primary DPSIR category, recognising that making such judgements is in some cases a subjective exercise; we also recorded the other DPSIR categories which are addressed by each reporting obligation.

Figure 6 shows that two-thirds of the identified reporting obligations primarily address the 'Response' category (which are typically measures taken by public authorities to address environmental problems) while the remaining one-third of the reporting obligations are largely concerned with either the 'State' of the environment or "Pressures". The 'Impact' category is marginal, and no reporting obligations primarily address "Drivers" of environmental impact. This provides an interesting overview of the EU's key environmental legislation and the reporting obligations which are covered by them, indicating that one of the main purposes of EU reporting is to identify and provide information on the nature of Member State reactions to environmental issues and their implementation of legal obligations.

¹¹ ROD is the EEA's reporting obligations database, which records the environmental reporting obligations that countries have towards international organisations. It can be accessed at: <http://rod.eionet.europa.eu/>

¹² For more information on the DPSIR framework please visit the EEA's page at http://ia2dec.pbe.eea.europa.eu/knowledge_base/Frameworks/doc101182

Figure 6. Primary DPSIR category covered by the reporting obligations



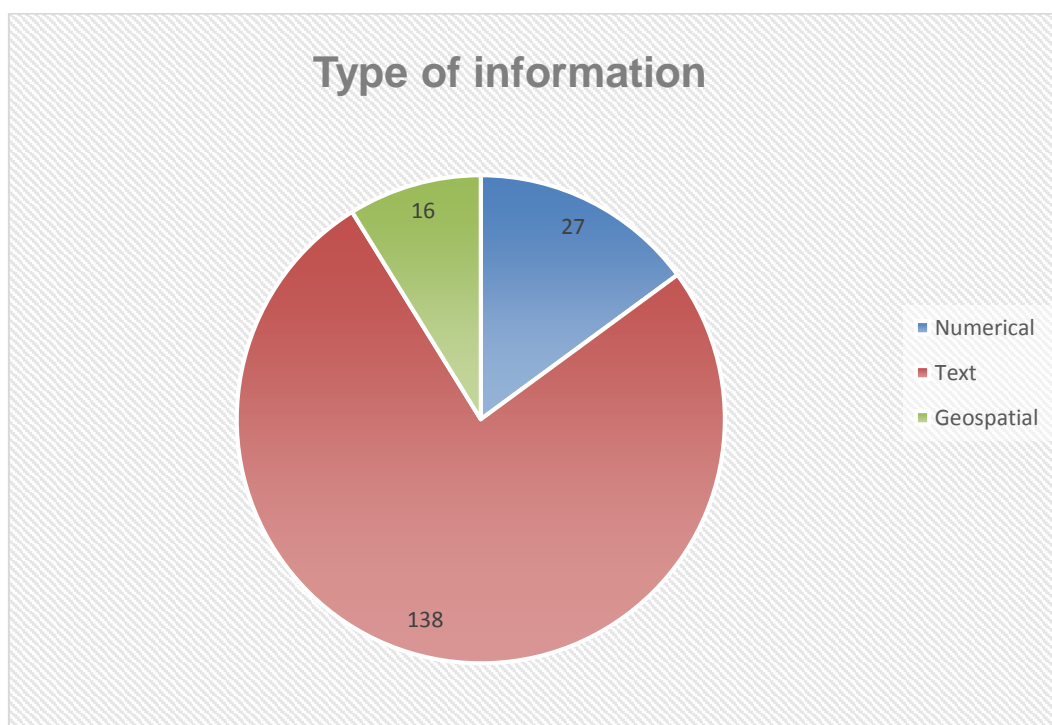
However, closer analysis suggests that the data are heavily influenced by the nature of the (extensive) reporting obligations under waste legislation; of the total 57 reporting obligations under legislation whose primary theme is "Waste", no fewer than 51 are primarily concerned with the "Response" element of the DPSIR categorisation. If these are stripped from the data, the remaining non-waste reporting obligations show a still significant, but lower, preponderance in the "Response" category. Arguably, waste legislation is likely to be primarily about the proper management of waste, rather than about the state of the environment, since the ways in which waste is managed (essentially, the "Response" to waste arising) are themselves a driver of environmental impacts on soil, water, and air.

Tentative messages to be drawn from the DPSIR categorisation (noting that in each case it is the "Primary" DPSIR category we have analysed, and that other categories may also be relevant to a reporting obligation) are that the focus of many reporting obligations is on the extent to which or the way in which legislation is being implemented (is what the legislator stipulated actually being performed in practice? what different approaches to implementation are being adopted?), and to a lesser extent, its impact on the state of the environment (is it having the desired impact, or are there other emerging problems which need to be addressed?), both of which are clearly capable of contributing to a Commission assessment of the relevant legislation. The need to ensure full implementation is important one for the legislator, both in terms of ensuring that the required steps to deliver environmental objectives are being carried out, and also in terms of ensuring that Member States are treated equally under EU law. However, if simpler, more effective or more automated mechanisms can be devised for providing information on implementation, it may be possible to provide (in addition) valuable information on the state of the environment, and pressures on it.

3.3 Type of content

The identified reporting obligations were also categorised by the primary type of information that is required to be transmitted. Again, we focus on the main type of information, recognising that many obligations require a mix of textual, numerical, or geospatial information. The identified reporting obligations primarily require the submission of textual information (see 25 Figure 7).

Figure 7. Type of information reported



There are limitations to this categorisation, in that many reporting obligations are likely to require a combination of one or more of these types of information. However, this simple categorisation does seem to match with the observation above under DPSIR categorisation that over half of the reporting obligations concerned "Response", which will typically require a text description of action by governments and others.

Typically, also, we would expect numerical data to require regular annual reporting, in order for them to be used in the construction of consistent time-series data, or in order for rapid policy responses to be signalled if necessary. This is to some extent borne out by a breakdown of the data above, which indicates that numerical data are relatively more prominent among those data reported annually. There are a number of possible causes for this focus on textual information; including the fact that our analysis does not include statistical reporting under the aegis of Eurostat. One consequence, however, is that the reports are less easy to automate, and require in many cases more effort to compile an overview, involving the exercise of judgement at desk officer level (or by consultants). The challenge of dealing with textual inputs across the full range of Community languages can also be considerable.

Table 3. Type of data and frequency of reporting

	Numerical	Text	Geospatial
Annual	15	13	2
Regular >= 2 years	9	37	6
Other	3	88	8

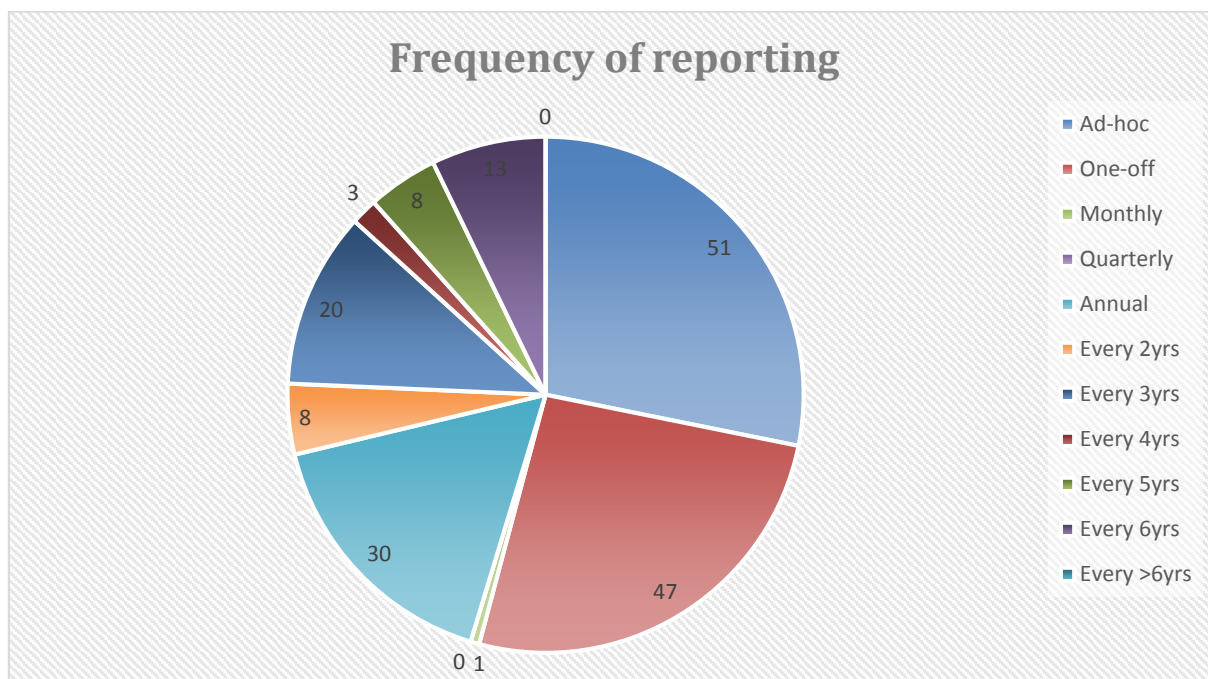
3.4 Timing

A key part of the analysis concerned the timing of the reporting obligations. First, we assessed whether the identified reporting obligation is a regular or a non-regular reporting requirement. We found that 78 reporting obligations required the Member States to regularly report to the Commission while 103 of the reporting obligations were either one-off or ad-hoc requirements. A one-off reporting obligation is for instance a requirement to transmit the list of competent authorities dealing with the

legislation, which was the case for instance under the Invasive Alien Species Regulation¹³ or the Access and Benefit Sharing Regulation¹⁴. Other examples include when the Member State needs to notify the Commission on exemptions or penalties. Examples of ad-hoc reporting obligations include those requirements where the reporting is linked to the occurrence of a specific event. For instance, if a Member State decides to limit any incoming shipments of waste destined to incinerators that are classified as recovery under the Waste Framework Directive¹⁵ it needs to notify the Commission.

Figure 8 presents the full overview of the frequency of reporting which also sub-categorises the regular reporting obligations. As indicated above the one-off and ad-hoc reporting obligations cover almost two-thirds of the reporting obligations. Out of the 83 regular reporting obligations the largest category is annual reporting obligations, but with more than half having reporting periods of more than two years, including a significant number (particularly in the water legislation) having a 3-year or 6-year cycle. The periodicity of reporting should clearly vary in accordance with the nature of the environmental medium and issue covered by the legislation; and long time periods should reduce the burden on Member States (while they may also lead to a lack of staff familiarity in environment ministries with the requirements of the reporting obligation).

Figure 8. Frequency of reporting



Within the inventory we also recorded the following information relating to the timing of reporting obligations:

- Last deadline for the Member State for reporting;
- Next deadline for the Member State for reporting;

¹³ EU Regulation (EU) No. 1143/2014 on Invasive Alien Species

¹⁴ Regulation No 511/2014 of the European Parliament and of the Council on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union

¹⁵ Directive 2008/98/EC on Waste Framework

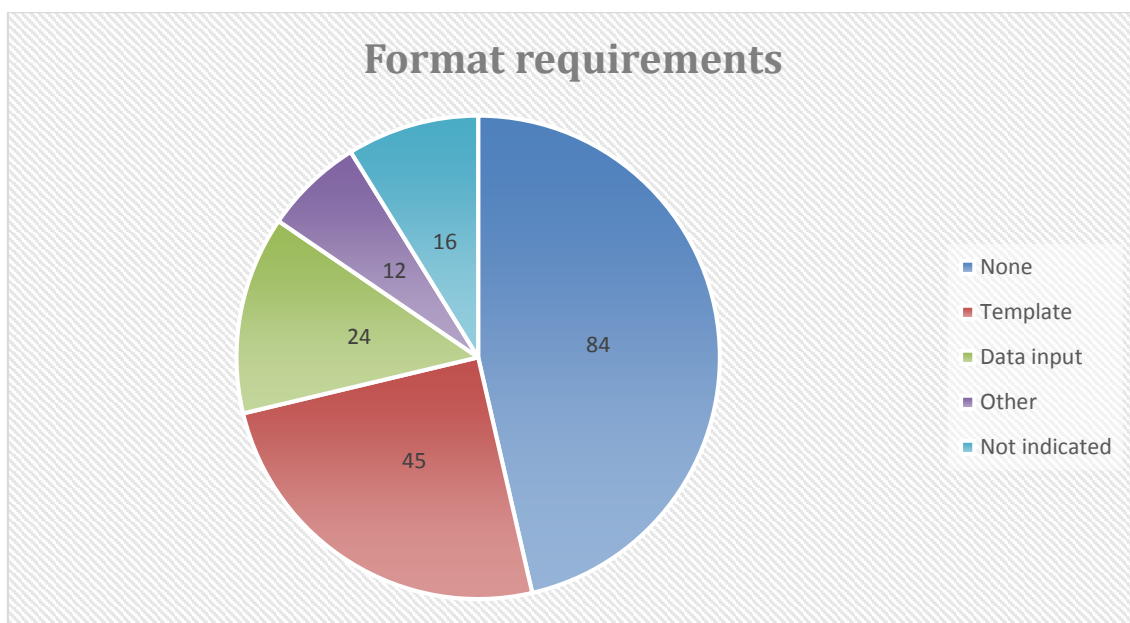
- Whether information reported by the MS is used in a Commission report (see section 3.7 below);
- Next deadline for the Commission to report;
- Date of the most recent Commission report; and
- Deadline of the MS report on which the most recent Commission report is based on.

3.5 Format and process requirements

The inventory also records information on the nature of format and process requirements related to the reporting obligations.

Figure 9 shows that almost half of the identified reporting obligations have no format requirement while the second largest group are those reporting obligations where a reporting template, which needs to be used by the Member States, exists. In third place are those reporting obligations which require a direct data input. Other format requirements include for instance questionnaires. However, if the “ad hoc” and “one-off” categories of reporting requirements are ignored, many of which have no format requirements, only 20 of the remaining regular reporting obligations have no format requirements.

Figure 9. Format requirements

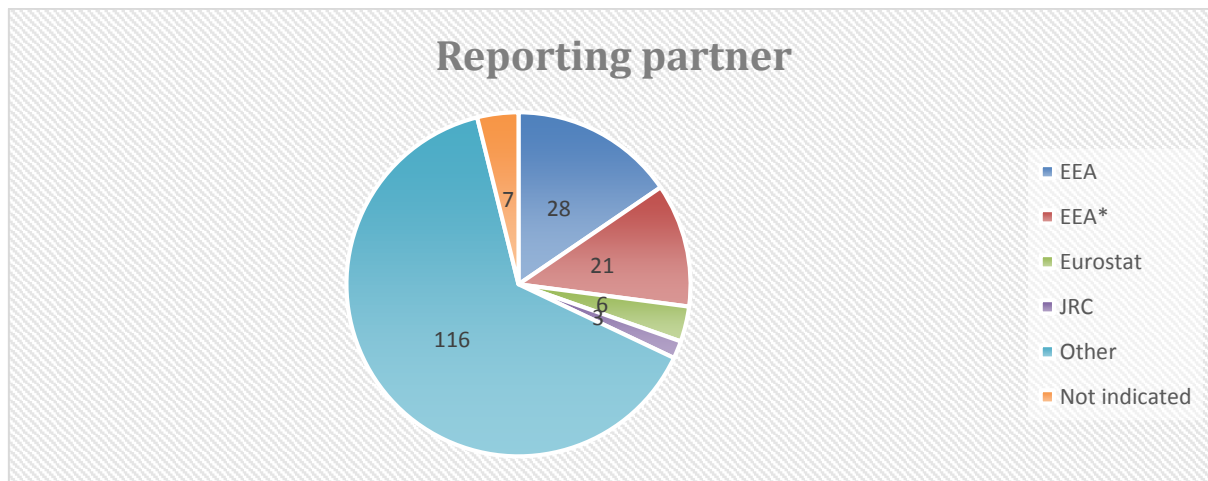


The reporting partners, who act as an intermediary between the Member States and the Commission and provide support in the information transmission, were also recorded; Figure 10 provides an overview of this information. Information on this was recorded for almost all entries in the inventory, with the exception of 7 ROs. One-third of the ROs are delivered via a range of partners including the EEA¹⁶, Eurostat and Joint Research Centre (JRC). The remaining two-thirds of the ROs are classified as having ‘Other’ reporting partners, which refer to out-sourcing or in-house work. These include, for instance, other EU institutions, such as ECHA, or in some cases

¹⁶ EEA* refers to those reporting obligations where the EEA provides some support but where some of the tasks are outsourced and not dealt with by the EEA.

consultants used by the Commission to assess and analyse the information provided by Member States.

Figure 10. Reporting partners



We also assessed whether the reporting is electronically facilitated or not and found that for almost two-thirds of the reporting obligations reporting is not done via an electronic platform. With the exclusion of ad-hoc and one-off reporting the results also showed a similar picture.

3.6 Brief overview of secondary legislation complementing the analysis of primary legislation

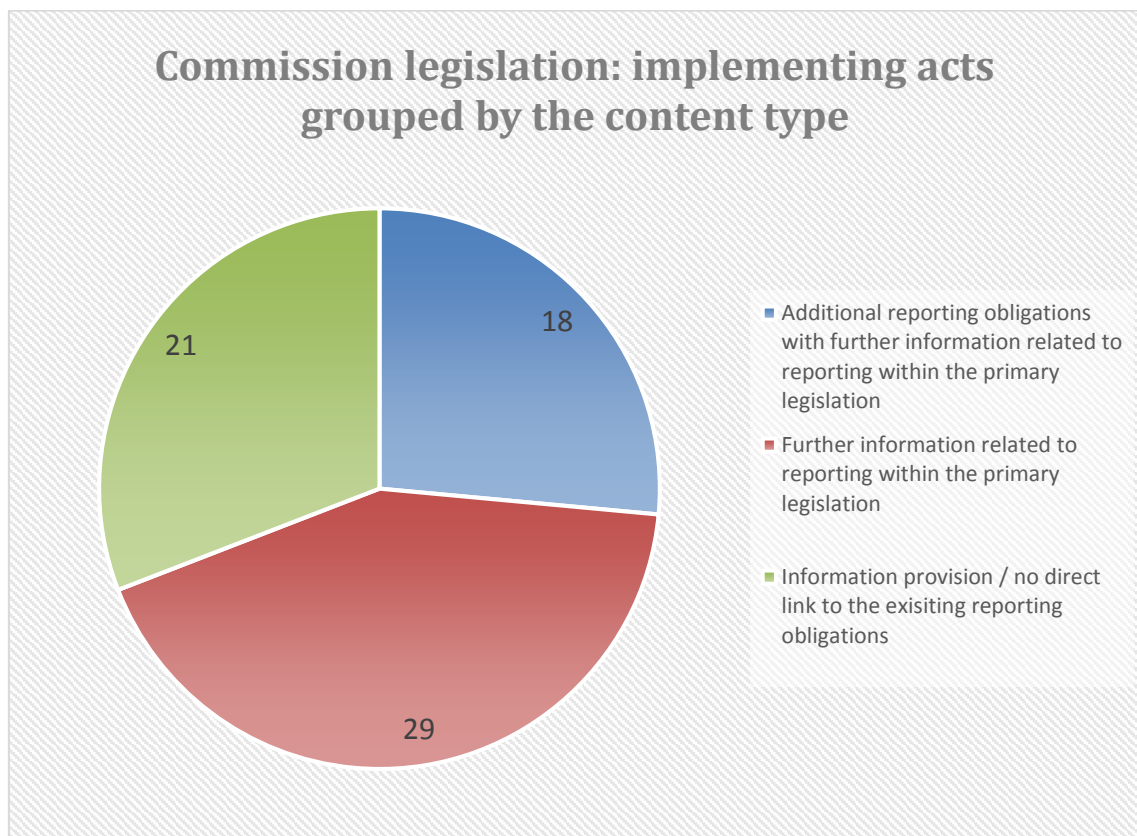
The analysis of reporting obligations in co-decided legislation was complemented by a review of the provisions of Commission legislation (delegated and implementing acts) which are relevant to reporting obligations. For each piece of co-decided legislation, a list of the Commission legislation was compiled and the content of each was classified according to the information provided.

In total, 68 pieces of Commission legislation were identified as being linked to the co-decided legislation analysed. They were classified according to their content using the following categories:

- (1) Legislation introducing additional reporting obligations as well as providing further information related to reporting within the corresponding co-decided legislation;
- (2) Legislation which provides further guidance or instruction on reporting obligations within the co-decided legislation (for example, formatting); and
- (3) Legislation with no direct link to the reporting obligations in the co-decided legislation.

The figure below shows a rather balanced spread of different categories of the implementing acts, with the largest number of documents providing further information about the primary legislation reporting. The smallest number of implementing acts introduce additional reporting obligations.

Figure 11. Identified implementing acts categorised by content type



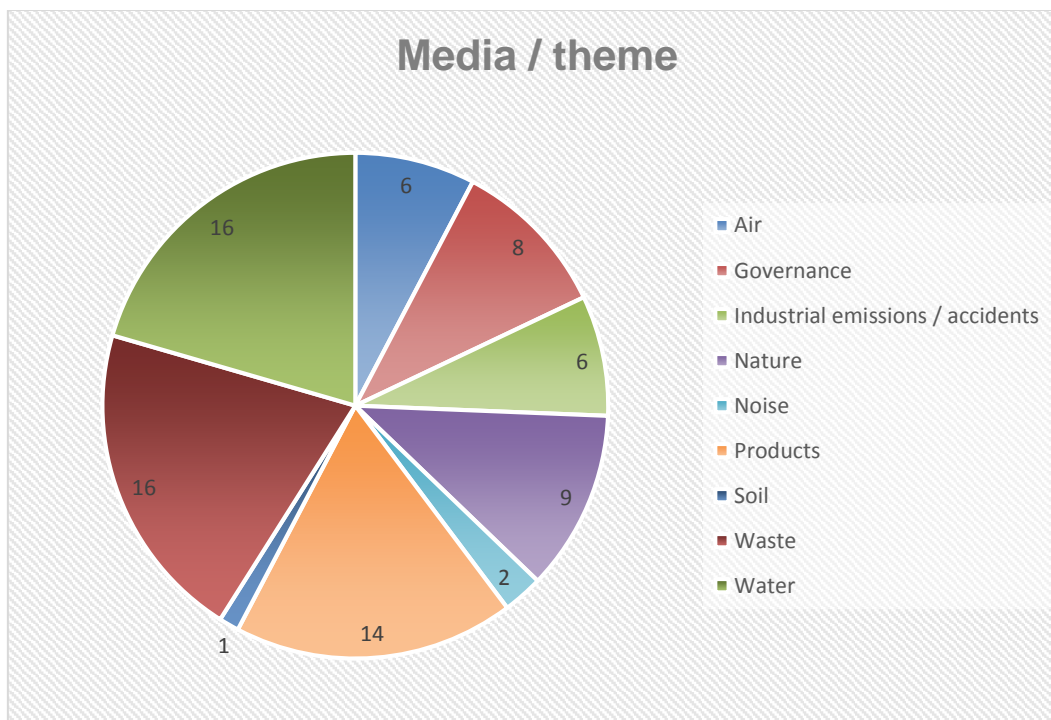
3.7 Overview of reporting obligations which are linked to Commission reporting

Within the inventory we recorded whether the information reported by the Member States is used in a Commission report or not. The analysis showed that in total 78 of the reporting obligations are linked to Commission reporting. These reporting obligations were separately analysed.

Water is the environmental medium/ theme most frequently, covered by these reporting obligations, followed by waste (Figure 12).

Out of the 78 reporting obligations, 44 primarily concern the 'Response' category, 17 primarily concern the 'State' of the environment, and 13 "Pressures". 51 out of the 78 reporting obligations are primarily text-based.

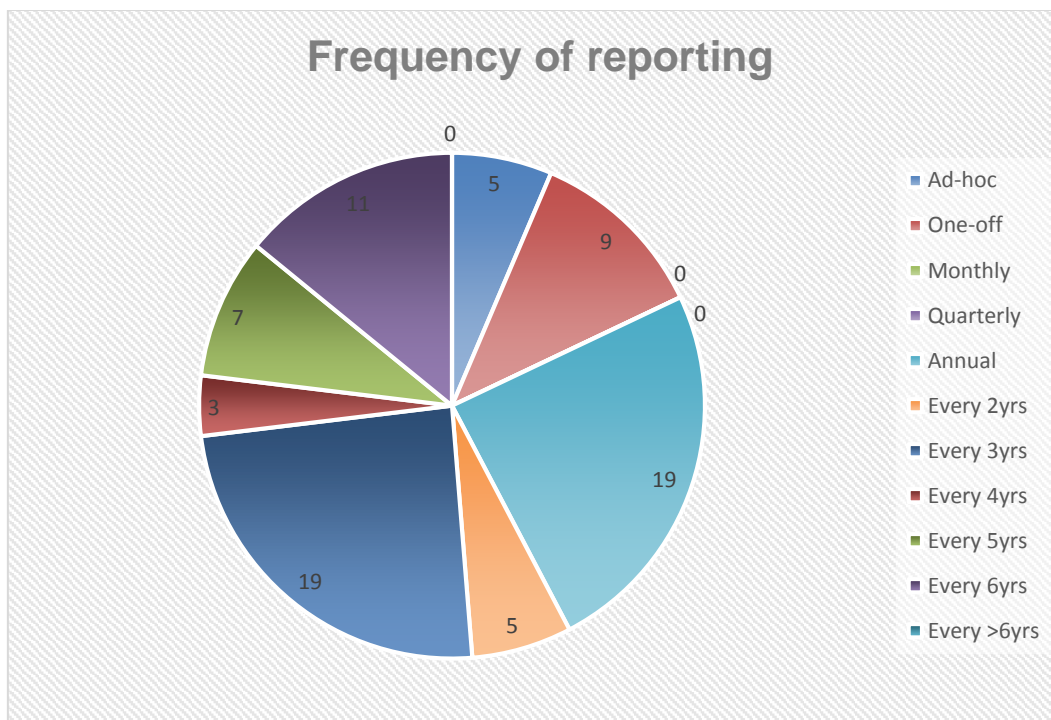
Figure 12. Media / theme of those reporting obligations which are linked to Commission reporting



An important difference between the full range of reporting obligations and the subset which is specifically linked to Commission reporting is that the majority of the latter have a regular reporting obligation, in contrast to the picture emerging from the full inventory. A distinction can be drawn between two broad types of reporting obligation: those where the Member State is required to provide regular information to enable the Commission to build a cross-EU picture of the state of implementation, or the state of the environment; and other obligations where specific events (for example, exceedances of limit values; the use of an exemption) envisaged in the legislation trigger an obligation to report, where the legislator considered that the Commission needed to be informed in case the legislation was not being implemented in the way envisaged, or in case new facts on the ground might require a policy response at EU level.

Out of the 78 reporting obligations linked to Commission reporting, 64 are regular reporting obligations and the two largest groups are those where the reporting needs to be done annually and every 3 years (see Figure 13).

Figure 13. Frequency of reporting of those reporting obligations which are linked to Commission reporting

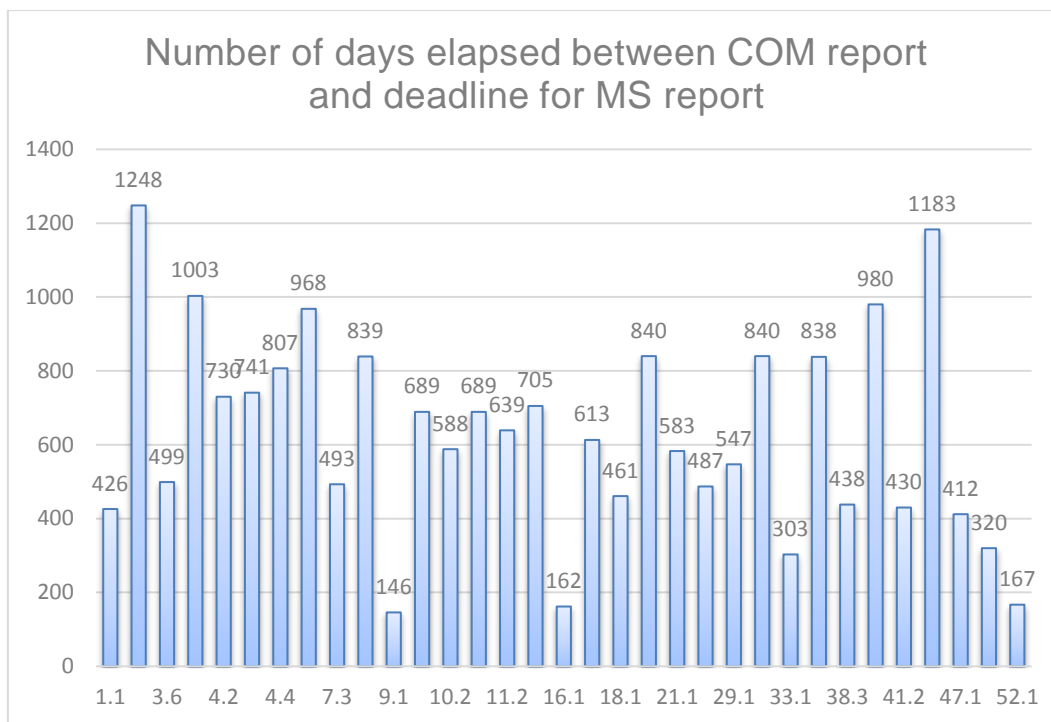


The dates of the most recent Commission report and the deadlines of those Member State reports on which these Commission reports were based were also recorded. With these two figures it was possible to calculate the number of days that elapsed between these two dates.

Figure 14 indicates the time elapsed between the Member State report deadline and the date when the Commission published its report for those 33 ROs where reliable information was available. Based on this information the average number of days elapsed between the Member State report and the Commission report was 631 days, i.e. more than 1.5 years. The longest time was required for the Strategic Noise Maps under the Noise Directive (no. 3.5), while the classification of bathing waters under the Bathing Water Directive (no. 9.1) was the fastest.

Nevertheless, there are some **important caveats** which need to be mentioned. Out of the 78 reporting obligations, reliable information on these dates was first identified for 38. Nevertheless, as in some cases multiple reporting obligation requirements for Member States are used in the same EC report there were some duplicate time delay figures. These were removed and led to identification of 33 time figures. Furthermore, it should be kept in mind that even though the inventory records the deadline for the MS reports, in many cases the reports from some Member States might have been submitted at a later date (or in some cases not at all). The Commission experts noted that in many cases at least some Member State reports were delayed. In addition, the complexity of the reported information, or variability in its quality, also has an impact on the time delays. The Commission experts noted that in many cases there is a need for a consistency check, or for additional analysis, or a public consultation, to be undertaken by the Commission, or for external consultancy to be used in order to analyse the information; and this further delays the publication of the Commission report. Further explanations for delay may be the internal procedures required to secure college approval of reports, particularly if accompanied by policy proposals, or the potential for reports to be caught up in the timetable for review of the policy, including through REFIT.

Figure 14. Time elapsed between the MS reporting and the EC reporting (no. of days)



Nevertheless, the figure indicates that many items of legislation have experienced a delay of more than two years between the deadline for Member States reporting to the Commission and the Commission releasing its report. Whatever the reason for them, such delays affect the timeliness and the relevance of the information reported at EU level.

The strikingly high results for the analysis of the delay between Member State reports in principle becoming due, and Commission reports in practice being published, is likely to reflect a number of reasons, but delays in or incompleteness of Member State provision of information clearly play a significant part. The underlying reasons may be many, for example, a lack of prioritisation in Member States, difficulty in generating the information, a lack of clarity on information requirements, a lack of effective Commission pressure to produce the information, delays internally in the Commission in using the information, and in some cases a simple lack of realism on the part of the legislator on the speed with which the Commission would be able to assimilate and analyse the information, and the resources which could be devoted to it. The practical result is the same: a reduced value from the reporting as a result of a delay in its use. Improved design of reporting obligations, aimed at maximising simplicity in meeting them by Member States, and ensuring that the reports have a clear value in policymaking terms at national level, may be one approach to overcoming this. In relation to the rationales for reporting obligations identified in the preceding section, however, asking Member States themselves to report on the effectiveness of their implementation may not create an effective alignment of incentives.

In order to better understand the nature of delays, the timeliness of Member State reporting was further assessed. Information about Member State reporting submissions was collected from the EIONET Reporting Obligation Database (ROD), the platform where Member States upload their submissions. These submission dates under specific reporting obligations linked to Commission reporting were recorded and with the respective deadlines the delays were estimated for each Member State. As

Member State submissions on the EIONET are not made according to any specific formula, it was challenging to determine how complete and robust each submission is. In many cases, submissions are delivered in multiple files, some with different time coverage, geographical coverage and/ or scope. In other cases, submission of these files spreads across a period of time; MS submit a part of their reporting requirements prior to the reporting deadline (or on-time), but then take time to complete it that results in a late submission. Some entries have a resubmission or revision request added to them. In some cases, no submissions with relevance to the most recent reporting deadline were made.

The submission delays of Member States are presented in Figure 15 and Figure 16 for the Strategic Noise Maps under the Noise Directive¹⁷ (reporting obligation no. 3.5) and the classification of bathing waters under the Bathing Water Directive¹⁸ (reporting obligation no. 9.1), respectively. As indicated above, these two reporting obligations were the most delayed and most timely in terms of the time elapsed between the Member State report deadline and the date when the Commission published its report for those. With regard to the Strategic Noise Maps it is clear that some of the Member States were very delayed, which has important implications on delivering the Commission report in a timely manner. On the other hand, the reporting obligation relating to the classification of bathing waters seems to be delivered to a large extent before the submission deadline, with only few minor delays.

Figure 15. Delay in Member State submission of information under the Noise Directive relating to the assessment and management of environmental noise (reporting obligation 3.5 in the inventory)¹⁹



* Negative entries denote submissions ahead of the deadline.

¹⁷ Directive 2002/49/EC relating to the assessment and management of environmental noise

¹⁸ Directive 2006/7/EC concerning the management of bathing water quality

¹⁹ Entries based on the information available under the Deliveries tab for each piece of legislation on the EIONET ROD website.

** Reliable information was not available for Cyprus, Greece, Italy, Latvia, Romania, Slovenia and the United Kingdom.

Figure 16. Delay in Member State submission of information under the Bathing Water Directive relating to the monitoring and classification of bathing waters (reporting obligation 9.1 in the inventory)²⁰



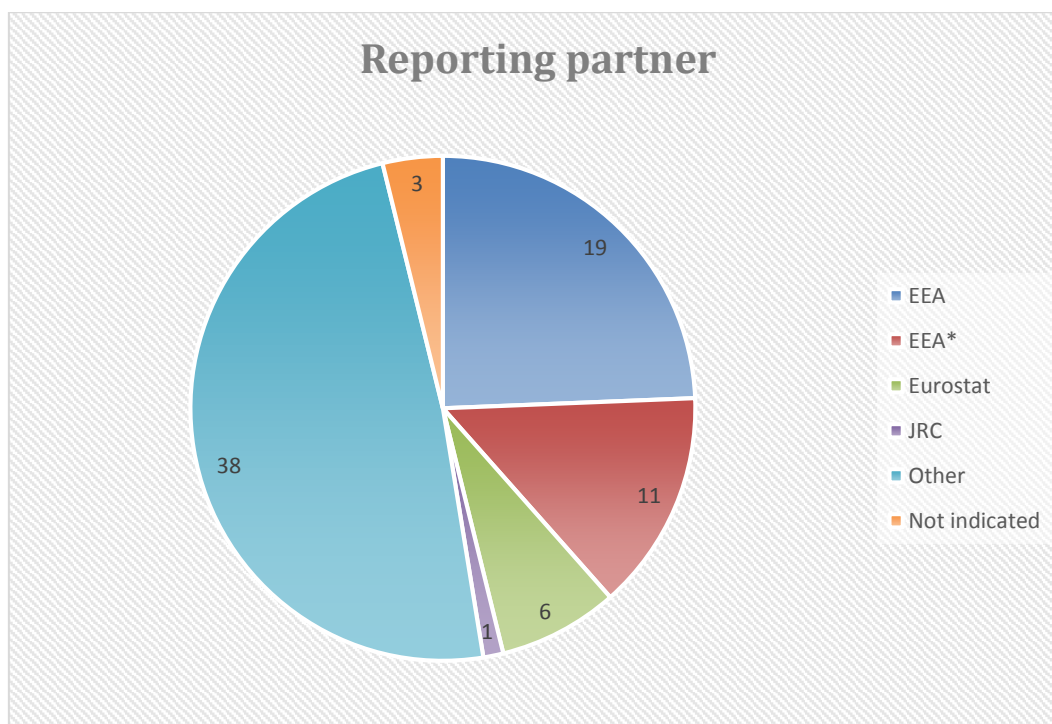
* Negative entries denote submissions ahead of the deadline.

** Reliable information was not available for Greece, Lithuania, Luxembourg, Poland and Portugal.

The reporting partners were also recorded; Figure 17 provides an overview of this information. The figure provides a similar picture as more than half of the ROs are classified as "other" or with no reporting partner indicated. The results also indicate that the EEA has a substantial role as a reporting partner for information used in the Commission reports.

²⁰ Entries based on the information available under the Deliveries tab for each piece of legislation on the EIONET ROD website

Figure 17. Reporting partners²¹



4 Relevance of the EU Environmental Monitoring and Reporting arrangements

4.1 Introduction

Relevance is concerned with the objectives of the EU intervention being evaluated and how well they (still) match the needs and problems that the intervention is seeking to address. It examines whether there is any mismatch between the objectives of the intervention and the (current) needs or problems, in order to inform decisions about whether to continue, change or stop the intervention.

It is necessary to consider whether the system of EU environmental monitoring and reporting, and the individual obligations within it, remain relevant to the principal environmental needs and problems that the system is seeking to address. It is also important to examine how the system has changed to take account of changes in technology, and hence whether the methods and processes within it are up-to-date and remain relevant to the current situation.

There are four evaluation questions under the relevance theme.

4.2 Is the process of environmental monitoring and reporting still relevant (as opposed to harvesting of data)?

4.2.1 Introduction

The process of environmental monitoring and reporting refers to the series of steps taken to satisfy obligations – collection, collation, analysis, quality assurance and transmission of information from obliged entities to the EU and onwards. Alternative approaches to satisfying obligations may circumvent this process, or parts of it, and

²¹ As above, EEA* refers to those reporting obligations where the EEA provides some support but where some of the tasks are outsourced and not dealt with by the EEA.

hence potentially reduce the administrative burden and/or improve the information that is reported.

The answer to the question is based on an understanding of the need for each step in the reporting process and the extent to which it remains a relevant step in light of alternative approaches available to enable the transfer of information between data holders and recipients. Specifically, it considers whether a data harvesting approach could be adopted thus making current reporting processes irrelevant.

The answer to the question requires an examination of the appropriateness of data harvesting, and the extent to which it could be employed to enable the transfer of information in place of current reporting processes. Relevant sub-questions are therefore:

- To what extent have other approaches such as data harvesting been adopted for ROs?
- Under what conditions might data harvesting be a more relevant approach than the current processes?
- What might the limitations / challenges be in adopting such other approaches?

4.2.2 Method and sources of evidence

The main sources of evidence for the answer to this question are:

- Review of Commission Fitness Checks and evaluations to ascertain identified issues and opportunities associated with data harvesting;
- Stakeholder views provided in response to the public consultation and workshops;
- Stakeholder views in response to workshops of the Make it Work initiative.

A range of opinions were provided by the EEA, the Commission, Member States and stakeholders on the relevance of the current arrangements and the feasibility of data harvesting. While the review identifies a variety of views on opportunities and challenges relating to the current arrangements, as well as the potential for data harvesting, limited detailed evidence was found and further investigation of the specific cases identified would be needed.

4.2.3 Evidence and analysis

In the context of EU reporting obligations, data harvesting is a process through which an EU hub database collects data automatically from multiple Member State databases, typically via the internet. The EU hub database subsequently hosts the data, making it available for use (internally by EU institutions or externally by other stakeholders e.g. the Commission, the public). As such, data harvesting represents an 'automatic', alternative approach, to the 'manual' approach to reporting most commonly used for EU reporting obligations. The process of data harvesting may be set up between a private database and the EU hub or a public database and the EU hub. In the latter case, data harvesting is closely related to the process of 'active dissemination'.

A number of stakeholders have indicated that other approaches to reporting, such as data harvesting, should be implemented as a replacement for the current reporting process; the potential for data harvesting was a recurrent theme in a workshop for the "Make it Work" initiative (see Box 4.1). Similarly, at the April 2016 workshop in support of this Fitness Check, some participants set out a vision in which harmonised environmental information would be accessible at all levels, from the public to the

European Commission, suggesting that this could reduce the need for, and burdens associated with reporting.²²

Key benefits of data harvesting over current processes are that it can provide access to large volumes of information, including raw data, which could enable more powerful / in-depth analyses and greater potential for multipurpose use of the data; and enable more frequent, in particular real-time, reporting. Where data is put online for harvesting, and that resource is made publicly available, there may be co-benefits in terms of improving public access to information.

Box 4.1 Role of Data Harvesting – Views Expressed in the Make it Work Workshop November 2015

Minutes from the workshop show that the following views were expressed by participants. Whilst opportunities for data harvesting were identified in a number of group discussions it is not however clear whether these were the views of individuals or a consensus of views:

- Systems should develop to allow for data to be harvested from national websites and eventually to link European level data with local/Member State level data. For example, on climate adaptation, as the Commission was receiving too much data from Member States, it switched to harvested data from the national level and then drafted synthesis reports for Member States to comment on.
- There is a need to avoid reporting the same data twice, such as for the National Emission Ceilings Directive and the Convention on Long Range Transboundary Air Pollution. When EU level institutions ask for information, they should first see if the data are already available, such as through 'data harvesting' (e.g. the extraction of data by the Commission from public databases at Member State level).
- The group highlighted the need to move towards data harvesting and to move away from reporting in xml schemas.

Source: Make it Work Workshop, November 2015

While data harvesting by the EU does currently occur via the European Data Portal (EDP)²³, which harvests metadata from public sector portals throughout Europe, it is not used for harvesting of information for environmental monitoring and reporting (although the EDP does also harvest data from the Open Data Europe Portal (ODP)²⁴, which holds datasets collected and published by the European institutions). The EDP website states that the 'European Commission is currently exploring how to bring those two portals closer together'.²⁵

There are few examples where data harvesting is used for EU reporting obligations. While there are some pilot projects, these have not reached full operational maturity²⁶. A prominent example relating to environmental legislation is air quality reporting. Since 2011, the EEA has directly harvested air quality data from Member States' monitoring stations (initially with a small group of pilot countries, but now with nearly all Member States). This provides the EEA with near real-time air quality data, which has been used in EEA products (e.g. map viewers). This has not, however,

²² 2nd Stakeholder Workshop on the Fitness Check on Environmental Monitoring and Reporting (27 April 2016). Workshop Meeting Note.

²³ <https://www.europeandataportal.eu/>

²⁴ <http://data.europa.eu/euodp/en/data>

²⁵ <https://www.europeandataportal.eu/en/faq>

²⁶ INSPIRE refit evaluation SWD

replaced the need for traditional reporting of air quality data and compliance by Member States via Reportnet. The data harvesting provides real time data, but it is raw, non-validated data. Member States still need to perform detailed quality checks and report to the EEA validated air quality information. Further evolution and use of the data harvesting aspect of reporting is expected and is hoped to bring further benefits.

More generally, in the marine sector, elements of the European Marine Observation and Data Network (EMODnet)²⁷ harvest marine data from Member States and other organisations and make data available both through machine to machine communication and through a central internet gateway, with a free and open data policy based on INSPIRE principles. It provides an important driver for a common, INSPIRE-compliant approach, to reporting for the Marine Strategy Framework Directive (MSFD) and will integrate with WISE-marine once developed. WISE-marine, like WISE²⁸, will offer Member States a common platform to facilitate their reporting, and will provide public access to this data.

The significant advance of open data at the EU and Member State level is providing ever increasing opportunities for data harvesting of a wide range of information.

Box 4.2 Possible opportunity areas for data harvesting

- Marine Strategy Framework Directive: data reported under Regional Seas Conventions may be amenable to data harvesting. *Source: Meeting with EEA 26.06.2016*
- Environmental Noise Directive (END): information made publicly available by Member States, such as noise maps, could be harvested directly by the Commission if made available by Member States centrally; however not all Member States make this information publicly available. *Source: The Centre for Strategy & Evaluation Services LLP, ACCON Environmental Consultants and AECOM (2016). Evaluation of Directive 2002/49/EC Relating to the Assessment and Management of Environmental Noise. Final Report. European Commission*
- The Urban Waste Water Treatment Directive (UWWTD) – because there are constant parameters reported on, the data structure may be amenable to harvesting; because reporting occurs on a regular basis, it may benefit from the automation provided by data harvesting. *Source: 2nd Stakeholder Workshop on the Fitness Check on Environmental Monitoring and Reporting (27 April 2016). Workshop Meeting Note*
- Water Framework Directive (WFD) River Basin District data *Source: Make it Work "Expert Workshop on "Environmental Monitoring and Reporting" - Summary*

The Access to Environmental Information Directive (2003/4/EC), the INSPIRE Directive (2007/2/EC), the Directive on the re-use of public sector information (2013/37/EU, amending 2003/8/EC), the Communication towards a Shared Environmental Information System (SEIS)²⁹, Structured Implementation and Information Frameworks (SIIFs)³⁰ and the Commission's Digital Single Market strategy³¹ of 2015 provide much of the necessary framework and infrastructure to support 'data harvesting' as an alternative approach to environmental reporting.

²⁷ <http://www.emodnet.eu/>

²⁸ The Water Information System for Europe (WISE) <http://water.europa.eu/>

²⁹ COM(2008) 46 final

³⁰ A concept introduced in COM(2012)95

³¹ https://ec.europa.eu/priorities/digital-single-market_en

INSPIRE provides a key route for addressing some of the challenges posed by data harvesting and its implementation will erode the relevance of the current process of reporting for relevant types of reporting obligations and promote opportunities for data harvesting. However further effort is required before INSPIRE will be fully operational. INSPIRE is not anticipated to be fully implemented until 2020 and there are a number of factors which are currently limiting the influence of INSPIRE on reporting processes – see Box 4.3.

Box 4.3 Factors limiting the influences of INSPIRE on current reporting processes

1. The INSPIRE Regulation regarding interoperable data specifications only entered into force between 2010 and 2014 (depending on which data themes in the annexes of the INSPIRE Directive were covered). As a consequence, the implementation deadline for most of the environmental data themes which are covered in the reporting obligations for the above-mentioned pieces of legislation are in Annex III and need to be transformed only by 2020.
2. The INSPIRE services through which harmonised spatial data could be harvested by reporting applications are outstanding, partially because of the above-mentioned timelines.
3. Not all relevant spatial datasets for reporting have as yet been identified by Member States. They have often not been made a priority since the reporting process was (and is) largely carried out without using the national spatial data infrastructures.
4. Reporting cycles of the various pieces of legislation are not aligned with the implementation of INSPIRE. Hence, several reporting deadlines apply every year until 2020 and no transitional arrangements have yet been agreed on how to move from a reporting process before INSPIRE to one that makes best use of the INSPIRE tools and services.

Source: INSPIRE REFIT evaluation

More broadly, stakeholders³² have raised a number of potential limitations and challenges that both diminish the potential benefit of data harvesting and indicate the continued relevance of the current reporting processes for some type of reporting obligations, even in the face of further developments in data harvesting and the underlying infrastructure.

- **Data harvesting is generally more appropriate for quantitative information, but can be used for textual information**

It is feasible to harvest textual information (e.g. reports) and quantitative data; what is important is that the information is appropriately structured so that it can be understood and processed by the data receiver. Further, a benefit of harvesting is that it enables transfer of large volumes of information which may be not be amenable to (or may be more cumbersome to) transfer via other methods. In general, data harvesting is therefore most commonly associated with quantitative information. For qualitative information there are less clear benefits with harvesting in place of manual e-reporting.

³² Through: workshops and responses for this Refit; Make if Work workshops; responses to other evaluations e.g. on INSPIRE and the Environmental Noise Directive.

It is reported that about 80% of all environmental data and information used by the EEA has a spatial dimension³³ and is relevant for INSPIRE and hence may hold the potential for data harvesting. However, more broadly for environmental reporting, the reporting obligations inventory indicates that a majority of reporting obligations produce information which is largely textual (although also contains quantitative data).

A view expressed at the September 2016 workshop³⁴ was that it may be feasible to convert some textual reports to quantitative reports, which may be particularly relevant under a future where key performance indicators (KPIs) are more widely used (section 4.4). It was also recognised that textual reporting could be restructured for data harvesting. An example was provided for the END, where a Commission expert³⁵ suggested that Member State summaries of their Noise Action Plans (NAPs) could be written into a structured form and harvested (rather than transmitted via Reportnet as a summary report of varying lengths, which is the current practice).

- **Potential divergences in end user needs could lead to conflict over how data is accessed.**

Where EU institutions are just one organisation seeking to harvest data, there is potential for a degree of control to be lost over the specification and format of the data. Other end users may have contradictory needs and hence demands for what is being made available, when and how. In particular this may present challenges where changes in reporting obligations result in a need to change the underlying datasets.

- **Reported data must provide an appropriate basis for legal actions.**

Environmental monitoring and reporting provides information that enables the EU to assess whether the legal obligations imposed on MS by legislation are being met. Results from this assessment may lead to infringement processes where MS are found not to be meeting requirements.

Given this, it was generally agreed at the September 2016 workshop (and noted in other stakeholder responses e.g. from Slovakia, Make it Work workshops), that Member States must have the opportunity to quality check the data being harvested and it is essential that that data is officially authorised, with appropriate processes and rules for data quality checking, validation, approval and exchange established. In the absence of such processes data may be changed after it is harvested. Notably where data harvesting is accessing real-time or raw data, satisfying these points is particularly challenging.

Ultimately therefore many of the steps of the current reporting process will remain relevant even if data harvesting is adopted as the means of data transmission. This is evident in current practices for reporting under the air quality directives, where raw data from monitoring stations is harvested by the EEA, but a compliance report (in which the data have been verified and assessed against targets/limits imposed via the legislation) is still required to be submitted by MS.

- **The costs and benefits of data harvesting need to be carefully considered**

³³ Commission Staff Working Document on the evaluation of Directive 2007/2/EC establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) and underpinning the report on the implementation.

³⁴ 3rd Stakeholder Workshop on the Fitness Check on Environmental Monitoring and Reporting (26-28 September 2016. Workshop Meeting Note

³⁵ Interview with European Commission, DG ENV on 02.09.2016

A number of participants at the September 2016 workshop³⁶ alluded to resource constraints on reporting. Ensuring adequate harmonisation of data requires resources and investment; but constantly changing reporting needs can prevent the investments necessary to enable data harvesting from coming forward. A respondent to the public consultation stated that there are risks inherent in converting too much data to INSPIRE compliance as technical specifications and formats quickly become outdated, resulting in cumbersome systems whose value erode overtime without continued maintenance. As such, it was considered likely that it would be necessary to prioritise certain reporting areas (and hence deprioritise others).

Data harvesting allows for continuous accessing to data. However for many reporting obligations data is not updated on a continuous basis. Whilst it is feasible to create timing rules associate with harvesting, the need to keep information up-to-date may place increased costs on data suppliers than under the current reporting arrangements.

Further, there is a high incidence of MS not meeting reporting obligation deadlines or only having partial sets of information ready by their due date (section 5.2). There is little advantage of an automated data harvesting process if data is not available at the time of harvesting. The Environmental Noise Directive (END) REFIT evaluation noted that some MS were keen to draw on their strong open access data policies, where all END information required for reporting is also published, and hence replace current reporting processes with data harvesting. However the evaluation identified both technical challenges in how some MS published this data (e.g. publishing information via local level portals rather than a single MS level portal) as well as poor timeliness of publishing information. It concluded that, given the current situation, 'it will not be possible to avoid the need for MS to input the same data via the Reportnet'.

As a result, the benefits of switching to data harvesting may be limited compared to the costs of doing so. Over-emphasis on adopting data harvesting presents a risk of creating a supply- instead of a demand-driven structure for reporting. To address this, stakeholders at the September workshop considered that there is a need for improved communication and joint working between the monitoring and reporting and INSPIRE communities.

While the emergence of interoperable data systems (e.g. in relation to INSPIRE and SEIS initiatives) is providing opportunities for data harvesting to replace manual reporting, the public accessibility of these systems also presents opportunities for other aspects of the monitoring and reporting process to evolve. Citizen science is one such opportunity. The EU Shared Environmental Information System Implementation Outlook³⁷ recognises that:

"The development of communication technologies through the internet creates highly valuable opportunities for citizen science and crowd sourcing, offering enhanced levels of participation in assessing (and determining) the success of EU environment policies. Crowds of citizens are often well-placed to monitor the state of the environment on the ground at any one time. However, current information systems rarely offer such flexibility and where relevant and justified, feedback systems could be promoted and encouraged, to capture and use information wherever useful."

The use of citizen science to inform policy making has to date been somewhat limited. While it has been used to provide data for indicators monitoring the EU biodiversity strategy (Box 4.4), and has now been accepted as a source of monitoring data under the Birds Directive, there is limited experience of citizen science being used to satisfy

³⁶ 3rd Stakeholder Workshop on the Fitness Check on Environmental Monitoring and Reporting (26-28 September 2016. Workshop Meeting Note

³⁷ European Commission (2013). Staff Working Document. EU Shared Environmental Information System Implementation Outlook. SWD(2013) 18 final

reporting obligations stemming from the environmental acquis. The EU has, through FP7, been supporting exploratory work to determine if and how better use can be made of citizen science to support environmental policy making³⁸.

Box 4.4 Use of citizen science for monitoring the European Biodiversity Strategy

The biodiversity indicator on 'trends in abundance and distribution of selected species', taken from the Streamlining European Biodiversity Indicators (SEBI) process, presents population trends in common birds and grassland butterflies. Monitoring of both of these species groups relies heavily on biodiversity observations by volunteers.

These indicators have played an important role in measuring progress towards the European 2010 biodiversity target of halting biodiversity loss in Europe by 2010 (EEA, 2009) as measured by the SEBI and will play an important role in measuring progress towards the targets in the EU 2020 Biodiversity Strategy and the Aichi Targets of the Strategic Plan for Biodiversity for the period 2011–2020 for the Convention on Biological Diversity

<http://www.eea.europa.eu/themes/biodiversity/biodiversity-monitoring-through-citizen-science/how-is-it-being-used>

Potential benefits of citizen science stem from reduced costs of data collection, access to real time data (e.g. drawing on technological development such as mobile-phone based data collection tools), direct access to the opinions of those impacted by environmental problems and large sample sizes and datasets. Potential challenges include concerns regarding quality assurance (QA), resource requirements for cleaning and handling large datasets, and maintaining citizen volunteer engagement over the course of the data collection period and over time.

Citizen science is more applicable to indicators on environmental state and pressures than response indicators. Response indicators are, however, disproportionately represented in the information set produced by environmental monitoring and reporting (see Section 3). In part this reflects efforts to minimise the number of obligations placed on Member States and the challenges (in particular due to resource constraints) of collecting data for many potential state and pressure indicators. If it can be effectively managed and implemented, there may an emerging role for citizen science to complement existing monitoring and reporting by seeking to redress these gaps.

4.2.4 Conclusions

It can be concluded that current reporting processes remain relevant. However advances being made by MS and the EU with open data policies will provide increasing opportunities to consider alternative approaches to reporting, most notably data harvesting. In particular INSPIRE is building an infrastructure that, when fully implemented (i.e. post-2020), will cement these opportunities. However this is not currently the situation.

Over the medium-term there will remain a number of specific challenges which need to be overcome for data harvesting to become a viable alternative to current reporting processes. Some of these may be addressed through, for example, the further implementation of INSPIRE or as part of the process of establishing data harvesting as the tool for reporting. For example it is essential to ensure that mechanisms are in place that enable data obtained through alternative approaches to be appropriate for use in legal proceedings. Other challenges are less within the control of the EU

³⁸ E.g. CITI-SENSE, Citclops, COBWEB, OMNISCIENTIS, WeSenseIt

institutions, such as the challenge of ensuring that data is available and complete in a timely fashion so that it can be harvested.

Despite this, data harvesting is likely to be increasingly viable for a subset of reporting obligations i.e. those where the nature of the data is amenable to harvesting (e.g. quantitative indicators) and where the benefits of harvesting outweigh the costs (e.g. there is benefit in real time data provision or in access to larger datasets). There will also remain a subset of reporting obligations for which data harvesting is an inappropriate, or at least inefficient, approach, most notably those which require some degree of bespoke drafting e.g. many reporting obligations related to implementation of legislation. Regardless of the approach taken to reporting, many of the current steps in the reporting process – most notably quality checking and subsequent analyses – will remain relevant.

SEIS-related initiatives are also providing the infrastructure for the management of citizen science to play a role in environmental monitoring and reporting, notably in supporting collection of data on state and pressure indicators. While improving, ongoing challenge around quality and consistency are likely to mean that any future role of citizen science is likely to be in support of, rather than in place of, existing monitoring and reporting approaches.

Technological developments are supporting ever more sophisticated approaches to citizen science. However use of and engagement with citizen science at the EU level is just beginning. While there remain challenges e.g. regarding quality assurance, there is also an opportunity for citizen science to support greater collection of state and pressure indicators to complement traditional environmental monitoring and reporting, with relatively minimal effect on administrative burdens. Future development of the monitoring and reporting system needs to be alert to this and ensure that this future role for citizen science is supported.

As such, the current process of reporting remains relevant and over the longer-term will remain relevant for certain aspects of reporting. However there are opportunities to replace current reporting processes with alternative approaches, and these are expected to increase in future. The challenge will be in establishing the appropriate mix of approaches in order to capitalise on the potential benefits whilst avoiding the potential disadvantages.

4.3 Are all environmental monitoring and reporting requirements still relevant?

4.3.1 Introduction

The evaluation question asks whether the information required by environmental reporting obligations is still relevant, given the needs that monitoring and reporting must address. For example, it is necessary to consider whether the information being provided is relevant to assessment of Member States' compliance with environmental legal obligations, as well as to the other objectives set out in Section 2 of this report. Requirements may become irrelevant over the lifecycle of legislation and as objectives and their relative importance change over time.

In order to answer this question, it is necessary to determine the extent to which the system has been able to change to ensure continued relevance, and whether there are existing requirements which are no longer used or no longer fully used to satisfy the objectives³⁹. Hence it is necessary to consider:

- What actions have been implemented to ensure continued relevance of environmental monitoring and reporting requirements?

³⁹ The question does not seek to understand whether the requirements are sufficient – this aspect is considered under the evaluation criterion of effectiveness.

- Are there instances where the requirements provide for information that is no longer fully necessary to satisfy the objectives of monitoring and reporting?
- Are there instances where additional information is needed?

4.3.2 Method and sources of evidence

The main sources of evidence for the answer to this question are listed below.

- Review of recent REFIT evaluations and other documents;
- Inventory of reporting obligations, which provides the views of Commission experts on issues of relevance across the environmental acquis;
- Stakeholder views provided in response to the public consultation and workshops; and
- Stakeholder views in response to workshops of the Make it Work initiative.

There is firm evidence on existing initiatives and associated relevance issues for legislation where comprehensive EU-wide evaluations have been undertaken. In addition, a range of opinions have been expressed by a variety of stakeholders on the relevance of reporting requirements, some of which would require further verification.

4.3.3 Evidence and analysis

Reporting obligations are set up in order to provide European institutions and other stakeholders with the information that they need to ensure that certain objectives are achieved. As the context within which these reporting obligations are set changes, so the needs for reporting change, and obligations must also change to ensure their continued relevance.

There is evidence to show that reviews of reporting obligations do occur – either specifically or as part of broader reviews and evaluations – and that changes are made to ensure the continued relevance of reporting obligations.

The Better Regulation agenda has created a strong driver for focussed efforts on enhancing reporting obligations – both to enhance their effectiveness and reduce their administrative burdens.

In particular, the May 2015 Better Regulation package led to a big increase in the number of evaluations being undertaken building on commitments already made as part of the REFIT programme. Evaluations (mostly under REFIT, but some outside of this programme) are being systematically applied across an increasing range of the environmental acquis. Many of these initiatives have been successful in identifying and addressing the relevance of reporting and ensuring that reporting obligations are amended to keep pace with changes in the legislation and its broader context.

Box 4.5 outlines a number of such initiatives that have occurred recently. Further evaluations are planned for other areas of environmental legislation over the coming years⁴⁰.

Box 4.5 Summary of relevant initiatives

- Proposals to revise waste legislation as part of the Circular Economy Package put forward a substantial simplification of reporting requirements. These proposals will improve reporting relevance by proposing the repealing of provisions obliging Member States to produce implementation reports every three years, reducing administrative burdens. Further, compliance monitoring would be exclusively

⁴⁰ Further details on planning REFIT evaluations can be found here: http://ec.europa.eu/smart-regulation/roadmaps/index_en.htm

based on data which Member States report every year to the Commission, so improving the quality, reliability and comparability of the information.

- EU water legislation was consolidated with the Water Framework Directive in 2000 and reporting was streamlined with many other pieces of legislation (bathing water, urban wastewater, nitrates, floods, etc.). More recently, a link to reporting under the Marine Directive mean that the programmes of measures which benefit fresh and seawater alike only need to be reported once in future.
- The Industrial Emissions Directive recast seven previously existing directives and streamlined administrative aspects including cutting reporting requirements by around half. The Directive uses state of the art web-based reporting technology, which reduces the administrative burden while increasing the added value of reporting.
- Reporting under the Birds and Habitats Directives has been streamlined in content and timing in recent years and allows now for joint reporting and analysis of the status of habitats and species.

Source: European Commission (2016). Towards a Fitness Check of EU environmental monitoring and reporting: to ensure effective monitoring, more transparency and focused reporting of EU environment policy. SWD(2016) 188 final

However, there remain a number of areas where evidence suggests that the relevance of reporting requirements may be questioned.

In many cases, relevance diminishes over the course of time during the life-cycle of legislation and as approaches to reporting evolve. This has been the case for the Standardised Reporting Directive (SRD). The SRD was introduced in 1991 with the aim of improving coherence by bringing reporting obligations together in one piece of legislation. However as the environmental acquis and its context have evolved, the SRD has proved overly burdensome and has become increasingly obsolete. There is a case for its repeal.

Box 4.6 The Standardised Reporting Directive

The 1991 Standardised Reporting Directive (the SRD) was adopted to streamline information flows before the advent of electronic reporting. Over time, the majority of the reporting requirements in the SRD become obsolete. Of the 28 acts originally mentioned in the SRD, only 2 remain subject to its provisions, namely the Sewage Sludge Directive (86/278/EEC) and the Asbestos Directive (87/217/EEC). Some sectoral legislation adopted after 1991 also refers to and makes use of the SRD reporting provisions. As a result, there currently remain 1 regulation, 9 directives and 17 decisions in force that still make reference to the SRD.

In general, the main drivers that eroded the SRD's relevance are: (i) the considerable development of the environmental acquis, including revisions of individual pieces of environmental legislation, which have frequently removed reporting obligations from the ambit of the SRD and (ii) radical progress in information and communications technologies (ICT), (iii) the European Environment Agency's assistance to the reporting obligations, and (iv) an unprecedented scale-up of the need for timely, cross-border, and interactive environmental information.

The few provisions that still actively refer to the SRD relate to asbestos, sewage sludge, waste and climate. Most of them have either recently gone through or are undergoing legal revision.

There is therefore a case for complete repeal of the Directive (provided continuity of reporting obligations that are still making an active reference to the SRD is ensured).

Source: Proportionate impact assessment of the Standardised Reporting Directive (91/692/EEC) repeal. Background Information (See Annex 7 for further details).

The views of Commission experts, recorded in the inventory of reporting obligations identified a number of relevance issues, including:

- Directive 94/62/EC on packaging and packaging waste (PPWD), including an obligation that 'before adopting economic instruments, Member States are to notify the Commission of drafts of the intended measures'. Commission experts indicated that, whilst in principle useful, nearly all measures under this obligation also qualify as technical measures to be notified under Regulation 1025/2012 for which an IT tool (TRIS) is available. As such Member States hardly ever notify the Commission under the provision of the PPWD.
- Directive 94/62/EC on packaging and packaging waste; Member States are to communicate to the Commission the text of their national standards on essential requirements. Commission experts indicated that the obligation was no longer relevant and was not used by Member States as the harmonized standards on packaging seem to have made national standards redundant.
- Directive 94/63/EC on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations. Commission experts indicated that the obligation to report on implementation had become obsolete in practice.
- Directive 2003/4/EC of the European Parliament and of the Council on public access to environmental information, including obligation to report on experience gained in the application of the Directive. Commission experts indicated that the reporting obligation is too generic and undefined, with an unclear link to compliance and enforcement. Nevertheless this Directive is often cross referenced in other directives. For example, the E-PRTR regulation contains provisions that refer to public accessibility, confidentiality and access to justice that refer back to obligations related to ensuring public access to environmental information in accordance with the requirements of Directive 2003/4/EC.
- Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS). MS are to notify the Commission of provisions regarding rules on penalties applicable to infringements of the national provisions adopted pursuant to the Directive, and notify Commission of any subsequent amendment affecting them. Commission experts indicated that having a snapshot of the penalties does not improve the way RoHS is enforced; many other aspects would also be needed e.g. inspections, cooperation).

The inventory of reporting obligations also identified a number of areas where issues of relevance had already been, or were in the process of being addressed. In particular the Circular Economy Package was identified a number of times as addressing issues with reporting obligations which were deemed to be lacking relevance. For example, under Directive 2000/53/EC on end-of life vehicles, reporting of implementation was mainly linked to transposition of the Directive for which compliance exercises have now been carried out. The requirement is proposed to be repealed under the Circular Economy Package.

Other issues that can affect relevance which can be discerned from the evidence including gold-plating of reporting and maturity of legislation.

Gold-plating of reporting, where MS independently chose to go beyond the requirements of the legislation and supporting texts, is sometimes cited as a concern. There are however also cases in which so called 'gold plating' is used to correct

inconsistencies or omissions in the underlying European reporting obligations. An administrative cost review⁴¹ found that around a quarter to a third of the reporting costs for businesses are the result of such gold-plating, indicating that it is a relatively common issue. It also suggests that because of gold-plating, improvements made to reporting obligations and processes at the EU level may not be passed on to MS businesses.

Further, there are instances where gold-plating at MS level can become normalised by changing MS expectations, resulting in some confusion about requirements even though there is no actual requirement for MS to report in line with the gold plated standard. For example, an evaluation of the Environmental Noise Directive (END)⁴² found that in Annex VI of the END, 'population exposure data by noise class is required in the hundreds only, but since many MS have reported on the precise number of inhabitants affected in each 5dB noise class, other competent authorities have now been asked to do likewise in reporting on population exposure data by the EEA. This was seen by some stakeholders as going beyond the concept of strategic noise mapping'. However, it was clarified that this was based on a misunderstanding of the requirements and in fact, exposure data to the nearest hundred is acceptable for END reporting purposes.

Maturity: Redundancies may occur in reporting requirements over the lifetime of legislation; as its implementation status and role in directing MS evolves, as evidence improves and understanding matures, or where the wider context within which it is set evolves.

At the September 2016 stakeholder workshop⁴³ it was suggested that plans to evolve reporting obligations over the lifetime of the legislation need to be clear and well made. Where such changes can be foreseen e.g. as legislation moves through initial implementation phases to a more mature status, forward plans to evolve reporting requirements should be clear - there are costs to constantly changing reporting requirements and early sight of requirements can support resource and systems planning to ensure effective delivery.

There may be opportunities to fine tune the level of detail by building in flexibility for MS to ensure that the level of detail provided in each instance is commensurate to the level needed. At the September 2016 stakeholder workshop⁴⁴, it was suggested that the closer a Member State is to the full delivery of the requirements of legislation, the looser the monitoring and reporting requirements could be made.

For example, when a desired environmental outcome is not being achieved, it can be important to evaluate MS responses and their adequacy. To consider this, detailed information on the measures implemented by MS is required. Reporting requirements should strike a balance between providing a basic level of detail, so that an understanding of the nature of measures being implemented across the EU can be deduced, and a more detailed understanding, provided only on an ad-hoc basis, in situations where outcomes are not being achieved. This idea is developed further in Section 4.4

The relevance of reporting requirements was sometimes questioned by stakeholders in the workshops and public consultation. In some instances, this appears to be as much

⁴¹ EU Project on baseline measurement and reduction of administrative costs – Report on the Environment Priority Area", July 2009

⁴² The Centre for Strategy & Evaluation Services LLP, ACCON Environmental Consultants and AECOM (2016). Evaluation of Directive 2002/49/EC Relating to the Assessment and Management of Environmental Noise. Final Report. European Commission

⁴³ 3rd Stakeholder Workshop on the Fitness Check on Environmental Monitoring and Reporting (26-28 September 2016. Workshop Meeting Note

⁴⁴ Ibid.

about stakeholders not understanding the relevance as whether the reporting is actually relevant. A lack of clarity of what the reported information is used for was raised a number of times at a Make it Work workshop.⁴⁵

At the third stakeholder workshop⁴⁶ it was suggested that where the relevance of reporting is not understood by all data providers, the level of attention / resources given to reporting, and the comprehension of what is to be reported, may be diminished. This can affect the completeness and quality of reported information and hence undermine the effectiveness of reporting. At the workshop it was also suggested that improving Member State's understanding of the relevance of the reported information may also lead to co-benefits as it helps Member States understand the legislation. Some stakeholders at the second workshop⁴⁷ held up the Water Framework Directive as an example of where the Commission provides details on what the reported information is to be used for, which should enhance comprehension of the relevance.

4.3.4 Conclusions

The Better Regulation agenda has provided an approach for the systematic review of legislation and the associated reporting obligations. Through evaluations and the REFIT programme there have been a number of successes in improving and amending reporting obligations in order to ensure and enhance their relevance.

However, opportunities remain for further enhancements. The constantly evolving context within which legislation operates, the changing maturity of legislation and MS progress in implementation mean that the relevance of many aspects of reporting will continue to change over time.

Whilst it is important to ensure that reporting obligations remain relevant, it is also important that their relevance is clear and understood by stakeholders in order to ensure appropriate resources are put to, and application made of, reporting requirements.

4.4 Are environmental reporting requirements relevant for assessing progress with Key Performance Indicators (building on the indicators system introduced by the Better Regulation Guidelines)?

4.4.1 Introduction

An indicator is a quantitative or qualitative measure of how close we are to achieving a set goal, such as a policy outcome. The EC Better Regulation Guidelines stress that core indicators should be defined that enable assessment of progress against the main policy objectives. These indicators can be defined at different levels:

- **Output indicators** measure the specific deliverables of the intervention (such as site management plans, inspections, monitoring reports);
- **Outcome/Result indicators** assess the effects of the intervention with reference to those directly affected (such as sites achieving required emission limits or good environmental status);

⁴⁵ European Commission (2016). Expert Workshop on "Environmental Monitoring and Reporting" organised by the European Commission and "Make it Work". Brussels, 19-20 November 2015. Minutes

⁴⁶ 3rd Stakeholder Workshop on the Fitness Check on Environmental Monitoring and Reporting (26-28 September 2016). Workshop Meeting Note

⁴⁷ 2nd Stakeholder Workshop on the Fitness Check on Environmental Monitoring and Reporting (27 April 2016). Workshop Meeting Note

- **Impact indicators** measure the broader effect of the intervention in terms of impact on the wider economy, society or environment (such as the overall state of air quality or water quality in the EU).

Tool #35 in the Better Regulation Toolbox provides more detailed guidance on monitoring arrangements and indicators. It stresses that indicators must be based on reliable and comparable data collected through sound monitoring systems, and be clearly and consistently defined. However, they can vary in detail depending on the type of initiative, the complexity of the intervention logic and the hierarchy of objectives for the intervention. To the extent possible, all indicators should be 'RACER':

5. Relevant, i.e. closely linked to the objectives to be reached. They should not be overambitious and should measure the right thing.
6. Accepted (e.g. by staff, stakeholders). The role and responsibilities for the indicator need to be well defined.
7. Credible for non-experts, unambiguous and easy to interpret. Indicators should be simple and robust as possible.
8. Easy to monitor (e.g. data collection should be possible at low cost).
9. Robust against manipulation.

Key Performance Indicators (KPIs) are metrics used to assess overall progress against objectives. They are widely used to assess the performance of businesses, public services and individuals, as well as the delivery of public policy. Application of KPIs aims to select the most relevant set of headline indicators which together capture progress against objectives. In the context of this evaluation, KPIs include the three types of core indicators promoted by the Better Regulation Guidelines (see above).

Monitoring and reporting obligations involve the collection and transfer of significant quantities of data and information about the implementation of the environmental acquis. Greater use of KPIs has the potential to reduce the amount of information demanded and hence to streamline reporting requirements. However, this needs careful consideration to ensure that reporting is not oversimplified and important information is not lost.

The question seeks to assess the relevance of current arrangements for the assessment of progress through KPIs. The analysis needs to consider:

- The potential role and application of KPIs with respect to environmental reporting;
- The extent to which KPIs are currently included within the information reported;
- How well KPIs are used at present (e.g. whether indicators capture the main objectives; whether KPIs are visible, rather than being lost within a larger body of information); and
- Whether a greater focus on KPIs could streamline reporting obligations and potentially reduce costs, without affecting the benefits of reporting.

4.4.2 Method and sources of evidence

The following research and evidence gathering tasks have informed the response to this question:

- Review of indicators literature and the role of indicators in EU policy;
- Review of reporting obligations – analysis of inventory and fiches to examine the nature of what is reported, including DPSIR categories, and the types of indicators appropriate;

- Review of use of indicators at EU level – e.g. State of the Environment report and 7th Environmental Action Programme – and how they link to monitoring and reporting obligations;
- Examples of good use of KPIs (e.g. Bathing Water) and areas where they are lacking or hidden;
- Stakeholder views and examples – public consultation and workshops;
- Review of recent developments – e.g. Circular Economy Package;
- Horizontal issues fiche on KPIs (Annex 5).

Overall, there is a substantial evidence base to inform the answer to this question, including a wealth of information about indicators as well as detailed information about the content of reporting obligations. The answer has required an analysis of this evidence against the evaluation question, making reference to the Better Regulation Guidelines in order to develop judgements about the relevance of reporting for KPIs.

4.4.3 Evidence and analysis

KPIs play an increasingly prominent role in assessing the progress and impact of EU policy. DG Environment has adopted five KPIs in order to help measure progress towards the achievement of its objectives. These five indicators, which are reported in the Annual Activity Report, are:

- KPI1: Resource productivity, measured as GDP (Gross Domestic Product) over DMC (Domestic Material Consumption) as a proxy for greening the economy, sustainable competitiveness and reducing environmental impacts of resource use.
- KPI2: Common birds population, as a proxy for the state of biodiversity and the integrity of ecosystems.
- KPI 3: Exposure to Air Pollution: percentage of urban population resident in areas in which selected pollutants exceed daily limit values.
- KPI 4: Percentage of surface water bodies in good ecological status or with good ecological potential.
- KPI 5: Residual error rate (RER), to reflect the degree of legality and regulatory compliance.
- KPIs 1-4 focus on the overall state of the environment, rather than the specific influence of environmental legislation, and DG Environment recognises that external factors often outside the DG's control also play a role⁴⁸.

The Better Regulation Guidelines indicate the importance of indicators in assessing progress at different levels: outputs, results and impacts. Environmental monitoring and reporting obligations cover data at a variety of different levels in the driving force/ pressure/ state/ impact/ response (DPSIR) cycle, but data from the reporting obligations inventory (Section 3) show that two thirds of obligations are primarily concerned with policy responses to environmental problems. The outputs, outcomes and impacts of policy interventions can all be taken to represent indicators of the effects of policy responses. "Results" indicators assess the effects of interventions in tackling environmental drivers and pressures, while "impact" indicators assess the resulting effects on the state of the environment.

This suggests that KPIs might address a range of outputs, outcomes and impacts, especially relating to the effects of policy responses and implementing activities.

⁴⁸DG Environment Annual Activity Report 2015 - http://ec.europa.eu/atwork/synthesis/aar/doc/env_aar_2015.pdf

For example, the Urban Wastewater Treatment Directive (91/271/EEC, amended as 98/15/EEC) requires Member States to collect and treat urban wastewater, to ensure the treatment of industrial wastewater, and to monitor discharges of wastewater to ensure compliance with specified emissions limits. Member States are required to report every two years on the situation relating to the treatment and disposal of urban wastewater and sludge. Relevant indicators include outputs (% of wastewater collected and undergoing different forms of treatment), results (changes in load of pollutants entering the marine and freshwater environment) and impacts (changes in the state of marine and fresh waters) (Table 4).

Table 4. Potential Key Performance Indicators for Urban Wastewater Treatment Directive

	Indicator	Comment
Outputs	% of wastewaters collected % of wastewaters undergoing secondary treatment % of wastewaters undergoing more stringent treatment	These are the key measures of compliance with Articles 3-5 of the Directive and form the main basis for compliance reporting
Results	Pollutant load entering freshwater and marine environment – measured for different pollutants (BOD, COD, total suspended solids)	Article 15 of the Directive requires MS to monitor specified parameters, and the results of this monitoring need to be reported in the biennial situation reports.
Impacts	Quality of bathing waters Ecological/ environmental status of marine environment and freshwater bodies	The legislation aims to impact on the state of the environment (i.e. water quality), which is also affected by the impacts of other legislation and wider environmental pressures (e.g. Nitrates Directive, changes in agricultural practices).

The example illustrates that particular items of legislation may focus only on particular stages in the chain of environmental effects. For example, the Urban Wastewater Treatment Directive aims (by reducing pressures) to positively influence the overall quality of the marine and freshwater environment, but this is also affected by other environmental pressures and the legislation that addresses them (e.g. the Nitrates Directive). This suggests that a suite of KPIs addressing environmental impacts as well as outputs and results would need to work across related items of legislation, rather than being specific to each.

By comparison, reporting on air quality in Europe focuses primarily on the state of the environment. Reporting therefore focuses on the “impact” stage of the hierarchy of indicators specified in the Better Regulation Guidelines. Within the wide range of data and indicators, certain core headline indicators can be identified such as the percentage of the urban population in the EU-28 exposed to air pollutant concentrations above certain EU and World Health Organisation (WHO) reference concentrations. This indicator is presented on the EEA’s webpage⁴⁹ and used in the EEA’s report on air quality in Europe⁵⁰. The report does not present indicators of the

⁴⁹ <http://www.eea.europa.eu/data-and-maps/indicators/exceedance-of-air-quality-limit-3/assessment-2>

⁵⁰ European Environment Agency (2016) Air quality in Europe — 2016 report. <http://www.eea.europa.eu/publications/air-quality-in-europe-2016>

outputs and results of EU legislation, which are largely determined by other items of legislation aiming to control emissions.

Reports under different items of legislation often include indicators suitable for assessment of the effects of implementation at different levels (outputs/results/impacts) as advocated in the Better Regulation Guidelines. However, we could find no examples of a structured approach to this, involving tiered sets of indicators in line with an intervention logic model.

We carried out a preliminary analysis of the links between the reporting obligations identified in the inventory (in other words, legislative obligations requiring information to be provided to the Commission, or an EU agency) and the performance indicators set out in DG Environment's Strategic Plan for 2016-2020. As mentioned above, the Strategic Plan (in its Annex 1) identifies a number of indicators of policy performance, four of which are identified as potential KPIs (a fifth KPI, on the risk of financial mismanagement, is not linked to policy outcomes).

As could be expected from the nature of most of the reporting obligations (which are often focused primarily on checking, or enabling the checking of, compliance with the legislation, rather than performance in terms of environmental outcomes), the links with KPIs are not extensive. The source data identified for each of the performance indicators is, in most cases, not explicitly linked to the provision of information under reporting obligations, with only indicator 2.2 (conservation status of species), indicator 2.4 (marine waters under spatial protection measures), and indicator 3.2 (water bodies in good ecological status) referring to the relevant legislation (Habitats Directive, Marine Strategy Framework Directive, and Water Framework Directive, respectively). In other cases, some of the data used by the EEA may be based in part on reporting under environmental legislation (for example, under the Air Quality Directive, or the Environmental Noise Directive). Table 5 below sets out initial data on which Reporting Obligations in the inventory are potentially linked to the KPIs; a total of 12 are, with the remaining 169 not linked. In addition, we assessed whether the data reported under environmental legislation either clearly was, or possibly was, a contributor to the reporting against the identified performance indicator; 6 clearly were, and an additional 5 might contribute (further work identifying data sources from the relevant EEA reports would be required to provide a clearer picture).

Table 5. Potential links between KPIs and reporting obligations

	DG Environment policy performance indicators (Key Performance Indicators in bold)	Data source (legislative ROs in bold)	ROs linked to KPI
1.1	Total waste generated (kg/person)	Eurostat	0
1.2	Municipal waste generation (kg/person) and treatment (%)	Eurostat	2
1.3	Share (%) of toxic chemicals in total EU chemicals production	Eurostat	0
1.4	Getting prices right; environmental taxation: share of environmental taxes (energy, transport, pollution/resources) in total tax revenue (%), subsidies to fossil fuels phased out	Eurostat, OECD	0
2.1	Common birds population, index 1990=100	Eurostat	0
2.2	Conservation status of species and habitats of European importance (percentage in conservation categories)	Habitats Directive reports	2
2.3	Mean annual urban land take per country as a percentage of 2000 artificial land	EEA/CORINE land cover	0

	DG Environment policy performance indicators (Key Performance Indicators in bold)	Data source (legislative ROs in bold)	ROs linked to KPI
2.4	Percentage of the surface area of marine waters (marine regions and sub-regions) conserved through spatial protection measures	Marine Strategy Framework Directive	3
3.1	Percentage of urban population exposed to air pollution above EU standards	EEA	1
3.2	Percentage of surface water bodies in good ecological status or with good ecological potential	Water Framework Directive	2
3.3	Noise: percentage of population in urban areas exposed to more than 55 dB Lden and 50 dB Lnight	EEA	2
4.1	Effectiveness of application of EU environment legislation	DG ENV data	0
4.2	Structural funds interventions	DG REGIO data	0
4.3	% of EAFRD payments related to environment and climate	DG AGRI data	0
4.4	Fish catches from stocks outside safe biological limits managed by the EU in the North-East Atlantic (% of total catches per year)	ICES/CFP data	0
5.1	Percentage of EU cities applying for the European Green Capital Award (EGCA)	DG ENV data	0
6.1	Level of progress towards a greener, resource efficient global economy as, inter alia, reflected by clear policy commitments at the multilateral level	DG ENV data	0
6.2	EU participation in Multilateral Environmental Agreements: number of MEAs the EU is a signatory or a party to	DG ENV data	0
6.3	Progress with pre-accession work in candidate countries and potential candidate countries and with the implementation of association agreements (AAs) and wider cooperation with neighbourhood countries	DG ENV data	0
6.4	Environmental provisions introduced in bilateral agreements between the EU and third countries and regions	DG ENV data	0
6.5	Number of significant timber exporting countries with which EU has signed agreement to prevent illegal logging (Voluntary Partnership Agreements - VPA)	DG ENV data	0
Other	Inventory ROs with no link to DG ENV KPIs		169

Source: IEEP analysis based on the inventory of reporting obligations

An initial scoping was carried out on the question of whether the reporting obligations were in principle capable of being used as KPIs in respect of the relevant policy area. In some cases, notwithstanding their absence from the list identified in the Commission's strategic plan, they already are: for example, the compliance of bathing water with the requirements of the Bathing Water Directive is regularly reported, and used in practice as an indicator of progress. In other cases, even where the data provided under the reporting obligations is not primarily numerical, it could potentially be used to generate information in numerical form to provide evidence on progress and performance. In total, and on the basis of a very preliminary scoping, we

identified a total of 38 ROs out of 181 which could potentially be used in this way. The evidence from the analysis of the inventory therefore suggests that the bulk of reporting obligations are not closely aligned with reporting on the policy outcomes of environmental legislation; which in turn matches the earlier finding that they are primarily focused on assessing whether the legal requirements of the legislation are being complied with in practice.

Indicators play an important role in assessing overall progress towards environmental and sustainable development priorities at EU and global level. For example:

- The EEA uses a set of 30 indicators to monitor progress against the 7th Environmental Action Programme. These include a variety of state indicators (e.g. status of species and habitats, water and air quality), pressure indicators (e.g. greenhouse gas emissions, air pollutant emissions, production of toxic chemicals) and response indicators (e.g. environmental expenditures, renewable energy). They draw heavily on data reported under environmental legislation, as well as in related policy areas (e.g. fisheries, climate and energy policies)⁵¹. These are a subset of a catalogue of more than 200 environmental indicators developed by the EEA and Eurostat⁵²;
- A set of more than 200 indicators has been established to report progress against the UN Sustainable Development Goals (SDGs). These cover a range of economic, social and environmental issues. Data reported under EU environmental legislation are relevant to a number of these indicators (e.g. in relation to waste management, air and water quality and protected areas)⁵³.

These indicator sets demonstrate that current monitoring and reporting arrangements allow the construction of headline indicators on the overall state of the environment, which is affected by environmental policy as well as other external influences. They are helpful in assessing the overall state of the environment, but do not tell us in detail about the implementation of environmental legislation. They may therefore need to be accompanied by output and result indicators specific to particular items of legislation, particularly if there is a need to understand the reasons for adverse trends in the state of the environment.

KPIs play a particularly important role in reporting with respect to some areas of environmental legislation. For example, reporting against the Bathing Water Directive focuses on a simple headline indicator – the numbers and proportion of sites achieving different standards of bathing water quality (Box 4.7).

Box 4.7 Reporting of Bathing Water Quality in the EU

The Bathing Water Directive was adopted in 1976 by the Council of the European Communities (76/160/EEC). It requires Member States to monitor the quality of bathing waters and to ensure that they meet specified quality standards. The Directive was revised in 2006 (2006/7/EC) to take account of advancements in scientific evidence, ensuring that the most reliable indicators are used to predict microbiological health risk and achieve a high level of protection.

Under the Bathing Water Directive, Member States are required to report annually on the results of monitoring of bathing water. On 25 May 2016, the European Environment Agency published its report on the state of European bathing waters in 2015. The report was published in advance of the summer bathing water season, in

⁵¹ European Environment Agency (2016) Draft EEA Indicator Report - Monitoring of the Thematic Priority Objectives of The 7th Environment Action Programme

⁵² <http://ec.europa.eu/eurostat/web/environment/overview/environmental-indicator-catalogue>

⁵³ UN Statistics Division (2016) Tier Classification for Global SDG Indicators.

<http://unstats.un.org/sdgs/files/meetings/iaeg-sdgs-meeting-04/Tier%20Classification%20of%20SDG%20Indicators%20Updated%202023-09-16.pdf>

order to provide timely information to the public on the state of bathing waters. This timetable requires Member States to report their annual monitoring results to the EEA by 31 December each year.

While monitoring of bathing water is required to cover a range of parameters, the EU report focuses on a simple indicator of bathing water quality, the numbers of waters in each Member State that meet different quality standards. A summary of the 2015 results is given in Table 6.

Table 6. Summary of the state of the EU's Bathing Waters, 2015

Total number of bathing water sites	21 288	
Number of sites with sampling frequency satisfied	20 620	
Number and % of sites with excellent quality	17 959	84.4 %
Number and % of sites with good quality	1 939	9.1%
Number and % of sites with sufficient quality	558	2.6%
Number and % of sites with poor quality	349	1.6%
Number and % of sites with quality classification not possible	483	2.3%

The number of sites achieving different quality standards can be regarded as an impact KPI and the number of sites for which sampling frequency is satisfied an output KPI. The quality of bathing water depends on the results of a range of actions to reduce environmental pressures, including under other items of legislation such as the Urban Wastewater Treatment Directive.

The simple nature of the indicator makes it amenable to the provision of information to the public. The Directive requires Member States to communicate information to the public, and most provide information online as well as through other media. The release of the report each year attracts high levels of media coverage.

Source: European Environment Agency (2016) *European Bathing Water Quality in 2015*. <http://www.eea.europa.eu/publications/european-bathing-water-quality-2015>

However, in other areas, potential KPIs are not identified amongst the wider body of information provided. For example the latest report on implementation of the Sewage Sludge Directive (86/278/EEC) includes numerous items of data from different Member States, but no overall summary indicators are presented⁵⁴.

In some areas of the acquis, reporting obligations have been revised in recent years and now place a greater emphasis on KPIs. This is most apparent in the field of waste, where the Circular Economy Package includes proposals to repeal the obligation to submit three year implementation reports for the End of Life Vehicles Directive and replace them with annual reporting of rates of reuse, recycling and recovery. Similarly, under the Waste Electrical and Electronic Equipment (WEEE) Directive, three year implementation reports are to be replaced by annual reporting of data on the quantities and categories of WEEE produced, collected, re-used, recycled, recovered

⁵⁴ ESWI (2012) Final Implementation Report for the Sewage Sludge Directive (86/278/EEC). <http://ec.europa.eu/environment/archives/waste/reporting/pdf/Annex%202-1%20Sewage%20Sludge.pdf>

and exported. The Commission will review these data as a starting point for assessing compliance with the legislation.

These changes signal a greater emphasis on quantitative indicators – rather than text-based implementation reports – as a means of assessing implementation and compliance. It is also notable that they focus on results based indicators (such as rates of reuse, recycling and recovery) rather than assessment of outputs (such as the actions taken by Member States to comply with the legislation). It could be argued that reporting of activities and outputs is less important than the results that these achieve – such details might therefore only be sought in cases of non-compliance with result-based targets.

Greater use of KPIs has the potential to establish a more streamlined set of indicators that can more readily inform the evaluation of policy implementation and success. It could foster a more coherent and coordinated approach to presenting information across environmental legislation, a clearer and more coherent picture on the level of implementation and the “distance to target”, and a better linking between the content of what is reported and the use of data in the context of scoreboards and strategic communication⁵⁵.

Early thinking by DG ENV as part of the Fitness Check has suggested that KPIs could be employed as ‘level 1’ in a multi-level approach to reporting, conceptually defined as⁵⁶:

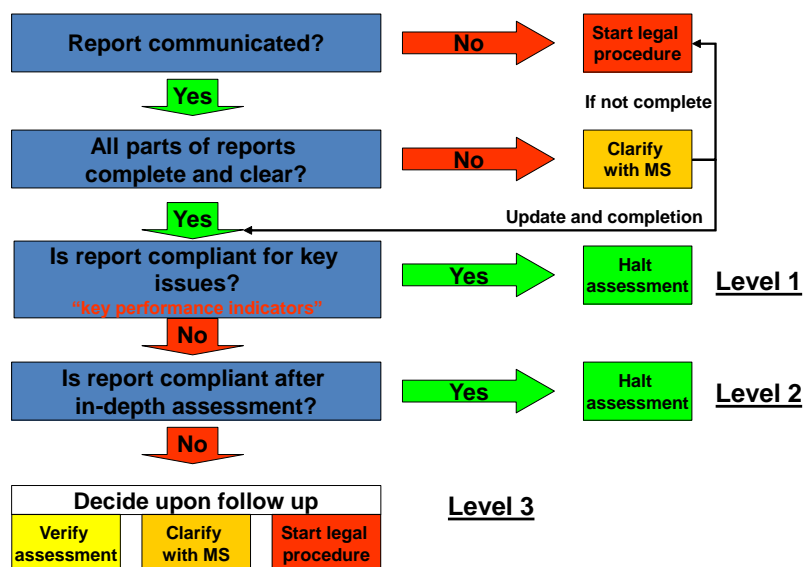
- Level 1: KPIs are numeric (only) and can be assessed very quickly (i.e. turn around less than 6 months);
- Level 2: additional information and data are only requested for non-compliant situations; and
- Level 3: additional, targeted information and data are requested only if issue is pursued further.

KPIs could be used as a first step in assessing overall compliance with respect to key issues addressed by the legislation. Only in cases of non-compliance would additional information be sought (Figure 18).

⁵⁵ European Commission (2015). Concept Paper for the Fitness Check of monitoring and reporting obligations in environment policy. The role of scoreboards in the context of the regulatory monitoring and environment implementation review and the development of “key performance indicators” - initial ideas for a conceptual approach. (Draft, 09/09/2015).

⁵⁶ European Commission (2015) [ibid]

Figure 18. Possible use of KPIs within a multi-level approach



Source: DG Environment, unpublished internal discussion paper

Such an approach would involve a significant reduction in the volume of reporting and could significantly reduce the time taken for reporting and the associated administrative burdens. However, careful consideration would be needed to ensure that important information was not lost, and that greater reliance on KPIs did not oversimplify reporting in particular policy areas, given the complexity of the environmental problems being addressed.

Scoreboards are an example of KPIs and are increasingly used to assess progress in the transposition and implementation of environmental legislation. They are particularly well suited to assessment of the outputs of legislation – i.e. measuring progress in the delivery of the required measures. Examples of scoreboards include:

- The Natura 2000 Barometer⁵⁷, which quantifies the terrestrial and marine areas designated as Natura 2000 and the level of sufficiency of the network. This is updated regularly in the Natura 2000 newsletter;
- Scoreboards used under the Water Framework Directive to show the state of play of transposition and reporting⁵⁸, and the adoption of River Basin Management Plans⁵⁹.

In addition, related to the environment there is a Resource Efficiency Scoreboard⁶⁰, Sustainable Development Indicators⁶¹, Transport scoreboard⁶², EEA Annual Indicators report⁶³, the Raw Materials Scoreboard⁶⁴ and others being investigated (in relation to circular economy or sustainable development goals). However, even when these cover

⁵⁷ http://ec.europa.eu/environment/nature/natura2000/barometer/index_en.htm

⁵⁸ http://ec.europa.eu/environment/water/water-framework/transp_rep/scoreboard_en.htm

⁵⁹ http://ec.europa.eu/environment/water/participation/map_mc/map.htm

⁶⁰ http://ec.europa.eu/environment/resource_efficiency/targets_indicators/scoreboard/index_en.htm

⁶¹ <http://ec.europa.eu/eurostat/web/sdi/indicators>; 2015 report: <http://ec.europa.eu/eurostat/web/products-statistical-books/-/KS-GT-15-001>

⁶² http://ec.europa.eu/transport/facts-fundings/scoreboard/index_en.htm

⁶³ <http://www.eea.europa.eu/publications/environmental-indicator-report-2014>

⁶⁴ <http://bookshop.europa.eu/en/raw-materials-scoreboard-pbET0215541/>

the same issue, they sometimes use different indicators for the same purpose or use the same data in different ways (for example giving total or per capita values). This inconsistency risks confusing messages or creating unnecessary demands in terms of data.

Scoreboards present information on key aspects of implementation of legislation in an easily digestible, summary form, enabling comparisons between Member States. They are most often used to assess progress towards implementation (e.g. transposition of legislation, designation of sites or competent authorities, development of plans, installation of treatment capacity, issue of permits etc.) but can also be used to monitor and assess ongoing compliance, both with respect to compliance activity and outputs (e.g. compliance with respect to levels of monitoring, permitting, inspection, reporting etc.) and the results and impacts (e.g. % of plant meeting emissions limits; % of sites in favourable conservation status or water bodies in good ecological status).

There is currently no consistent or standardised approach to the use of scoreboards across the environmental acquis. However, they could be adopted more widely and consistently, and, if accompanied by KPIs to assess overall environmental results and impacts, have the potential to significantly streamline the content of reporting.

Participants in the stakeholder workshops supporting the Fitness Check, as well as those organised by the "Make it Work" initiative, were generally supportive of the role of KPIs and gave some suggestions about how they might be applied in practice (Box 4.8).

Box 4.8 Stakeholder views on KPIs – Evidence from the stakeholder workshops and "Make it Work" initiative

Participants in the stakeholder workshops supported the idea of KPIs and underlined the potential for KPIs to streamline reporting obligations and reduce administrative burdens. However, they also cautioned that there are wide variations in environmental issues, priorities and approaches across the environmental acquis, and that any system of KPIs would need to reflect this. Currently, there are often substantial volumes of raw data associated with environmental reporting, and participants within the stakeholder workshops voiced concern that in some cases the volume of this data can be so great that only a fraction of it may be put to use in practical decision-making. The use of KPIs was seen as a way of prioritising or aggregating these data. While KPIs were seen to play a role in reporting at different levels (outputs, results and impacts), participants were generally sympathetic to the idea that there could be a greater focus on the results and impacts of legislation, and that detailed reporting of compliance might only be necessary in cases where environmental targets are not being met.

Discussion at a workshop of the "Make It Work" initiative⁶⁵ suggested that in situations where MS are meeting policy objectives or where a directive leaves it up to MS to decide how they respond, the actual need for the Commission to receive information on MS actions is diminished. In these cases "Level 1" KPIs could be defined in terms of the main indicator(s) required to monitor compliance, while more detailed aspects of implementation and compliance could be addressed through "Level 2 or 3" indicators.

These examples suggest that opportunities to increase the focus on KPIs may vary across the acquis, depending on the nature of the reporting obligation and the intended use of the information. The number and type of indicators that are appropriate may also vary according to the maturity and stage of implementation of the legislation. For example, implementation scoreboards may play an important role

⁶⁵ European Commission (2015). Expert Workshop on "Environmental Monitoring and Reporting" organised by the European Commission and "Make it Work". Brussels, 19-20 November 2015. Minutes.

in the early years, with results-based indicators becoming more important for mature environmental legislation. It would be important to ensure that KPIs were defined well in advance to ensure development of robust and appropriate monitoring and reporting systems.

The discussion above suggests that there is potential to make more use of KPIs and that they could potentially prove useful tools both in streamlining reporting obligations and improving the accessibility of reports as a communication tool. The latter could benefit especially from a more structured and consistent approach to reporting and the use of indicators across the environmental acquis. On the other hand, the risks of an oversimplified, one-size fits all approach, and the potential loss of valuable information this could entail, would also need to be understood.

A way forward might be to explore how a structured set of KPIs, in line with the Better Regulation Guidelines, would work across the environmental acquis as a whole, and could meet the specific reporting needs of each item of legislation. This would require both an overall framework (distinguishing between outputs, results and impacts and recognising that these apply differently across the acquis) and a structured case-by-case analysis of the particular issues and needs relating to each item of legislation.

4.4.4 Conclusions

The evidence suggests that environmental reporting obligations are relevant for the use of KPIs in reporting on the implementation and effects of environmental legislation.

However, the use of indicators and scoreboards varies widely across the acquis, and there is no structured or consistent approach. A minority of reporting obligations are currently or potentially linked to KPIs, suggesting that reporting obligations are not closely aligned with reporting on the policy outcomes of environmental legislation. Reporting obligations rarely present indicators in a structured way to assess the effects of implementation at different levels (outputs/results/impacts) as advocated in the Better Regulation Guidelines.

- There is evidence of an increasing focus on KPIs for reporting in some areas (e.g. waste), with a focus on outcomes rather than outputs. Overall, there is potential to increase the focus on KPIs within reporting, examining the potential to reduce or annex supporting information.
- There is merit in exploring how and whether a structured set of KPIs could work in a consistent way across the environmental acquis. This would require work to define a common framework and to examine whether and how it might work for each item of legislation.

4.5 Has the process of reporting taken advantage of technology: including advances in IT, increasing provision of data through Copernicus etc?

4.5.1 Introduction

The evaluation question asks whether the process of monitoring and reporting has evolved as technology has advanced, and hence whether it remains relevant given today's technology landscape.

Specifically the evaluation question references information technology (IT) and Copernicus. IT refers to systems used to store, retrieve and send information. Copernicus is the European Earth observation programme⁶⁶, which produces environmental data based on earth observation satellites and in situ sensors.

⁶⁶ <http://www.copernicus.eu/>

The answer to the question needs to be based on an understanding of the extent to which reporting processes have evolved and adopted new technology and whether this is pervasive across the acquis or whether certain areas lag behind.

The question requires consideration of:

- What is the recent history of technology adoption for reporting processes?
- To what extent have these technological developments been adopted?
- Are there policy areas or specific obligations which appear not to have adopted more relevant newer technologies?

4.5.2 Method and sources of evidence

The principal sources of evidence used to respond to the evaluation question include:

- The inventory of reporting obligations, which provides evidence of links with electronic reporting and reporting formats;
- A document review, covering Commission evaluations, reporting-related initiatives and reviews;
- Environmental monitoring and reporting Fitness Check public consultation, which provides an indicator on stakeholder opinions of the use of technology; and
- Stakeholder views from workshops and feedback, providing examples of technology related advances and opportunities.

There is robust evidence on technology-relevant issues for legislation where comprehensive EU-wide evaluations and reviews have been undertaken. In addition, the stakeholder consultations and workshops provide a range of opinions from the EEA, the Commission and Member States on the use of technology, some of which would benefit from further verification.

4.5.3 Evidence and analysis

Systems for reporting have been evolving from paper-based reporting to electronic reporting including differing degrees of standardisation and automation. An important driver for this was the establishment of Reportnet⁶⁷ by the EEA in 2002, which provided an inter-related set of tools and processes delivered via the internet. Reportnet was initially used for reporting environmental data to EEA, but now also hosts some of DG Environment reporting tasks.

Legislation and its reporting obligations have progressively made use of such facilities and other technological developments. For example, the Water Information System for Europe (WISE)⁶⁸ was launched in 2007 and provides a platform for e-reporting of all water legislation. It has since moved to electronic reporting only, getting rid of paper reporting and using harmonised electronic reporting to build comparable publicly accessible EU datasets. Related to this, the MSFD has catalysed the development of WISE-Marine, part of a Shared Environmental Information System (SEIS), for marine environmental reporting. WISE-marine is designed based on INSPIRE principles and should link through to the evolving EMODnet. In addition, since 2012, the European Commission has run a pilot programme under the Urban Waste Water Treatment Directive (UWWTD, 91/271/EC) to improve reporting processes and data dissemination towards the public by the development of Structured Implementation and Information Framework (SIIF).

⁶⁷ <https://www.eionet.europa.eu/reportnet>

⁶⁸ <http://water.europa.eu/>

Box 4.9 The benefits of Reportnet – an example for the Environmental Noise Directive

- The use of Reportnet by most MS under the END helps to promote an integrated approach to environmental reporting, since national authorities are using Reportnet as the reporting system to submit data and information to the EC in respect of other environmental Directives. For instance, national CAs can use their Eionet username in order to access the CDR within the Reportnet. Using the same system to report on different Directives is more efficient than developing different IT systems for different Directives.
- The use of Reportnet by the majority of MS since 2009 has helped to strengthen the efficiency of END reporting, since there would be inefficiencies if MS used different methods of submitting SNMs and NAPs (e.g. due to the need for manual data entry)

Source: The Centre for Strategy & Evaluation Services LLP, ACCON Environmental Consultants and AECOM (2016). Evaluation of Directive 2002/49/EC Relating to the Assessment and Management of Environmental Noise. Final Report. European Commission

In an internal analysis⁶⁹ of reporting requirements and complaints procedures it was found that 20 out of 30 Directives/Regulations reviewed make use of electronic reporting systems with Reportnet used in 75% of such instances.

However, even for those reporting obligations where Reportnet is available, it is not fully utilised. The research⁷⁰ found that even when Reportnet is available, some Member States chose to report hard copies and/or via email, but in no instances was reporting only paper-based. For example, the END evaluation found that a majority, but not all MS use Reportnet.

The inventory of reporting obligations indicates that electronic reporting is supported for at least 56 of the 180 reporting obligations identified. Analysis of the inventory indicates that there is currently limited use of 'data input' within existing reporting formats, accounting for some 14% of the reporting obligations identified. For the majority of reporting obligations there is no formalised format requirement, possibly indicating that many reporting obligations are currently not set up for standardised IT-based reporting.

The increasing use of IT and electronic reporting, as well as the emergence of open data policies and increased data sharing, gave rise to a need to define and harmonise electronic data standards. The INSPIRE Directive⁷¹ was adopted in 2007 to this effect. It sets technical standards for the interoperability of spatial data. It seeks to take advantage of the opportunities created by IT to create a European Union (EU) spatial data infrastructure and enable the sharing of environmental spatial information among public sector organisations and better facilitate public access.⁷²

⁶⁹ Moore Stephens (2014). Analysis of Reporting Requirements and Complaint Procedures. Draft Final Report. European Commission. 07.010211.00.04/2014/ENV.SRD.1/SI2.675250

⁷⁰ Moore Stephens (2014). Analysis of Reporting Requirements and Complaint Procedures. Draft Final Report. European Commission. 07.010211.00.04/2014/ENV.SRD.1/SI2.675250 (ICF analysis of raw survey data)

⁷¹ 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) (for more details, see <http://inspire.ec.europa.eu/>)

⁷² The Directive aims to address problems with: missing or incomplete spatial data, incomplete descriptions of spatial data, difficulty to combine different spatial data sets, inaccessibility of spatial data and various barriers to data sharing.

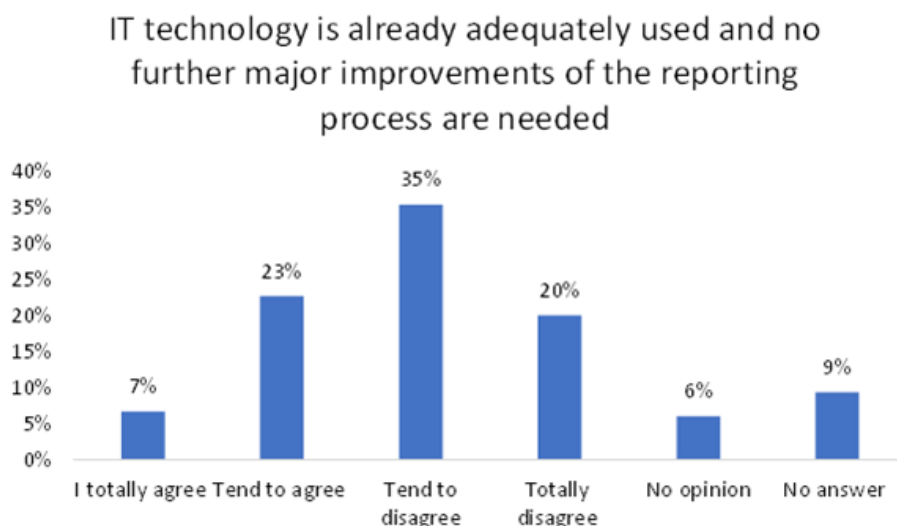
Indeed, information and data are managed by a wide variety of actors. Efforts for greater access to ever larger volumes of data generated by new technologies creates an imperative to maintain some level of structure and harmonisation of technological solutions and that interoperability is promoted. Related to this is the Shared Environment Information System (SEIS)⁷³, which was proposed in 2008, and similarly seeks to take advantage of developments in IT. The goal of SEIS is to establish a network of public environmental information providers that share their environmental data and information through a decentralised but integrated, web-enabled system. IT is a core element of the SEIS, with adoption of tools such as sensors, satellites, interactive map services, web services and mobile applications. Prominent examples of initiatives developed under SEIS include interactive map viewers such as the Water Information System for Europe (WISE), the Biodiversity Information System for Europe (BISE), the European Pollutant Release and Transfer Register (E-PRTR), Copernicus (the combined satellite and data modelling system for Europe) the INSPIRE Directive itself and the EIONET online resource for reporting datasets⁷⁴.

The EEA considers⁷⁵ that some countries are fairly advanced in implementing SEIS, while others need to take significant steps and that most countries are up-to-date with the new opportunities offered by modern information and communication technologies (ICTs).

However, whilst reporting has clearly taken advantage of developments in IT (and technology more broadly), and relatively recent initiatives such as INSPIRE and SEIS are seeking to both manage and take advantage of the further adoption of reporting tools made feasible through IT developments, there remains scope for further development.

Respondents to the public consultation indicated that insufficient use of IT was made within environmental reporting (across collection, processing and dissemination), with 55% either 'totally disagreeing' or 'tending to disagree' that IT was adequately used (see Figure 19).

Figure 19. Public consultation Q5.1



Source: Environmental Monitoring and Reporting Fitness Check Public Consultation

⁷³ COM(2008)46 of 1 February 2008

⁷⁴ EEA (2016) 'SEIS Initiatives' <http://www.eea.europa.eu/about-us/what/seis-initiatives#toc-0>

⁷⁵ Based on 50 'SEIS Country Visits' by the EEA since 2007 to its member and cooperating countries, and to its European neighbours. <http://www.eea.europa.eu/about-us/what/seis-initiatives#toc-1>

Copernicus, and the advances in earth-observation techniques that it represents, is an example of where the potential remains largely unexploited. However, this is as much about the process of monitoring and data collection as it is reporting.

At the September 2016 workshop⁷⁶ stakeholders identified that Copernicus could provide new ways of collecting data, thus potentially reducing the burden of reporting. A more nuanced view was offered at the December 2016 workshop⁷⁷ which suggested that Copernicus could act principally to complement rather than directly replace reporting. The workshop participants agreed that further development and testing of Copernicus would be needed for it to be widely accepted, and for its role in contributing to reporting to increase. Specific suggestions received from stakeholders in responses to this study included that satellite data could: be used to track land use change as part of monitoring of Natura 2000 sites (source: Birdlife International); be combined with other forms of data collection to enhance information (and improve efficiency) for air quality reporting (source: Netherlands); replace reporting for monitoring of marine waters (source: Germany); form a data source to support validation of results from modelling (source: Germany).

The successful implementation of the INSPIRE Directive is recognised as an important component in enabling the use of such earth-observation techniques, as remote sensing data often need to be combined with spatial data to add value and context. This linkage is formally recognised – according to the Copernicus Regulation, the data and service policy as well as the implementation of the services have to conform with INSPIRE rules. Reciprocally, implementing INSPIRE in a way that it serves Copernicus is therefore important⁷⁸.

In seeking to take advantages of advances in technology it is important to ensure that new approaches are fit-for-purpose – both in their specification and how they are ultimately used.

Even within the existing approaches for electronic reporting there remain a number of weaknesses in how tools are implemented and used, such as technical problems with operation, low levels of user-friendliness and incomplete supporting guidance. Further, it is important that the adoption of technologies serves to enhance the achievement of the objectives of reporting and takes account of its principles. There is a need to ensure that it is demand-driven rather than supply-driven and that it is recognised that more sophisticated reporting systems can increase cost burdens, which may be relatively more significant for smaller MS in situations where fixed costs are high. Evaluation of the implementation of INSPIRE has found that there are significant resource implications (e.g. the specialised technical human resource requirements) on data providers of complying with the Directive⁷⁹.

Box 4.10 Stakeholder opinions on the pitfalls of pursuing improved reporting through the adoption of new technologies

“There is scope to simplify reporting processes and to make Reportnet more user-friendly for national competent authorities and the ease of data extraction at EU level could be improved. There was however feedback from many EU MS that the user-friendliness of Reportnet needs to be further improved, with some indications that the information requirements are not always sufficiently clear. However, not all stakeholders agreed. Some national CAs stated that the END reporting mechanism

⁷⁶ 3rd Stakeholder Workshop on the Fitness Check on Environmental Monitoring and Reporting (26-28 September 2016). Workshop Meeting Note

⁷⁷ 4th Stakeholder Workshop on the Fitness Check on Environmental Monitoring and Reporting (8 December 2016). Workshop Meeting Note

⁷⁸ INSPIRE evaluation

⁷⁹ EEA (2014). Mid-term evaluation report on INSPIRE implementation. EEA Technical report No 17/2014

was relatively easy to use and to upload the END reporting data and information".

Source: END evaluation

".. these tools [for reporting] are still under development with a lot of errors and addition of new controls when the MS prepare the reporting and validate the files which will be delivered. 28 MS cannot validate tools instead [it should be done] once at the European level. Wasting time to do, correct, redo, check again, repeated a lot of times due to tools not being finished must be avoided". Source: France feedback following the workshop on Fitness Check of monitoring and reporting

"With electronic data delivery, it is crucial to organise a dialogue between suppliers of content and data-analysts, otherwise ICT is constructed that does not deliver the information that policymakers need, or, the other way round, it becomes very cumbersome to deliver the data in the correct formats." Source: MiW Thematic session – water.

4.5.4 Conclusions

The process of reporting has taken advantage of advances in technology - from e-reporting to enhanced spatial data infrastructures to earth observation techniques - but these opportunities are not being universally exploited.

Continued efforts are required to ensure broader adoption of not only new, but existing technologies and established systems, such as Reportnet. Increasing use of technological solutions for enhanced monitoring and reporting and increasingly open access to data present challenges in maintaining harmonisation and interoperability. It is important that existing initiatives (e.g. SEIS-related programmes, INSPIRE and SIIFs) are fully implemented in order to provide the necessary framework to ensure that environmental monitoring and reporting can reap the benefits of technological developments.

In developing the reporting system to take advantages of technological developments, it should be recognised that there are often substantial costs for upfront investment and adoption - both at the EU and MS level. It is imperative that developments are clearly focussed on serving the needs of reporting rather than the pursuit of technological betterment for its own sake.

5 Effectiveness of the EU Environmental Monitoring and Reporting arrangements

5.1 Introduction

Analysis of effectiveness considers how successful an intervention has been in achieving, or progressing towards, its objectives. The degree to which EU monitoring and reporting obligations have been effective can be considered with reference to the five objectives specified in the intervention logic above, i.e. the extent to which they help to:

A. Demonstrate compliance with a legal obligation.

B. Determine if the objectives of legislation are being achieved effectively and efficiently, including, where appropriate, ensuring a level playing field of the internal market.

C. Inform the other EU institutions as well as the public and stakeholders at EU level on the state of the environment, progress of implementation and the identification of gaps.

D. Help inform the understanding of an environmental issue and so help to improve decision making, e.g. policy evaluations or impact assessments.

E. Identify and spread good practices amongst Member States.

There are four evaluation questions under the effectiveness theme.

5.2 Are reporting obligations met, and with good quality, timely data?

5.2.1 Introduction

For reporting obligations to satisfy the objectives for which they have been designed, it is necessary for obliged entities to fulfil them, and for the data reported to be of sufficient quality and sufficiently up-to-date to serve its required purpose.

Quality relates to both the accuracy and completeness of the data provided. Deficiencies in quality can result in incomparable data, prohibit EU level assessment, generate biased evidence, make enforcement more challenging and ultimately undermine the effectiveness of the reporting process. Deficiencies may occur due to inappropriate application of required methodological standards, calculation and typographical errors, and omissions of particular data and metadata.

Timely data refers to data that is up-to-date both at the point of delivery and at the point at which it is required for decision making i.e. there are no undue delays between data collection and data use. It is principally concerned with whether the reported information is sufficiently up-to-date to enable the end user to draw robust and relevant conclusions. Timeliness can be affected by the duration of the reporting cycle, issues and delays occurring with the reporting processes, and through the alignment of final reporting with end user needs.

The question requires consideration of the extent to which reporting obligations are being met and whether the information that is being provided is of good quality and timely. To answer it, the following issues need to be considered:

- Is there compliance with reporting obligations? Are some reporting obligations unfulfilled by some obliged entities?
- Are there examples of legislation/ROs/datasets where inconsistencies, errors and delays commonly occur? Why?

5.2.2 Method and sources of evidence

The principal sources of evidence used to answer the evaluation question included:

- Analysis of the Inventory of reporting obligations to identify issues indicated by the factual data and opinion of Commission experts’;
- Evidence from recent REFIT evaluations;
- Previous reporting performance reviews, including an EEA assessment of Member State reporting performance for Eionet priority data flows and an internal 2014 review by Moore Stephens. The survey data from this latter source was re-analysed by ICF to draw out additional information not recorded in the original report;
- Stakeholder views and examples – from the public consultation, workshops and other feedback; and
- Stakeholder views and examples – from the Make it Work initiative workshops.

In evaluating performance, the response draws heavily on robust reviews of Member State reporting across multiple areas of legislation, allowing firm conclusions to be drawn. In establishing an understanding of the causes of any reporting issues, the

response draws on a broader range of sources including stakeholder opinions, which are not independently verified.

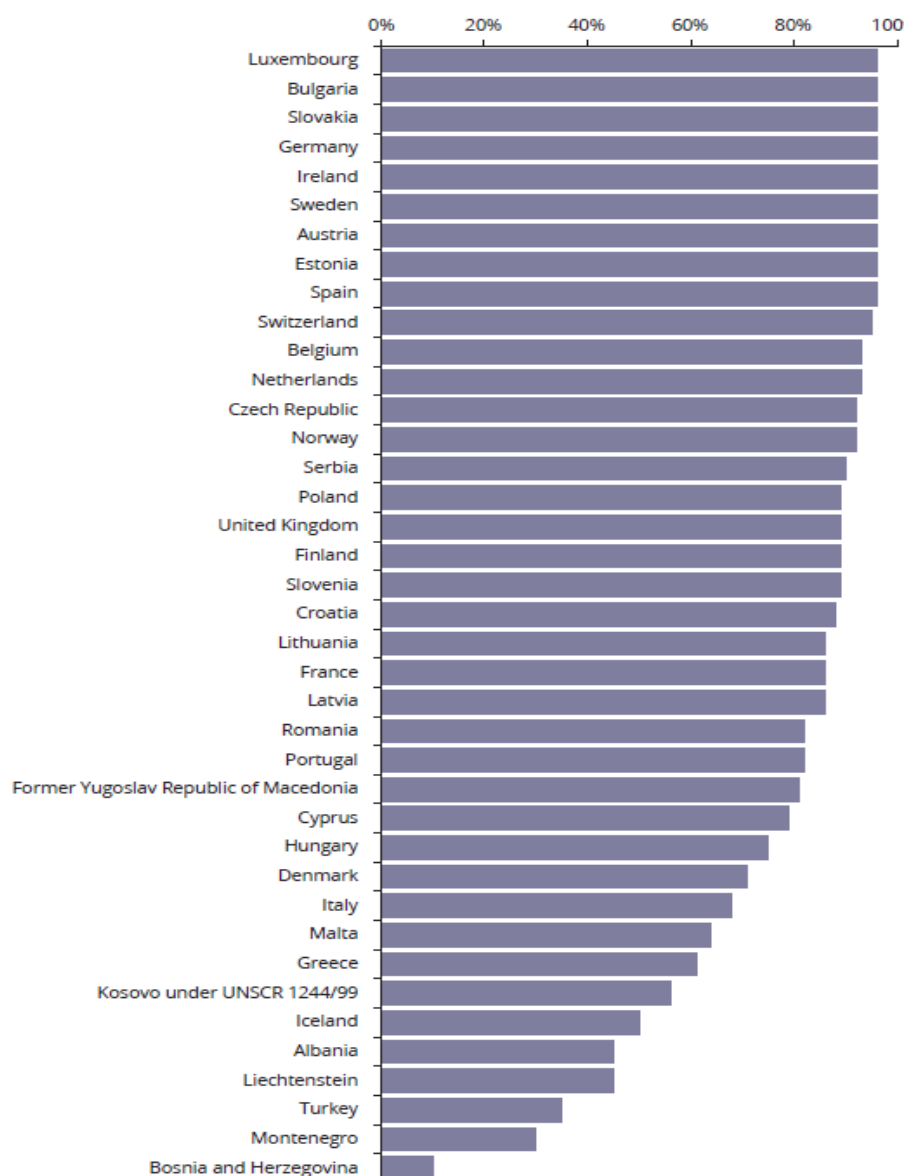
5.2.3 Evidence and analysis

Figure 20 summarises country performance⁸⁰ in reporting across eight of the EEA's priority data flows (for the May 2014–April 2015 data flow cycle), where a result of 0% means that no data have been delivered at all, and a result of 100% means that complete data sets for all areas have been delivered on time⁸¹. It shows that no country scored 100%. Indeed, reviewing the scores for the last ten years shows that a score of 100% is seldom achieved. The overall average score (all countries) was 78% in 2015. The average score increased markedly between 2000 and 2008 (from 45% to 78%), after which the average performance has been relatively constant, fluctuating between a low of 78% and a high of 83%.

⁸⁰ EEA (2015). EIONET priority data flows. May 2014–April 2015. ISSN 1830-7701

⁸¹ To calculate these scores, the scores from all priority data flow areas are summed up for each country and then expressed as a percentage of the country's maximum score. Maximum scores are country specific, as not all countries are involved in all data flows.

Figure 20. Overall performance of countries reporting EEA priority data flows (over May 2014-April 2015)

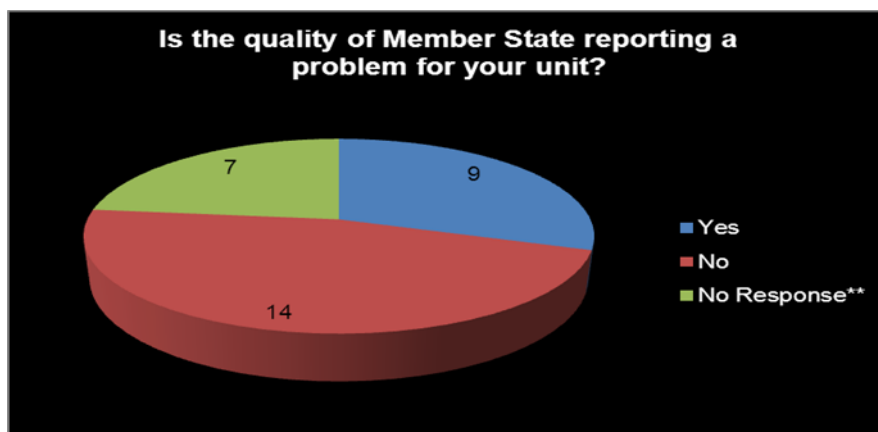


Source: EEA (2015). EIONET priority data flows. May 2014–April 2015. ISSN 1830-7701

An internal survey of DG ENV experts⁸², covering 30 regulations and directives found that in 30% of these the quality of Member State reporting was deemed to be a problem (see Figure 21).

⁸² Moore Stephens (2014). Analysis of Reporting Requirements and Complaint Procedures. Final Report. European Commission. 07.010211.00.04/2014/ENV.SRD.1/SI2.675250

Figure 21. Is the quality of Member State reporting a problem for your unit?



Source: Moore Stephens (2014)

Box 5.1 Examples of problems with the completeness, quality and timeliness of reporting identified by DG ENV and/or the EEA

The following examples are drawn from a survey of DG ENV experts⁸³ and interviews with the EEA undertaken as part of this study. Where these views are substantiated by other studies and stakeholder responses these sources are also identified.

- Environmental Noise Directive (2002/49/EC): There is a general lack of compliance and major gaps in information. Incomplete and late reporting was identified as a structural and widespread issue by the EEA, DG ENV, some Member States and by an evaluation of the END⁸⁴. The evaluation found that even 15 months after the deadline for submission of noise action plans (NAPs), the EIONET database of NAPs only contained information from about half of Member States regarding action plans. The EEA and END evaluation noted that infringement proceedings did not seem appropriate for addressing reporting problems; with the END evaluation noting that a lack of financial and human resources were an important cause of the information gaps.
- Habitats Directive (92/43/EEC): DG ENV identified that a key problem was that monitoring of habitats and species is not done properly in several Member States (usually due to lack of resources) and in consequence the data submitted is not high quality or may be absent.
- Article 9 of Birds Directive (Directive 2009/147/EC): DG ENV stated that the heterogeneous quality of the national reports stems from a combination of: (1) technical problems with the use of the current tool for the reporting by decentralised local authorities, and (2) deficiencies in the current reporting format. Solutions are currently being sought for both issues.
- Waste reporting: EEA considered that poor data quality affects the usability of some reported waste data. Quality would be improved by more precise questionnaires and enhanced data checking procedures. A balance must be struck between the quality and quantity of data provided. Ambiguities in legal

⁸³ Moore Stephens (2014). Analysis of Reporting Requirements and Complaint Procedures. Draft Final Report. European Commission. 07.010211.00.04/2014/ENV.SRD.1/SI2.675250 (ICF analysis of raw survey data)

⁸⁴ The Centre for Strategy & Evaluation Services LLP, ACCON Environmental Consultants and AECOM (2016). Evaluation of Directive 2002/49/EC Relating to the Assessment and Management of Environmental Noise. Final Report. European Commission

definitions of targets can also affect data quality, but are being addressed by the Circular Economy Package.

- Regulation (EC) No 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register. DG ENV experts identified that there are significant discrepancies in terms of completeness and/or quality of Member State data identified under Article 7.2, but that the quality or reported data is generally adequate under Article 16.1.
- INSPIRE Directive: DG ENV experts noted that Member State implementation reports are of variable quality.
- Marine: a range of issues including lack of completeness and comparability (e.g. not all relevant habitats/species assessed; missing geo-referenced data), and delayed reporting were identified by the EEA.
- Environmental Liability Directive (ELD): there is considerable variation in information provided by Member States. The ELD evaluation identified that “while some Member States submitted detailed and well-structured information, others provided much less information. The length of the reports differed between half a page and more than 60 pages. Several Member States provided only narrative reports, some MS only tables, and others a combination of a written report and a table. Overall the Commission did not receive from all MS all the information sought or needed for a complete assessment and while some MS have supplemented the data upon extra request from the Commission, the situation remains partly incomplete for others. One of the significant information shortcomings concern data on costs, in particular on administrative costs”.
- Drinking Water Directive (DWD): the evaluation of the Directive found that “compliance with the requirement of reporting to the Commission is high if somewhat irregular and in general provides a good overview of the quality of drinking water supplied in the MS.”, but that “the quality of reporting is variable”.

Sources: Meeting with EEA 26.06.2016; Moore Stephens (2014) (extracted by ICF from raw survey data); the ELD REFIT evaluation; Member State and stakeholder feedback provided in response to consultation exercises for the EMR Refit and Make it Work initiative, evaluations of the DWD and END.

However it is widely acknowledged that the quality and timeliness of reporting has been improving.

This is evidenced by the trend in country scores for EEA priority data flows (as discussed above), and was identified for a number of items of legislation in a survey of DG ENV experts⁸⁵, and in some implementation reports.

For example, with regard to the Habitats Directive, the latest State of Nature report found⁸⁶ that there has been a major improvement in the availability, quality and standardisation of information since the last reporting period: the number of ‘unknown’ EU-level assessments has been halved (from 18% to 7% for habitats and from 31% to 17% for non-bird species). However, the level of conformity and the quality of data in national reports varies and could be improved still further through

⁸⁵ Moore Stephens (2014). Analysis of Reporting Requirements and Complaint Procedures. Draft Final Report. European Commission. 07.010211.00.04/2014/ENV.SRD.1/SI2.675250 (ICF analysis of raw survey data)

⁸⁶ European Commission (2015). The State of Nature in the European Union. COM(2015) 219 final

targeted monitoring programmes. The report notes that for marine habitats and species, which remain the least known with the greatest need for additional monitoring effort, greater coherence with the Marine Strategy Framework Directive could aid quality improvements.

More generally, the 2013 review of SEIS found that, “where monitoring criteria have been laid down explicitly, such as in the areas of air quality, greenhouse gas emissions and bathing water monitoring, the comparability and other quality aspects of the monitoring information have significantly improved. This suggests that improvement is indeed achievable and that there may well be a need for clearer guidance from either the EU or from national authorities, setting out agreed quality criteria for information and the supporting data.”

The reporting obligation inventory enables one measure of timeliness to be analysed – the time between the planned (not actual) transfer date of MS reports and the actual publication date of subsequent Commission reports (that use that MS information). The analysis indicates strikingly long time lags between these two dates. For those reporting obligations where data is available⁸⁷, the shortest time lag was 140 days and the longest 1,248 days (see Figure 13 above). There is no evidence available to indicate the causes of the long time periods between the planned dates that Member State reports become due and Commission reports in practice being published.

Regardless of whether Member States provide data on time, there remains an issue of the timeliness of information for end user needs, such as those related to the policy cycle, strategy reviews, and budgeting periods. A lack of synchronisation is most likely to occur when reporting occurs at a frequency of less than once a year. For example, the EEA⁸⁸ noted that MSFD reporting occurs every six years, but this six-yearly cycle is not well synchronised with the evaluation cycle of the EU Biodiversity Strategy – when the strategy is evaluated the most recent MSFD reporting will relate to the start not the end of the strategy period.

In the medium to longer term, improved compatibility of information systems across Member States, promoting and supporting those that provide real time or close to real time monitoring and performance information could be achieved. This may aid all three of the timeliness issues identified above. However, the need for data checking and validation – essential for many end user needs, including legal proceedings and robust evaluations – may limit the extent to which such advances address this timeliness issue. For example, the Ambient Air Quality Directive provides for air quality data on a near real-time basis, but validated reports on exceedances are received nine months after the end of the monitoring period; there is a similar situation for emission reporting under the EU Emissions Trading System.

Influencing factors

In addition to potential difficulties in generating the necessary information for reporting in the first instance, a number of factors affect the reporting process and may influence the completeness, quality and timeliness of Member State (and other stakeholder) reporting submissions. The following factors have been identified:

- Adequacy of data checking procedures;
- Language;
- Clarity of purpose, adequacy of guidelines and format;
- Time to conduct reporting / sequencing of reporting;

⁸⁷ Out of the 78 ROs where this process of Commission reporting occurs, reliable information on these dates was identified for 33.

⁸⁸ Interview with European Environment Agency 25.05.16

- Frequency of reporting;
- Maturity of legislation and/or reporting obligations; and
- Resources.

These points are discussed in more detail below:

Adequacy of data checking procedures

- Data checking and validation are an important part of reporting and is often explicitly built into the process. It includes the actions by both the data providers (typically Member States) and data receivers (typically the EEA or the Commission).
- EU level checking is most commonly undertaken by the EEA. The process may involve the checking and then communication with Member States to address problems. A recent internal review⁸⁹ found that of the pieces of legislation in which reporting problems were identified (9 out of 30), only two of these included third party (e.g. the EEA) quality reviews. For a small number of those items of legislation that did include third party quality checks, these checks were explicitly provided as the reasons for the final reported information being problem free. However the study concluded that there was no clear evidence that having a third party quality review was the reason for better quality evidence. The study found that no third party quality reviews were undertaken for 5 out of 14 of the pieces of legislation in which no reporting problems were identified.
- The EEA advised that enhanced data checking procedures would help to improve data quality⁹⁰. Advances in reporting processes can support improved data verification. One example is the new automated quality assurance and control procedures in air quality e-reporting⁹¹.
- Input to the Make it Work initiative suggested that quality assurance is often underdeveloped at the time of Member State submissions, leaving significant effort to be put in at the European level, and that it may be beneficial to have pre-agreed quality criteria that need to be fulfilled before a Member State is permitted to submit its reports, even if this impacts on timeliness. At a Make it Work initiative workshop⁹² it was suggested that changes in the data being reported can hinder data checking by limiting the extent to which new data can be compared to trend data (e.g. to support identification or outliers and errors).

Language

- When Member States report in their own language, the Commission services have to rely on translations since no Commission expert working on one particular legislation possesses all the necessary language skills. The internal survey of DG ENV units⁹³ indicates that where translation is required (i.e. the report is not solely quantitative data), Commission translation services are predominantly used. In some instances consultants translate reports as part of their technical assessments. In a small number of instances, where reported information is largely quantitative, other methods are also used (e.g. automatic

⁸⁹ Moore Stephens (2014). Analysis of Reporting Requirements and Complaint Procedures. Draft Final Report. European Commission. 07.010211.00.04/2014/ENV.SRD.1/SI2.675250 (including ICF analysis of raw survey data).

⁹⁰ Meeting with EEA 26.06.2016

⁹¹ Meeting with EEA 05.09.2016

⁹² Make it Work Workshop Nov 2015

⁹³ Moore Stephens (2014). Analysis of Reporting Requirements and Complaint Procedures. Draft Final Report. European Commission. 07.010211.00.04/2014/ENV.SRD.1/SI2.675250

internet translation service, informal translation by Commission colleagues). It was also found that in most of the instances where problems with reporting were identified, reporting was undertaken in Member States' own national languages.

- Comments from the European Commission⁹⁴ suggest that where Member States report in their national languages, this poses practical problems such as delays in assessment, differences in understanding and interpretation and errors in translating reports. On the one hand, it is recognised that textual information, where possible, is most effectively shared in a common language (usually English) by the Member State. This would help to ensure that Member States retain control of what is being communicated and hence could avoid incorrect translation and interpretation by the EU institutions. On the other hand, it should be pointed out that it may be unreasonable to expect all involved at each level to be able to work in a foreign language, and that it is the Member States' right under the EU Treaties to report in their national languages.
- The issue of the language used in reporting guidance was widely discussed at the 4th stakeholder workshop⁹⁵. When the reporting guidance is only available in one language (mostly English) this can create potential difficulties in understanding and interpretation for the authorities responsible for providing or compiling the information. Some DG ENV units provide guidance to Member States in their own language (subject to cost considerations) and a recent study⁹⁶ recommended that this approach be adopted more widely. Greater effort to provide official translation of reporting guidance and forms, or some other solution to help resolve the challenges of translation and interpretation of guidance, was widely supported at the 4th stakeholder workshop.⁹⁷

Clarity of purpose, adequacy of guidance and reporting format

- Two thirds of public consultation⁹⁸ respondents 'totally agree' or 'tend to agree' that more help is needed for Member States in preparing reports and for the development of common tools. This point was also made in the E-PRTR REFIT evaluation, where it was suggested that a common online reporting tool and further harmonisation between the scope and definitions of the E-PRTR and IED could reduce mistakes by reporting facilities.
- However, common reporting tools cannot be considered a panacea. A recent assessment⁹⁹ of environmental reporting found that "ReportNet is the system used to submit most of the reports that suffer from quality problems. This could indicate that a review is required of the guidance provided for this system or that the system needs to be tailored more to accommodate the issues in these problem reports". However, beyond statistics of the number of items of legislation identified as having reporting 'problems', little firm evidence was presented in the report to support the causal link between Reportnet and reporting problems. Nevertheless, some of the qualitative responses to the study's survey (which are not presented in the report) can be interpreted as

⁹⁴ European Commission. Comments on the MIW drafting principles (working document of 13 September as discussed at the workshop of 28 September)

⁹⁵ 4th Stakeholder Workshop on the Fitness Check on Environmental Monitoring and Reporting (8 December 2016). Workshop Meeting Note

⁹⁶ Moore Stephens (2014). Analysis of Reporting Requirements and Complaint Procedures. Draft Final Report. European Commission. 07.010211.00.04/2014/ENV.SRD.1/SI2.675250

⁹⁷ 4th Stakeholder Workshop on the Fitness Check on Environmental Monitoring and Reporting (8 December 2016). Workshop Meeting Note

⁹⁸ Environmental Monitoring and Reporting Fitness Check Public Consultation

⁹⁹ Moore Stephens (2014). Analysis of Reporting Requirements and Complaint Procedures. Final Report. European Commission. 07.010211.00.04/2014/ENV.SRD.1/SI2.675250

such. For example, for reporting under Article 9 of the Birds Directive (Directive 2009/147/EC), for which Reportnet is used, it was suggested that problems stemmed from "(1) technical problems with the use of the current tool for the reporting by decentralised local authorities, and (2) deficiencies in the current reporting format"¹⁰⁰.

- Good quality guidance can support improvement in reporting. For example:
 - A review¹⁰¹ of Article 6(4) (notification of compensatory measures) reporting under the Habitats Directive (92/43/EEC) considered 34 reported cases. It found that reporting had improved when compared to previous periods, probably as a result of the publication of the guidance document on Article 6.4 in 2007, but that there remained often insufficient detail to allow proper traceability of MS decisions. It concluded that the standard form that was included in this guidance document (which was used in most of the cases analysed) was not sufficient to ensure that all the necessary information is provided. A proposal for a revised form had already been prepared.
 - In the field of waste reporting, the EEA¹⁰² stated that "Quality would be improved by more precise questionnaires... Ambiguities in legal definitions of targets can also affect data quality, but are being addressed by the Circular Economy Package". A similar point was made by Hazardous Waste Europe¹⁰³, suggesting that "a detailed guidance is needed in order [to] help operators avoid divergent interpretations at national level and improve reporting (for instance, France is drafting such a guidance for national use)".
- A recent assessment¹⁰⁴ recommended that providing guidance in Member States' own languages be adopted more widely (a point also made at the third workshop¹⁰⁵ and in a response by French authorities¹⁰⁶), to aid interpretation by data managers. As noted above, a number of DG ENV units already do this.
- Enhancing the clarity of purpose, and ensuring that its relevance is understood by data providers was raised at the third workshop as means to improve data quality.

Time to conduct reporting / sequencing of reporting

- The time available for Member States to conduct and deliver reports can in some instances be too close to the timing of other actions on which they are dependent, making it difficult for reports to be delivered on time. Two examples were highlighted by stakeholders:
 - Environmental Noise Directive (END): There is twelve months between the formal reporting deadline for Strategic Noise Maps (SNMs) and Noise Action Plans (NAPs). The development of NAPs is informed by the SNMs, and Member States are then obliged to undertake public consultations on their

¹⁰⁰ Moore Stephens (2014). Analysis of Reporting Requirements and Complaint Procedures. Final Report. European Commission. 07.010211.00.04/2014/ENV.SRD.1/SI2.675250 (ICF analysis of raw survey data).

¹⁰¹ N2K Group (2012). Implementation of Article 6(4), first subparagraph, of Council Directive 92/43/EEC (Habitat Directive). Period 2007-2011. Summary report. Analysis of the notification of compensatory measures under article 6.4. European Commission

¹⁰² Meeting with EEA 26.06.2016

¹⁰³ Hazardous Waste Europe feedback for the Fitness Check on Environmental Monitoring and Reporting

¹⁰⁴ Moore Stephens (2014). Analysis of Reporting Requirements and Complaint Procedures. Draft Final Report. European Commission. 07.010211.00.04/2014/ENV.SRD.1/SI2.675250

¹⁰⁵ 3rd Stakeholder Workshop on the Fitness Check on Environmental Monitoring and Reporting (26-28 September 2016). Workshop Meeting Note

¹⁰⁶ French authorities Paris, 21/03/2016 – Public Consultation response; EMR Barcelona workshop

NAPs. An evaluation of the END¹⁰⁷ found that the time period between the production and submission of NAPs and SNMs was too short and explained the high proportion of SNMs repeatedly submitted late.

- Nitrates Directive: the final year of data to be evaluated in Member State reports must be assessed within 6 months of the end of that year in order to meet the deadline. Feedback provided by Slovakia¹⁰⁸ indicated however that, because of the time required for data treatment, verification, validation and final assessment, it is not feasible for them to meet the deadline. However, the European Commission comments that most Member States are able to report within the specified deadline.

At the third workshop¹⁰⁹ it was suggested that deadlines for reporting should be agreed in comitology rather than the legislative texts, as this would make them easier to amend in the event that Member States proved unable to meet them. In practice, it should be noted that there is also some flexibility within the system to extend deadlines or to allow late reporting in cases where it is not feasible for Member States to meet the deadlines specified.

Frequency of reporting

- A review of reporting¹¹⁰ found that there is a relationship between the length of the reporting interval and quality issues. Seven out of nine legislations in which the study found reporting problems reported at an interval of greater than three yearly. The authors recommended that a guidance note be sent to Member States in advance of the reporting dates, which advised of quality issues that were experienced in the previous batch of reports. This implies that it may be the lack of institutional memory that may affect quality. Institutional memory, and the specific processes already set up for reporting, can be affected where the content of reporting changes, a point made in feedback provided by Spain¹¹¹.

Maturity of legislation and/or reporting obligations

- It can take time for new reporting process (e.g. from new or revised legislation) to be implemented. This may influence the quality and point at which guidance becomes available, the understanding and skillsets of those managing the data and the general state of data management. For example, the EEA¹¹² noted that "reporting of the first phases of MSFD (2012-2013) was especially hard to accomplish. The structure of the reporting sheets was agreed very late in the process, and this made difficult to accommodate the information of the national reports to the reporting documents. This issue was improved in the two later reporting processes: monitoring programmes and programmes of measures".
- Suggestions were made by stakeholders (Spanish authorities¹¹³; third workshop¹¹⁴) on how to support process of implementing new reporting

¹⁰⁷ The Centre for Strategy & Evaluation Services LLP, ACCON Environmental Consultants and AECOM (2016). *Op. cit.*

¹⁰⁸ EMR Feedback: Slovak comments; email response from European Commission

¹⁰⁹ 3rd Stakeholder Workshop on the Fitness Check on Environmental Monitoring and Reporting (26-28 September 2016. Workshop Meeting Note

¹¹⁰ Moore Stephens (2014). Analysis of Reporting Requirements and Complaint Procedures. Final Report. European Commission. 07.010211.00.04/2014/ENV.SRD.1/SI2.675250

¹¹¹ Spain feedback: MINISTERIO DE AGRICULTURA, ALIMENTACIÓN Y MEDIO AMBIENTE

¹¹² EEA feedback (26.05.2016)

¹¹³ Spain feedback: Ministerio De Agricultura, Alimentación Y Medio Ambiente

¹¹⁴ 3rd Stakeholder Workshop on the Fitness Check on Environmental Monitoring and Reporting (26-28 September 2016. Workshop Meeting Note

obligations. This included: agreeing the content of reporting at an early stage, ideally two years before it is needed, to allow authorities to adjust systems; and undertaking a piloting phase to test for bugs, etc. (as was done for WFD) not starting reporting until the tools are fully tested and available.

- As such, it may be assumed that the maturity of the legislation has a key influence on whether other aspects that support good quality, timely data are in place, and that this may improve over time as processes become more refined and embedded.

Resources

Relevant to all of the points identified above is the issue of resourcing i.e. whether data providers are able to put sufficient resources to the reporting tasks to ensure that it is completed with good quality data on time.

It is recognised that Member State budgets are finite and are currently under particularly acute pressures. Clarity of purpose, clear guidance and early specification of requirements and formats can all help effect resource allocation and expenditure and hence support improved completeness, quality and timeliness of reporting. In this light it was also recognised by the EEA¹¹⁵ that a balance must be struck between the quality and quantity of data provided.

In the evaluation of the END¹¹⁶, the authors suggested that launching infringement proceedings to counter reporting delays may not always be an appropriate mechanism when resource constraints are a relevant factor.

5.2.4 Conclusions

Evidence indicates that problems with Member States satisfying reporting obligations, including issues with the completeness, quality and timeliness of submission, are apparent across numerous areas of the environmental acquis. However it is widely acknowledged that the quality and timeliness of reporting has been improving.

A number of factors influence the completeness, quality and timeliness of reporting. These include: sufficiency of quality checks and verification; whether common or national languages are used for reporting; the clarity with which the purpose of reporting is understood; the adequacy of guidelines (including how they are made available) and reporting formats; the time available to conduct reporting and importantly the sequencing of processes inputting to reporting; and the frequency of reporting, with less frequent potentially resulting in lower quality reports.

All of these factors are in part influenced by the resources that are made available for reporting processes and can influence the efficiency with which the available resources are deployed. In this regard, there is generally thought to be a trade off in terms of the quality and quantity of information reported.

5.3 Does environmental monitoring and reporting provide sufficient information on the state and the effectiveness of implementation of the environmental acquis?

5.3.1 Introduction

The evaluation question examines whether the following objectives of environmental monitoring and reporting are being satisfied:

- Allow for an assessment of whether EU legal obligations are being met i.e. whether the measures laid out in legislation have been implemented and are being applied as expected. To determine the state of implementation, reporting

¹¹⁵ Meeting with EEA 26.06.2016

¹¹⁶ The Centre for Strategy & Evaluation Services LLP et al (2016) *op. cit.*

needs to provide information on the compliance of MS with their legal obligations.

- Allow stakeholders to understand the state of the environment and actions taken to maintain and improve it, i.e. whether it is achieving its intended objectives, and whether amendments or additions are required. To determine the effectiveness of implementation, reporting must provide sufficient information to indicate the state of the environment and the impacts of the legislation. One or both of these pieces of information may be necessary depending on the objectives of the legislation. It may also require suitable contextual information.

To answer this question it is necessary to understand:

- How much / what information is generated on implementation and change against objectives?
- Is this information useful and sufficient?
- If not, in what sort of policy areas or in what sort of ways are the information deemed insufficient?

5.3.2 Method and sources of evidence

The principal sources of evidence used to respond to the evaluation question include:

- Inventory of reporting obligations;
- Published reports including evaluations, implementation reports and other relevant EU-wide reviews;
- Stakeholder views provided in response to the public consultation and workshops;
- Stakeholder views expressed in workshops of the Make it Work initiative.

The response draws heavily on the inventory of reporting obligations, including analysis of information based on legislative texts and also the opinion of Commission experts regarding the usefulness of reported information. Examples of insufficiency are able to draw on robust evidence sources including the views of Commission experts and published reviews (e.g. implementation reports), which are supplemented with the information and opinions presented by other stakeholders.

5.3.3 Evidence and analysis

The type of content obtained through environmental monitoring and reporting can be classified using the DPSIR framework (Driver, Pressure, State, Impact and Response)¹¹⁷. Understanding the degree to which each DPSIR element is reflected in the environmental reporting obligations can provide an indication of the purpose and rationale beyond the obligations and their relationship to satisfying the objectives of assessing implementation and state of the environment.

The inventory of reporting obligations¹¹⁸ developed during this study provides a basic classification of 'primary'¹¹⁹ DPSIR category that each obligation is providing information against¹²⁰. This provided for a crude analysis of the extent to which each

¹¹⁷ For more information on the DPSIR framework please visit the EEA's page at http://ia2dec.pbe.eea.europa.eu/knowledge_base/Frameworks/doc101182

¹¹⁸ See Annex 1

¹¹⁹ Noting that other DPSIR categories may also be relevant to a reporting obligation

¹²⁰ Making such judgements was in some cases a subjective exercise.

of these DPSIR categories is provided for through as the primary focus of each reporting obligation.

Figure 6 above indicates that two-thirds of the identified reporting obligations primarily address the 'Response' category (which are typically measures taken by public authorities to address environmental problems) while the remaining one-third of the reporting obligations are largely concerned with either the 'State' of the environment, or "Pressures". The 'Impact' category appears to be of more limited focus, and no reporting obligations primarily address "Drivers" of environmental impact.

Tentative messages to be drawn from the DPSIR categorisation and analysis are that the focus of many reporting obligations is on the extent to which or the way in which legislation is being implemented (as reported as Member States 'responses'), and to a lesser extent, its impact on the state of the environment.

Based on the inventory of reporting obligations, it is estimated that approximately three quarters of all reporting obligations provide primarily textual information (as opposed to numerical or geospatial information)¹²¹. This can be taken to support the view that reporting obligations are principally focussed providing information on 'Response', as such reporting will typically require a text description of action by governments and other stakeholders.

Further analysis of the 'purpose' of reporting requirements, as summarised by Commission experts as part of the inventory of reporting obligations, indicates that there are more than twice as many obligations providing an understanding of implementation as there are of the state of the environment.

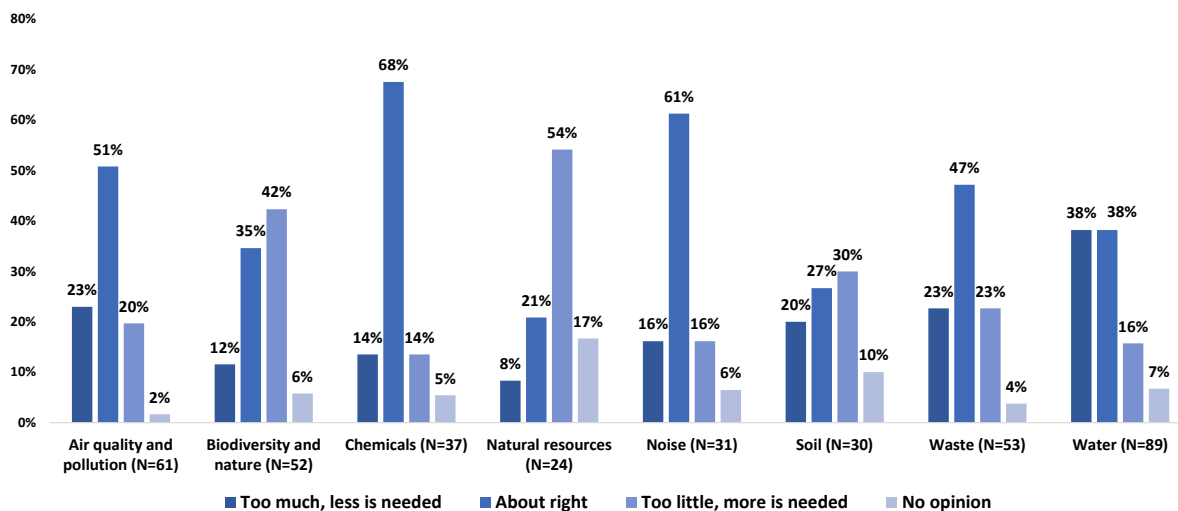
Indeed, this more limited focus on state and impact indicators was identified as an issue by the EEA¹²²: "Reporting can also have limitations from the EEA's perspective where it focuses on implementation procedures rather than the state of the environment (which is the EEA's main focus) - reports do not necessarily focus on effectiveness of legislation - more often the process of implementation".

Public consultation respondents indicated that the amount of information reported was appropriate (see Figure 22 for results). A strong majority of respondents felt that existing amounts of information collected in the air quality and pollution, chemicals, noise and waste were 'about right' to meet policy objectives. Respondents generally felt that more information was required in relation to biodiversity and nature protection, natural resources and soil, whilst respondents with knowledge of water policy were divided on whether existing information requirements were appropriate or too demanding, with some suggesting that this represents the heterogeneity of water resources across the EU.

¹²¹ This is a crude analysis – in reality many reporting obligations provide information in a combination of these formats.

¹²² Meeting with EEA 26.06.2016

Figure 22. Appropriateness of information collected (Question asked - Which of these statements do you consider as appropriate about the amount of information that is collected in a particular environmental policy area?)



Source: Public Consultation

From those conducting EU-level assessments of implementation and state of the environment there are mixed views on the sufficiency of reported information. An internal survey of DG ENV units¹²³, covering 30 regulations and directives found that in 30% of these the quality of Member State reporting was deemed to be a problem.

In some instances this was identified as having an effect on the ability to conduct assessments. For example, with regard to the Marine Strategy Framework Directive it was stated that "Quality, completeness and level of consistency across MS of 2012 reports was a significant problem, making it very difficult to assess their adequacy against the objectives of the Directive and to use the data as a baseline for assessing the current state of the marine environment. This also gives problems in adequately implementing the next stages of the Directive, which depended on a good quality 2012 report"¹²⁴. However it has been recorded in responses elsewhere (e.g. by the EEA) that MSFD reporting has improved since 2012.

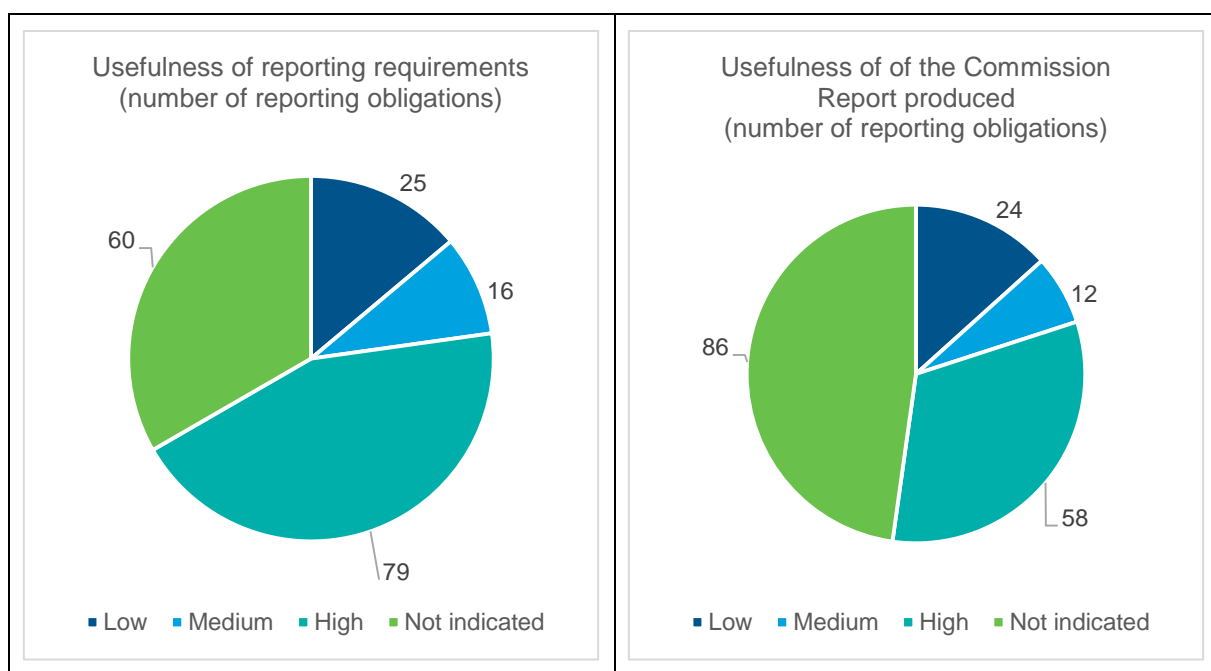
In compiling the inventory of reporting obligations, Commission experts provided opinions on the usefulness, for each reporting obligation, of the reporting requirements and subsequent Commission reports. Where responses were received, the most common opinion was that they were highly useful. For both aspects, a relatively small number of reporting obligations were considered to have low usefulness (see Figure 23). In 18 cases, reporting obligations were scored as having low usefulness in terms of both the requirements and the Commission report.

In some instances, there are already plans to amend or replace reports. For example, a number of reporting obligations deemed as being of low usefulness have already been identified and proposed for removal or amendment as part of the Circular Economy Package.

¹²³ Moore Stephens (2014). Analysis of Reporting Requirements and Complaint Procedures. Draft Final Report. European Commission. 07.010211.00.04/2014/ENV.SRD.1/SI2.675250

¹²⁴ Moore Stephens (2014). Analysis of Reporting Requirements and Complaint Procedures. Draft Final Report. European Commission. 07.010211.00.04/2014/ENV.SRD.1/SI2.675250 (ICF analysis of raw survey data)

Figure 23. Opinion of Commission experts on the usefulness of reporting



Source: Analysis based on inventory of reporting obligations

Based on the views of Commission experts logged in the inventory, the issues underlying the usefulness of reporting requirements and of the Commission reporting can be further investigated.

With regard to the usefulness of reporting requirements, in the 25 cases where reporting requirements were perceived to have a low level of usefulness, the main reasons were:

- Member States have little to report unless significant changes occur e.g. reporting on the structure of relevant competent and other authorities.
- Member States have little to report as the article being reported on is not / seldom used and hence the relevance of the information received to understanding the state of implementation and the environment is limited e.g.:
 - Directive 94/63/EC on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations. The usefulness of reporting on special measures is unclear because no such reporting took place.
 - Directive 94/62/EC on packaging and packaging waste. There is a requirement for MS to inform the Commission if they have, or will, set programmes going beyond the targets of Article 6. In more than 20 years of existence of the PPWD, this mechanism has been used only 4 times by 3 MS (three times in 1999 and once in 2003).
- Insufficient information is requested on which to make useful analyses:
 - Directive 2006/21/EC¹²⁵ (and Commission Decision 2009/358/EC) - MS implementation reports. Issue: MS only report on enabling (i.e. legal and administrative) measures, not on real implementation. The information requested and submitted is high level and therefore of limited use. Having a

¹²⁵ [Directive 2006/21/EC on the management of waste from extractive industries and amending Directive 2004/35/EC](#)

snapshot of the penalties actually enforced, of the number of inspections and of the number of penalties triggered by inspections would be really useful.

- Directive 2011/65/EU¹²⁶ - MS to notify Commission of provisions re rules on penalties applicable to infringements of the national provisions adopted pursuant to the Directive, and notify Commission of any subsequent amendment affecting them. Issue: Having a snapshot of the penalties does not improve the way the Directive is enforced; many other aspects would be needed (including inspections, cooperation).

- Problems with the quality of reported information inhibit its usefulness

Council Directive 1999/31/EC on the landfill of waste – Article 5 requires a report on implementation of the Directive, in particular on National Strategies – but Commission experts comment that the quality of the information reported restricts its usefulness.

- Timing of reporting

- Regulation (EC) No 1013/2006 on shipments of waste includes obligations regarding reporting to the Basel Convention and additional reporting for the Commission. However, by the time the COM prepares its triannual report, the information is already outdated

As regards the usefulness of the Commission report produced, 24 reporting obligations were identified as being of low usefulness. Of the 13 instances where an explanation for the score was provided, seven were because a Commission report was not required (either because the regulation does not specify that it is, or because no relevant information had been received on which to base a report).

Reasons for low usefulness of the Commission report included issues around the timing of the report, and hence redundancy of the information therein, and the quality and nature of evidence/information on which they are based. For example:

- Directive 94/62/EC on packaging and packaging waste, and Directive 2012/19/EU on waste and electrical and electronic equipment (WEEE): the data provided by Member State implementation reports is already outdated by the time the Commission prepares its report. The Circular Economy Package includes proposals to repeal these obligations.
- Directive 2004/35/EC on environmental liability with regard to the prevention and remedying of environmental damage: the way that Member States provide the information on experience gained in the application of the Directive is highly diverse and the evidence base that it provides is deemed insufficient.
- Directive 2003/4/EC on public access to environmental information: the information obtained from reporting on experience gain in the application of the Directive is primarily based on textual data and rather legalistic - it does not provide sufficient information and does not allow for an evaluation,

Suggestions made by Commission experts for improvements to Commission reports included:

¹²⁶ Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS)

- Improving the underlying evidence base through more systematic and comprehensive capturing of relevant information and subsequent improvement in analysis and interpretation;
- Collation of qualitative indicators on progress towards objectives; and
- Improved accessibility of the report (e.g. via online resources and web viewers).

Some feedback received as part of this study indicates that there are areas where stakeholders consider reporting to provide sufficient information. This may be despite perceived deficiencies in its underlying scope or quality, or because Member States have agreed to provide more information than is strictly required by the legal obligation. For example, the EEA stated that:

- Reporting has allowed the EEA to track progress to EU-level policy objectives/targets (examples are found in the condition assessments under MSFD, WFD and the Habitats Directive) and thereby supports the implementation of legislation; although there are a number of issues with the reported information in these areas¹²⁷.
- EU-level reporting processes have a value in providing (minimal) comparability allowing the EEA to use the comparable information at the EU level¹²⁸. For any given piece of legislation, the reporting is always incomplete and so not comparable. For example, not all relevant species or habitats for a marine (sub)region have been assessed by all relevant MS so it is only possible to assess those that have been assessed by all MS. As such, the EU-level assessment is aligned with the 'lowest common denominator'¹²⁹.
- The Water Framework and nature directives both involve much more reporting than is required by the legal obligation, but this additional reporting is required for EEA reporting.¹³⁰

A mixed picture on the sufficiency of information can be seen in recent REFITs, for example:

- The evaluation of the END¹³¹ stated that "A lack of timely data and information completeness across EU-28 makes it more difficult to utilise MS submissions, for instance, for the EC, to report on the situation across the EU (Art. 11) and to inform source legislation (Art. 1(2))".
- The Environmental Liability Directive (ELD) REFIT evaluation stated that "Overall the Commission did not receive from all MS all the information sought or needed for a complete assessment and while some MS have supplemented the data upon extra request from the Commission, the situation remains partly incomplete for others. However, the obtained information appears in general sufficient to provide an overview, as is shown in the chapter on implementation."
- The Drinking Water Directive (DWD) evaluation identified problems with information that Member States are required to submit, which meant that a thorough synthesis of drinking water quality developments was not possible (see Box 5.2).

¹²⁷ EEA feedback (26.05.2016)

¹²⁸ Meeting with EEA 26.06.2016

¹²⁹ EEA feedback (26.05.2016)

¹³⁰ Meeting with EEA 26.06.2016

¹³¹ The Centre for Strategy & Evaluation Services LLP et al (2016) *op. cit.*

Box 5.2 Issues of sufficiency identified in relation to the Drinking Water Directive (DWD)

A recent (2016) evaluation of the DWD identified a number of issues with both the reporting requirements and resulting reports.

It concluded that “compliance with the requirement of reporting to the Commission is high but the information submitted by MS does not provide the Commission with adequate information to perform a thorough synthesis of drinking water quality developments in the EU and thus the Commission lacks a suitable tool to inform the Council, the European Parliament and the general public”

Issues with the information reported by Member States include:

- “the information submitted by MS is insufficient for the Commission to perform a thorough compliance check”.
- “lack of feedback to MS about their (incomplete) returns has caused bad reporting by some of them to continue for many years”

The 2014 Synthesis Report on the Quality of Drinking Water in the EU corroborates the findings of the above report and states that the “current set-up for reporting does not provide the Commission with adequate and timely information to perform a thorough synthesis of drinking water quality developments in the European Union. This makes it difficult to provide the Council, European Parliament and the public with updated EU-wide information on drinking water policy and quality on a regular basis. In addition, the way data is collected, processed and reported differs across the EU, which makes it difficult to compare situations in different MS with regard to their performance and compliance with the Directive”.

It also identifies issues with the reporting by the Commission: “... the Commission is to publish a synthesis report on the quality of water intended for human consumption in the Community. However, since the DWD does not indicate a clear objective in the reporting procedure, each synthesis report is different, and the whole reporting exercise is somewhat incoherent and arbitrary”.

Ecorys (2016). Study supporting the revision of the EU Drinking Water Directive. Evaluation Report. European Commission, DG Environment

European Commission (2014). Synthesis Report on the Quality of Drinking Water in the EU examining the Member States' reports for the period 2008-2010 under Directive 98/83/EC. COM(2014) 363 final

Other stakeholder feedback¹³² received and reviewed as part of this study sought to identify areas where reporting was deemed to be insufficient and hence can inhibit or undermine the value of assessments of the state and the effectiveness of implementation of the environmental acquis. In summary identified issues related to:

Specific cases of insufficient information (e.g. a lack of detail) to be able to track and understand implementation;

- Incoherence between reported data from different obligations, limiting the usefulness of the information;
- Lack of comparability between the information reported by different Member States; and
- Outdated reporting obligations resulting in information which is poorly aligned with that needed to monitoring achievement of objectives.

¹³² Including from Member States (e.g. Spain, the Netherlands), other stakeholders (e.g. BirdLife Europe and Central Asia, FEAD) and raised in workshop session of the Make it Work initiative.

Issues with the sufficiency of information have been broadly recognised by the Commission. The 2008 Communication on implementing EC Environmental law recognised a number of challenges to be addressed, including insufficient attention being paid to deadlines and completeness, shortcomings in knowledge and awareness. It was reiterated that knowledge about implementation remained problems in the COM (2012)95¹³³.

One of the objectives of the EU Seventh Environmental Action Programme¹³⁴ is "to improve the knowledge and evidence base for Union environment policy" e.g. to improve the credibility, comparability and quality of data and to fill data and knowledge gaps.

The Commission's Environmental Implementation Review (EIR)¹³⁵ aims to support the delivery of existing EU environmental policies and legislation, providing a cross-cutting overview of the main implementation challenges and an opportunity to identify potential systemic solutions to environmental implementation problems (see COM(2016) 316). Reviews will be undertaken on a regular basis. It is planned to publish country-specific reports every two years focusing on essential topics in the area of environmental legislation. A second part will cover the enabling framework and implementation tools including access to environmental information and knowledge and evidence. The initiative will improve the use of data already available to the Commission, compiling and assessing available information in a more targeted, country specific manner¹³⁶.

5.3.4 Conclusions

A majority of reported information is geared towards monitoring and assessment of implementation rather than the state of the environment. The more limited focus on the state of the environment has implications for the sufficiency of information on the effectiveness of legislation. It can be concluded that evidence that is requested by environmental reporting requirements is broadly sufficient – there are relatively few examples where the information requested has been deemed not to have been appropriate.

There are numerous instances where reporting obligations are not adequately satisfied and this has an effect on the ability to determine on the state and the effectiveness of implementation of the environmental acquis. Indeed, it is relatively difficult to find an EU implementation report of evaluation where there is not some comment regarding the deficiencies in the available information – although this does not always imply that the information is insufficient.

In general there have been improvements in the information made available, with significant improvement in Member State performance compared to ten years ago. Further efforts are ongoing, informed by the Commission's REFIT programme. In addition the Commission's Environmental Implementation Review (EIR) will provide a new focus on what type of information and data are needed to best identify the "distance-to-target" and gain a better understanding of implementation challenges from a cross-cutting perspective.

¹³³ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52012DC0095>, p.4

¹³⁴ Decision No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 on a General Union Environment Action Programme to 2020 'Living well, within the limits of our planet.' (7th EAP) See <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013D1386&from=EN>

¹³⁵ http://ec.europa.eu/environment/eir/index_en.htm

¹³⁶ European Commission (2016). Delivering the benefits of EU environmental policies through a regular Environmental Implementation Review. COM(2016) 316 final

5.4 Does environmental monitoring and reporting allow for the public to be properly informed about the state of the environment?

5.4.1 Introduction

This evaluation question examines whether the environmental monitoring and reporting objective of ensuring access to environmental information for citizens is being satisfied.

The 'state' of the environment, in the context of the DPSIR framework, refers to the environmental situation. State indicators give a description of the quantity and quality of physical phenomena (such as temperature), biological phenomena (such as fish stocks) and chemical phenomena (such as atmospheric CO₂-concentrations) in a certain area¹³⁷.

For the public to be considered properly informed about the state of the environment, the state indicators should be appropriate and meaningful to them, and should be readily accessible. EU legislation on active dissemination and access to environment information is relevant in this context.

In order to respond to the question, it is necessary to consider:

- To what extent does information on the state of the environment that is made available rely on information obtained via reporting obligations?
- How is information on the state of the environment made available to the public? e.g. through what media (reports, databases, etc)?
- Is it accessible and meaningful (e.g. can be readily located, understood and utilised)?
- Does the public think that it receives sufficient information to consider itself properly informed?

5.4.2 Method and sources of evidence

The principal sources of evidence used to answer this evaluation question are:

- The inventory of reporting obligations;

Document review, including available evaluations;

Stakeholder opinions (from public consultation, feedback, workshops).

The response draws on relevant reviews and evaluation of public access providing a sound basis for determining the extent of public access and issues associated with it. However limited evidence was available regarding the opinions of citizens (or organisations representing citizens).

5.4.3 Evidence and analysis

The Aarhus Regulation ((EC) No 1367/2006) addresses the "three pillars" of the Aarhus Convention¹³⁸ - access to information, public participation and access to justice in environmental matters. The first of these pillars is addressed in the Directive on public access to environmental information¹³⁹. The definition of 'environmental

¹³⁷ TNO Centre for Strategy, Technology and Policy (1999). Environmental indicators: Typology and overview. Technical report No 25. European Environment Agency

¹³⁸ The United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters; adopted on 25 June 1998

¹³⁹ 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 (repealing Council Directive 90/313/EEC)

information' in the Directive encompasses information in any form on the state of the environment or on the state of human health and safety. The Directive requires that:

- Public authorities make environmental information available proactively; and
- Members of the public are entitled to request environmental information from public authorities.

An evaluation of Directive 2003/4/EC was undertaken and published in 2012¹⁴⁰. The evaluation concluded that:

- The Directive has substantially improved access to environmental information on request;
- The emergence of an 'information society', with an emphasis of wide access requires a rebalancing of emphasis from information-on-request to active and wide dissemination; and
- Most Member States offered public access to information via online portals and websites, but further efforts were required to better structure data for active dissemination i.e. through implementation of Structured Implementation and Information Frameworks (SIIFs).¹⁴¹

SIIFs, together with the range of SEIS¹⁴² initiatives such as INSPIRE, help Member States set up transparent information systems that make this information accessible online. Together, they make up a framework for sharing environmental information, including data obtained from environmental monitoring and reporting activities.

Box 5.3 Examples of EU information systems (thematic branches of the SEIS)

The Water Information System for Europe (WISE) acts as both a web-based reporting tool by national administration to the Commission and as a means to provide the public with environmental information via public interface. WISE was initially set up for reporting under the Water Framework Directive, but has since been extended to incorporate other water-related legislation, including the Marine Strategy Framework Directive via WISE-Marine, which is currently in development. (<http://water.europa.eu/>).

The Biodiversity Information System for Europe (BISE) acts as a single entry point for data and information on biodiversity supporting the implementation of the EU strategy and the Aichi targets in Europe. Bringing together facts and figures on biodiversity and ecosystem services, it links to related policies, environmental data centres, assessments and research findings from various sources (<http://biodiversity.europa.eu/>).

The open source and open data movement (e.g. the EU Digital Agenda for Europe initiative) offers significant opportunities for further developing the SEIS. It includes:

- The European Open Data Portal (ODP): since 2012, the ODP has provided access to information, including environmental information, from the institutions and other bodies of the European Union that are collected and published by the European Institutions.

¹⁴⁰ European Commission (2012). Report from the Commission to the Council and the European Parliament on the Experience Gained in the Application of Directive 2003/4/EC on Public Access to Environmental Information. COM(2012) 774 final

¹⁴¹ The SIIF concept introduced in the 2012 Implementation Communication (COM(2012)95) Improving the delivery of benefits from EU environment measures: building confidence through better knowledge and responsiveness

¹⁴² Shared Environmental Information System (SEIS)

- The European Data Portal (EDP) harvests metadata from public sector portals throughout Europe, as well as from the ODP.
- Open Data portals maintained by public administrations in Europe e.g. www.opendata.paris.fr; www.data.gouv.fr; www.dati.piemonte.it; www.dati.gov.it; www.data.overheid.nl; www.data.gov.uk.

In addition, there are continuing efforts to establish thematic European Data Centres in Eurostat, JRC and the EEA¹⁴³. These include:

- EEA: European air pollution data centre; European biodiversity data centre; European climate change data centre; Environmental data centre for land use; European water data centre;
- Eurostat: European data centre for waste; Environmental Data Centre on Natural Resources; and
- JRC: European soil data centre (ESDAC); European forest data centre (EFDAC).

The inventory of reporting obligations identifies the extent to which the information reported to the Commission is required to be made publicly available, and similarly, the extent to which information that specific legislation requires to be made public is also supplied to the Commission. The inventory records that, of 181 identified reporting obligations, there is a legal obligation for public provision of information in 68 cases. In addition, information is also made available from other reporting obligations.

However, data and other information that are accessible via the channels identified above originate from a broader range of sources than just reporting obligations. Similarly, whilst some EU-level reports may in some instances rely entirely on information received via reporting obligations (e.g. Commission legislation implementation reports), other reports (e.g. the EEA's State of the Environment report) draw on a broader range of sources.

Ongoing challenges

Through the legislation and initiatives described above, the opportunity to access environmental information for EU citizens has clearly expanded significantly. However a number of different sources allude to the fact that opportunity to access information is not the same as actual access.

The review in Section 6.7 found that the accessibility of environmental information online is variable, such that some items of information would be more easily found by stakeholders, the public and EU policy makers than others.

A similar finding was made in a study (see Box 5.4) on active dissemination for the nature directives. It reported that there were barriers to access in terms of citizens being able to understand/interpret the available information and in terms of the IT tools required to view the information, both of which may require technical knowledge beyond that of the average member of the public.

The SEIS implementation review identifies the need for information made available to the public to be easily understood. But it considers that "systems for making information available to the public are too often designed by those managing the information without a clear understanding of the needs of the general public".

The SEIS review and nature directives study both indicated that there were deficiencies in the understanding of citizens' needs and hence weaknesses in the design of access arrangements (be they report contents or IT platforms) that can meet citizens' needs. Similar evidence was found in:

¹⁴³ For more details see: <http://www.eea.europa.eu/data-and-maps/european-data-centres>

- The END and E-PRTR REFIT evaluations found weakness with the information being made publicly available, citing difficulties for members of the public in being able to interpret the information.
- An evaluation of the EEA from 2008¹⁴⁴ stated that “this group [citizens] is more problematic since presentation of information for citizens is very different from that for professionals. Providing data in a form of relevance involves additional effort, and expense, since to genuinely reach citizens there are implications for the availability of information in national languages. The Agency does have a range of products which are available in many languages but the websites versions in these languages are not very “public friendly”, and also do not feature many of the activities with a wider audience – the live maps, for example are not highlighted, nor are the educational products.”
- The European Environmental Bureau¹⁴⁵ considered that citizens “awareness of environmental issues and their relations to other policy areas could still be improved and active dissemination of well-explained information that is put in a general policy context could contribute to improved transparency, to citizen’s understanding, participation in decision making and ultimately acceptance of European legislation.”

Beyond reference to some failure to comply with the requirements concerning access to information (Romania in particular, but also Austria)¹⁴⁶, no evidence was identified that suggested that the information being made available is insufficient. Rather the evidence suggests that specific details around the access and presentation of that information could be further improved. As has been concluded by the SEIS implementation review, evaluation of Directive 2003/4/EC and the study on active dissemination relating to the nature directives, further effort would be usefully spent pursuing the existing initiatives to enhance the accessibility of information for citizens from across the environmental acquis.

Box 5.4 Active dissemination in nature

A study of the Nature Directives provided a number of insights on the effectiveness of public information provision.

Firstly, it found that Member States typically operate online portals through which the general public can access environmental information. Information available via these portals was aligned with the requirements for environmental information disclosure, but not all required aspects of information were publicly available (in particular: legal information on strict protection, court rulings and derogations; information on impact assessments). The study concluded that information provision, particularly around these points, could be improved.

Secondly, it concluded that making information available through online portals does not equate to the general public having access to information. It identified barriers to accessibility due to the information presented being unlikely to be interpretable by non-specialists, and the IT expertise / software required to access certain data.

The study identified the need to make the link between the “what” and “why” of information (i.e. what information is need by which stakeholders for what purpose) with the “where” and “how” (i.e. how can the information be made available and accessible to those stakeholders).

¹⁴⁴ Technopolis (2008). Effectiveness Evaluation of the European Environment Agency. Revised Final Report.

¹⁴⁵ Environmental Monitoring and Reporting Fitness Check Public Consultation. Additional information response from the European Environmental Bureau

¹⁴⁶ Ebbesson, J. (2016). The EU and the Aarhus Convention: Access to information, public participation in decision-making and access to justice in environmental matters. European Parliament Briefing.

To support improvements in public access, it was suggested that a SIIF for the nature directives could be developed. When Member States have reporting obligations to the European Commission, the SIIF could provide a description of how information can be organized and presented to reach compliance; and where there are requirements on information disclosure, the SIIF could define how the relevant information can be organized and presented online by Member States.

Source: Arcadis, KU LEUVEN and ECNC (2013), Active dissemination of environmental information in relation to the Birds and Habitats Directive: Final Report. ENV.D.4/ETU/2013/0063r (available at <http://ec.europa.eu/environment/aarhus/studies.htm>)

5.4.4 Conclusions

Following the Aarhus Convention and EU legislation such as the Directive on public access to environmental information, there have been significant improvements in the ability for EU citizens to be kept properly informed about the state of the environment. Information obtained through monitoring and reporting – both as part of mandatory and voluntary data flows, is an important part of the information base used in products provided to citizens.

The rapid and ongoing advance in technology has seen active dissemination emerge as the principal route through which access for citizens is established. A number of major initiatives are working to deepen and refine how environmental information is made available and shared.

There has clearly been success in making ever increasing volumes of data available to the public (including citizens and other societal groups such as researchers). However, the benefits of this success are not necessarily fully realised by citizens (compared to other groups). There are ongoing challenges in ensuring that the information being made available is both meaningful and accessible in practice to citizens, including by non-technical audiences.

Therefore, while it can be concluded that there is information available for the public that can allow them to be properly informed about the state of the environment, care must be taken in ensuring that the specific needs of citizens, particularly around non-technical interpretation and ease of access, are addressed. Ongoing initiatives, notably the Structured Information and Implementation Frameworks (SIIFs) should provide appropriate platforms to ensure this.

5.5 Does environmental reporting allow for evidence based decision making including evaluations of regulatory fitness and impact assessments

5.5.1 Introduction

The evaluation question examines whether the environmental monitoring and reporting objectives of determining whether environmental legislation is working efficiently, and helping to inform decision making are being satisfied.

As indicated by the Better Regulation guidelines, reporting obligations are put in place to ensure that Member States provide information to the European Commission that can enable evidence-based regulation. Evaluations and impact assessments are important tools to support evidence-based regulation, but are only as good as the information that can be collated and analysed as part of their production.

Environmental monitoring and reporting is an important source of information for evaluation and impact assessment.

To respond to this question it is necessary to understand:

- To what extent is reported information used in evaluations and impact assessments and as evidence for other decision making activities/products?
- Are there examples of where it has been found to be insufficient?

5.5.2 Method and sources of evidence

The principal sources of evidence used to respond to the evaluation question are a sample of recent evaluations. These have provided a snapshot of effectiveness based on current practices in a sample of areas of legislation. This has been supplemented with issues and examples raised by stakeholders. The sources include:

- Document review e.g. evaluations and implementation reports;
- Inventory of reporting obligations; and
- Stakeholder views and examples – public consultation and workshops.

5.5.3 Evidence and analysis

Better Regulation requires that decision making is evidence-based. Evidence is required both to evaluate existing interventions and to substantiate a need for new ones. Evidence can be drawn from multiple sources, one of which is information received from environmental monitoring and reporting. Indeed, reporting is often one of the primary sources of evidence. For example, the recent evaluation to support the Fitness Check of the EU Nature Directives drew heavily on Member States' reporting on implementation of the Directives, and on the associated EU State of Nature report.

A number of recent evaluations were reviewed to understand the sufficiency of the evidence base provided by reporting and the extent to which it can enable robust conclusions to be drawn to support decision making (see 5.5.4). As already identified in the evaluation questions presented in section 5.2 and 5.3, there are often issues with the completeness, quality and timeliness of information received through reporting. In some instances this was not significant enough to hamper analyses and undermine the ability to draw robust conclusions, but a number of limitations were identified. These were:

- Incomplete and low quality information from reporting meant that the pool of data (on specific issues or the sample of Member States) was reduced and hence may produce biased results. In such instances the findings may be susceptible to challenge.
- Information on costs was incomplete or inconsistent across Member States, limiting the extent to which cost-effectiveness could be analysed and concluded on. Relating to this, information concerning benefits was also often missing, although the cause was often more closely linked to the challenges of articulating benefits than with the sufficiency of Member States' reporting efforts. This inhibited analyses and conclusions on the weight of costs to benefits.

These issues principally affected the evaluation of the effectiveness and efficiency of legislation.

Box 5.5 Review of evidence issues in recent REFIT evaluations

Environmental Liability Directive (ELD) (Directive 2004/35/EC)

The evaluation was mainly based on the information and data provided in the 27 national application reports of the Member States. The evaluation took longer than expected, in part due to delayed submission of several Member State reports. The Staff Working Document identified a number of limitations with regard to the robustness of findings as a result of data gaps and differences in Member States'

interpretation of terms which have potentially bring a "potential bias into the evaluation". Specific issues stated included:

- "Information and data provided in the MS reports 2013 varies considerably. While some Member States submitted detailed and well-structured information, others provided much less information"
- "...the Commission did not receive from all MS all the information sought or needed for a complete assessment and while some MS have supplemented the data upon extra request from the Commission, the situation remains partly incomplete for others."
- Despite this it concluded that "the obtained information appears in general sufficient to provide an overview, as is shown in the chapter on implementation".
- Data on costs (particularly administrative costs) was particularly limited, with "only a few MS providing reliable data [...] and a majority providing nothing". Such information is required to be submitted by Member States on a voluntary basis according to Annex VI of the ELD (in relation to Article 18(1)).
- "The robustness of the findings may be challenged in some respects: First, despite the common interpretative guidance on the reporting, MS may have had a different understanding of some terms, or use from the outset different systems e.g. for the calculation of costs."
- "...more transparency and complete data about ELD instances, as well as on environmental damage instances which are not treated under the ELD transposing legislation in the Member States but by other national legislation, would be necessary to assess the effectiveness of the Directive in an unbiased manner"
- To improve future evaluations "additional data would be necessary to examine the overall effect of the Directive in relation to the total environmental damage caused".

Source: European Commission (2016). COMMISSION STAFF WORKING DOCUMENT. REFIT Evaluation of the Environmental Liability Directive. SWD(2016) 121 final

INSPIRE Directive

The evaluation looked at the status of implementation and performance of the INSPIRE Directive (Directive 2007/2/EC). Information from environmental monitoring and reporting under the Directive was identified as a key data source for the evaluation.

The Staff Working Document identified a number of issues with the evidence base. However it did consider that:

- Both the 3-yearly country reports and annual monitoring indicator reports had improved in quality since 2010. Regarding the 3-yearly reports it stated that "Despite differences in the level of detail, the majority of the reports can be considered as a good basis for comparison".
- "it was possible to present a substantial analysis of the implementation of the INSPIRE Directive based on data until 2014, i.e. the national reports of 2013 and the annual reports of 2014, and to identify some strengths, weaknesses, opportunities and challenges".

The principal limitation was around the evaluation of costs and benefits. The analysis was based on reported information from Member States, but because the information was "patchy and diverse", it stated that "it was not possible to calculate EU-wide figures for costs and benefits, nor was it not always possible to compare the information available".

Issues associated with evidence from the three-yearly country reports were identified as:

- Findings on cost-efficiency were limited because “despite the availability of methodological guidelines [available in INSPIRE: Template for country reports 25.01.2013] and [a] preparatory workshop, Member States reported that cost figures are difficult to obtain and compare”.
- Most Member States reported only qualitative information on benefits, noting that “INSPIRE is not yet sufficiently implemented to assess benefits in quantitative terms”
- Information on the use of infrastructure for policy purposes is highly variable across Member States despite availability of guidance [available in INSPIRE: Template for country reports 25.01.2013].
- Issues with the annual monitoring indicator reports were identified as:
- “...completeness and interpretation (for example on what data set should be reported under which INSPIRE data theme).”
- “Discrepancies between the yearly monitoring reported data sets and services and those made available through the EU Geo-portal. Also here, different interpretations by those entering the metadata on what needs to be catalogued under which INSPIRE data theme, make it sometimes difficult to compare between countries.”

Source: European Commission (2016). Commission Staff Working Document on the evaluation of Directive 2007/2/EC establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) and underpinning the report on the implementation. SWD(2016)

Waste stream Directives

The Fitness Check covered five waste stream Directives: Directive 86/278/EEC on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (SSD); Directive 94/62/EC on packaging and packaging waste (PPWD); Directive 96/59/EC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT); Directive 2000/53/EC on end-of life vehicles (ELV); Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators and repealing Directives 91/157/EEC (Batteries).

Data deficiencies were found to have a significant effect on the robustness of conclusions for two of these Directives:

- PCB Directive – it was stated that: “comprehensive EU wide data on historic disposal as well as inventories of PCB containing equipment are missing”; that the study “could not find out the true dimension of the problem”; and that “without the Member States providing comprehensive data and full inventories of relevant PCB containing equipment, the progress needed to achieve the target cannot be reliably judged”.
- Batteries Directive – it was found that data limitations made it “more difficult to produce a fully comprehensive and detailed analysis of all aspects concerning its effectiveness and efficiency”, although this was in part due to the relatively short time frame over which it had been in force.
- Some data limitations regarding completeness and consistency were identified in other areas (e.g. for the ELV Directive the reliability and comparability of statistics across Member States, due to different reporting systems and calculation methods, was questioned) but these were not considered significant enough to affect the ability of the evaluation to draw robust conclusions.

Source: European Commission (2014). Commission Staff Working Document. Ex-post evaluation of five waste stream directives. SWD(2014) 209 final

Drinking Water Directive

The evaluation includes a section in its methodology description on 'data challenges' which states that where "hard data" was available (e.g. on the non-compliance rates at MS level), the data gathering process was frustrated by the uneven quality and quantity of data.

Through the evaluation, the lack of data, or lack of consistent/comprehensive data was identified as affecting the ability to undertake analysis in a number of instances. For example:

- When evaluating the extent to which the Directive achieved its objectives, one judgement criterion adopted was whether compliance rates of parameters showed an improvement in water quality in the EU. It was stated that "to some extent the usefulness of the available Eionet data was limited due to erroneous and /or missing data. As a result, it was possible to evaluate the compliance during the whole monitoring period 1993 – 2013 for 9 parameters in only four MS".
- The evaluation found that "detection and investigation of [microbiological] outbreaks has been important for the protection of public health, yet detection and reporting varies from one European Member State to another making comparison across Europe difficult"
- In analysis of causes of non-compliance only 12 Member States had continuous data available which could be analysed. As such it was concluded that "since the number of data remaining after screening for complete records is limited, some results are clearly biased (e.g. in case of arsenic) by the number of countries and or (low) number of non-compliances. These data therefore do not allow for an in depth analysis of trends in causes and hence cannot be used to further evaluate the effectiveness of the DWD in relation to the quality of drinking water".

While issues such as the above were identified in the analysis, the evaluation was able to make conclusion on all bar one evaluation question without the need for strong caveats to be provided alongside those conclusions. The exception was regarding the balance of costs and benefits, although lack of data was only one contributing factor.

Source: Ecorys, Alterra, KWR, ACTeon, and REC (2016). Study supporting the revision of the EU Drinking Water Directive. Evaluation Report. European Commission, DG Environment

Information on the usefulness of reporting was obtained from Commission experts in populating the inventory of reporting obligations.

In general, Commission experts thought that the reporting requirements of the environmental acquis were useful, with the dominant reasons being for assessment of the status of implementation and compliance. This allowed the Commission to make decision regarding the next steps and identify the need for additional measures to improve the legislation and its implementation. For example, the END evaluation reported that there were "a number of positive examples" where information collected through END reporting had "influenced EU policy makers in the revision of recent source legislation".

While an understanding of implementation status is clearly an important part of broader evaluations, few Commission experts made specific reference to the usefulness of reporting requirements to support broader evaluation and impact assessment work. Notable references were:

- Persistent organic pollutants Regulation (2004/50/EC): reporting was seen as being "essential for allowing evaluation of effectiveness".

- INSPIRE Directive (2007/2/EC): the initial country reports gave “a good overview on how Member States implement the Directive. However, duplication with monitoring information and heavy reliance on textual explanations make evaluation and use of reports burdensome.”
- Public access to environmental information Directive (2003/4/EC): “Being based on textual data mainly, the report is rather legalistic. It does not provide country specific information and does not allow for an evaluation in the sense of the Better Regulation Guidelines”. No further reporting is expected under the Directive and the “evidence base needed for REFIT evaluation in line with the Better Regulation Guidelines needs to be created” in case of an evaluation to be carried in the future.
- END (2002/49/EC): population exposure data collected at EU level through the END is likely to be increasingly important. [...] ensuring data completeness and comparability are crucial precursors to being able to use the data more extensively in impact assessments, for instance, to help to justify making limit values more stringent”.

Similarly, information received from the EEA noted that:

- INSPIRE Directive (2007/2/EC): the reports provide added value, providing information in a standardised format, without which the evaluation could not have been successfully delivered.
- MSFD (2008/56/EC): reporting will be of little use for the evaluation of the EU Biodiversity Strategy as the timelines are not synchronised - when the strategy is evaluated the most recent MSFD reporting will relate to the start not the end of the strategy period.

5.5.4 Conclusions

On the whole, information from environmental monitoring and reporting is widely used to support evaluation, impact assessment and decision making more broadly. While there are often issues identified with the sufficiency of the evidence base provided by EU level reporting, this does not always mean that robust conclusions cannot be drawn and appropriate decisions taken. In part this reflects the fact that comprehensive information is not always required to enable assessments to be made and decisions to be taken. In addition, whilst reporting is critical for evaluating implementation and important for broader evaluation of legislation, it is not the only source of information used (e.g. assessments will typically draw on additional secondary sources and implementation bespoke primary data collection tools).

However, there have been a number of examples where the evidence base created with reported information has been deemed insufficient. A review of recent evaluations identified two key areas of deficiency:

- a) Deficiencies in Member State reporting can reduce the available sample of Member States on which analyses can be carried out, which can risk resulting in biased results and hence undermine the robustness of any conclusions. This in particular seems to affect evaluation of effectiveness. Further, it can limit the extent to which the evidence base can be used as the basis for analyses in impact assessments.
- b) Information on costs is often lacking, affecting the ability to analyse issues of efficiency. Information on benefits is also often lacking, although this is often due to insufficient methods/visibility rather than an issue with reporting.

6 Efficiency of the EU Environmental Monitoring and Reporting arrangements

6.1 Introduction

Efficiency considers the relationship between the resources used by an intervention and the changes generated by the intervention (which may be positive or negative). It considers whether the same benefits could have been achieved at less cost, or greater benefits at the same cost. Especially under the REFIT programme, efficiency analysis typically includes an examination of administrative burden and looks at the potential for simplification, issues which are particularly relevant in the case of regulatory monitoring and reporting obligations.

Analysis of the efficiency of EU environmental monitoring and reporting obligations needs to consider the type and extent of costs involved (including administrative burdens), and how these compare with the benefits of reporting. It also needs to examine whether there is scope to reduce these costs through cost effective implementation or improvements in the process and timing of reporting, without reducing the benefits.

There are six evaluation questions under the efficiency theme.

6.2 To what extent are the costs involved justified and proportionate?

6.2.1 Introduction

This question requires an analysis of the costs of reporting, and an assessment of whether these costs are justified and proportionate. To assess whether costs are justified and proportionate, it is necessary to examine them in relation to the problems and needs being addressed, and to the benefits of monitoring and reporting activities. Therefore this question requires an assessment of the benefits of reporting as well as the costs.

A number of sub-questions therefore need to be addressed:

- What types of costs are incurred in monitoring and reporting, and who incurs them?
- What is the overall extent of these costs?
- What is the purpose of monitoring and reporting, and what benefits does it deliver?
- What is the overall relationship between the costs incurred and benefits delivered? Are the overall costs justified and proportionate relative to the benefits?
- Are there examples of monitoring and reporting activities for which costs are incurred for no clear purpose, or are disproportionate relative to the benefits?

6.2.2 Method and sources of evidence

The support study has involved an extensive analysis of the costs and benefits of reporting. Further details are presented in a methodological discussion paper (Annex 2) and a set of fiches that examine the costs and benefits of individual reporting obligations (Annex 3).

The main sources of evidence for this question are:

- The analysis of costs and benefits, including the fiches and summary paper;
- Previous analyses of costs and benefits;

- Analyses for particular items of legislation, e.g. E-PRTR, INSPIRE, Noise REFIT evaluations;
- Examples given by stakeholders through the workshops and public consultation.

While there is much evidence of costs and benefits, significant uncertainties and data gaps make robust assessments difficult. Because of the difficulty of quantifying benefits, assessment of whether costs are justified and proportionate requires some degree of judgement, often relying on the views of policymakers and stakeholders.

6.2.3 Evidence and analysis

6.2.3.1 Types of costs

Reporting obligations impose a range of costs on Member State authorities, the European Commission and European Environment Agency, and, in some cases, on businesses. These costs include:

- **The costs of time taken to fulfil reporting requirements** – including the collation, processing, quality checking and transmission of data, and the preparation of reports by MS, the EEA and EC;
- **The costs of developing and maintaining systems for reporting**, at both EU and MS level. Advances in IT have led to the development of more sophisticated and often automated systems for reporting and data transfer. There have been substantial investments in these systems at EU and MS level, both in terms of capital investments in systems development and in annual maintenance;
- **Outsourcing costs**, such as the costs of consultants' time in processing and synthesising reports at EU level.

All of these costs can, in theory, be quantified and valued in monetary terms. However, a fully comprehensive and accurate overall assessment has been beyond the scope of this study. Given the large numbers of reporting obligations (181), multitude of actors involved (including the 28 Member States, numerous devolved administrations and varying administrative structures for different legislation, and in some cases businesses), and range of cost parameters, a full assessment would require collection of many thousands of data points. However, an overall assessment of the broad scale of costs and how they vary across different items of legislation has been made in the accompanying papers and fiches.

6.2.3.2 Administrative burdens of time taken for reporting

A major cost – and one of the greatest concerns of the Member States – relates to the administrative burdens of the time taken to report to the EEA/EC under EU environmental legislation. The administrative burdens of this can be estimated using the EC standard cost model (Box 6.1).

Box 6.1 Applying the Standard Cost Model to estimate administrative burdens of time taken for reporting

The Standard Cost Model is represented by the following equation:

$$\Sigma P \times Q$$

Where:

$$P \text{ (for Price)} = \text{Tariff} \times \text{Time}$$

$$Q \text{ (for Quantity)} = \text{Number of entities} \times \text{Frequency}$$

Using the SCM, the costs of the time expended in environmental reporting can be estimated, providing data can be collected for:

- The **frequency** of reporting (which is normally specified in the legislation and may vary from a single, one-off report to regular annual reporting);
- **The number of entities** required to report (e.g. 28 Member States, 1 European Environment Agency, or potentially thousands of individual plant operators);
- The time taken by each of these reporting agencies in the reporting process (which may vary from a matter of minutes where reporting merely involves the transfer of information already available, to many person months where reporting requires the collection, processing, quality checking and analysis of a wide range of more complex data); and
- The **cost of time** taken, estimated at an hourly or daily rate. This needs to include not just direct wages and salaries, but also additional staffing costs (including pensions) and overheads (including office costs). These costs vary widely across the EU and a detailed assessment would apply national cost rates to estimate burdens at MS level. However, a broader EU level assessment may apply EU averages.

In this study, a broad assessment of administrative burdens was made by estimating cost equations for each reporting obligation, as set out in the fiches. The analysts sought to understand the processes of reporting, the types and numbers of entities required to report, and the likely time required. The analysis was informed by a desk review and targeted interviews with EC, EEA and MS officials. A standard EU average rate of EUR 300/day was used to assess the cost of time, based on average cost rates from the EC administrative burdens database.

The analysis was designed to provide a broad overview of the likely scale of burdens, rather than precise estimates. The results need to be interpreted with caution, given the number of uncertainties, judgements and assumptions involved.

Table 8 groups the different items of legislation according to estimates of the broad magnitude of their administrative burdens.

While the estimates need to be treated with caution, in view of the many assumptions, judgements and uncertainties involved, they indicate that:

There is a very wide spread of administrative burdens among different items of legislation, ranging from zero to millions of euro annually. **Many ROs have small or negligible burdens;**

Most reporting obligations place burdens on Member State authorities and the Commission. This limits the number of reporting entities and the scale of the burdens imposed;

A few items of legislation have reporting obligations that require data to be collected from businesses, either by requiring businesses to report directly or by requiring data from competent authorities which need to be collected from businesses. In these cases the number of reporting entities, and hence the scale of the reporting burden, can increase greatly. These items of legislation include the Packaging Waste Directive and WEEE Directive, which require tens of thousands of businesses to report across the EU each year, substantially increasing the administrative burdens involved;

Reporting under the **Ambient Air Quality Directive** and related Directive on arsenic, cadmium, mercury, nickel and PAH in ambient air also has fairly large costs. In addition to the administrative burdens, reporting under these Directives has involved significant investment in the development and maintenance of reporting systems and processes (resulting from a recent shift to e-reporting systems): costs are expected to diminish over time, as the benefits of e-reporting decrease the administrative burden.

Industrial emissions legislation, including the E-PRTR regulation and Industrial Emissions Directive, has a relatively large overall reporting burden, especially the E-

PRTR which requires reporting by large numbers of individual operators, but the majority of this burden stems from internationally-derived obligations (in this case the UNECE Kiev Protocol). Since the EU E-PRTR Regulation merely implements these international requirements, the costs associated with fulfilling this RO do not stem from the EU legislation and the Commission is not empowered to alter the requirements. However, there is some limited added burden as the EU regulation adds requirements that were not in the original international obligation. However, the net (EU added) cost of the ROs is much lower than the overall costs of reporting;

The Water Framework Directive also has large reporting costs, though a large proportion of these are the result of an agreement of the Member States (who have made a commitment to report water information using common reporting formats and content) rather than a direct result of the legislation;

A large number of items of legislation place **significant reporting obligations on Member State** authorities and may result in burdens in the range EUR 100,000 to 1 million annually across the EU28. These burdens, while relatively small in relation to the overall impact of the legislation, are still significant and of concern to Member State authorities.

The estimates include mainly the costs of time (and in some cases consultancy fees) incurred in reporting. They do not include costs of monitoring equipment or time incurred in monitoring of emissions or environmental quality. Our analysis found that none of the ROs examined gave rise to a requirement for environmental monitoring purely for reporting purposes – in most cases monitoring was found to be required to meet other obligations (e.g. checking compliance, assessing the need for remedial action) rather than being needed primarily to meet a reporting obligation. However, in practice this may not be so simple, and changes in reporting requirements may allow Member States to amend monitoring so as to ensure implementation whilst cutting costs for businesses and other stakeholders.

6.2.3.3 Systems and outsourcing costs

For many items of legislation, the systems for environmental monitoring and reporting have developed significantly in recent years, reflecting advances in information technology. This has enabled greater automation of the processing and sharing of data on environmental quality and emissions. These developments have greatly enhanced the ability to share environmental data between Member States, the EEA and Commission, and to make information available to the public.

Development of systems for monitoring, reporting and data sharing have required significant levels of investment at EU and Member State level. For example, the EEA reports that it invested in the region of €1m in the development of the new centralised Air Quality e-reporting database, with the majority of this cost incurred in software development by contractors. In addition, the EEA incurs additional costs in the maintenance and development of the system annually. These system costs may be expected to decline over time as the system becomes more established and less time is needed to manage it.

Significant costs are also incurred at MS level in maintaining reporting systems. For example, the German Federal Environment Agency estimates annual costs in the region of EUR 100,000 for maintenance of the IT system needed to maintain the reporting system for the E-PRTR and Industrial Emissions Directive. The costs are shared between the federal government and the Länder authorities and the work is conducted by an external consultant. The maintenance costs enable ongoing adaptation and improvement of the software, which was recently upgraded from MS Excel to a more modern system.

The EEA has provided estimates of the central IT and administrative costs attached to reporting of each of the European Topic Centres (Table 7). The figures are based on average expenditures between 2014 and 2016, as well as associated staffing and IT

costs. They indicate that the Agency incurs annual costs in the region of EUR 4.5 million on reporting activities. The figures indicate that the EEA's IT costs related to reporting average around EUR 2 million annually. While the EEA indicates that these costs related to reporting activities, it also notes the difficulty of separating reporting-related costs from costs of other related activities.

Table 7. Estimates by European Environment Agency of annual costs of reporting (Euro)

Topic	European Topic Centre budget for reporting activities*	EEA thematic FTE**	IT budget	IT FTE**	Total
Air quality	310	200	150	100	760
Noise	110	100	100	100	410
E-PRTR	70	100	250	100	520
Biodiversity	660	200	250	200	1310
Water	250	200	250	200	900
Marine	140	100	250	100	590
Total	1540	900	1250	800	4490

Notes:

*Rounded average of 2014, 2015 and 2016 budget for relevant ETC activities

** Assuming 1 FTE = EUR 100,000 (including overheads)

*** It should be noted that the costs of reporting can be difficult to separate from those of other related information activities.

In addition, the Joint Research Centre estimates that the annual cost of running two reporting systems under the Seveso Directive, eSPIRS (Seveso Plants Information Retrieval System) and eMARS (Major Accident Reporting System) amounts to approximately EUR 120,000 annually. The Directive requires mandatory reporting of establishments to eSPIRS and reporting of major accidents by Member States to eMARS.

As well as providing IT related services, consultants are also engaged in the processing of data and information for environmental reporting. These costs can be significant for some items of legislation. For example, the European Commission's report on River Basin Management Plans, prepared every 6 years, is a detailed publication in two volumes. In the latest reporting round, as well as requiring around 300 days of Commission staff time, its preparation also involved consultancy costs in the order of EUR 1m. These costs are expected to diminish in future reporting cycles now that the necessary tools have been developed.

Overall, the European Commission estimates that the annual costs of outsourcing support for environmental monitoring and reporting averaged EUR 4.9 million over the three years 2014 to 2016.

6.2.3.4 Overall estimate of costs

Overall, the annual costs of monitoring and reporting obligations in EU environmental legislation are estimated at:

- EUR 13 million for Member State authorities;
- EUR 4.9 million for the European Commission (outsourcing costs only);
- EUR 4.5 million for the European Environment Agency.
- These amount to an overall cost of approximately **EUR 22.4 million per annum**.
- Table 8 summarises estimates of the range of administrative burdens to Member States imposed by reporting obligations for different items of legislation. These costs relate to EU legal obligations only; the overall costs of monitoring and reporting are likely to be greater than this if additional “voluntary” reporting (e.g. overall reporting activity as agreed by MS under the Water Framework Directive) is included.
- The costs incurred by businesses in reporting statistical information under the EU Packaging Waste and WEEE Directives are potentially much larger than this, and are difficult to quantify overall given uncertainties regarding the numbers of operators and time required. However, these costs are not attributable to EU reporting obligations alone, since the establishment of information systems and collection of data from operators is needed in order to inform Member States’ action to achieve recycling and recovery targets, as required by the legislation.

Table 8. Broad assessment of administrative burdens to Member States by item of legislation

Type	Approximate annual administrative burden to MS attributable to ROs	Incidence of burden	Items of legislation falling into this category (and reference number)
Regular reporting with direct obligation for large numbers of businesses/ operators as well as MS authorities	Large More than EUR 1 million	Business, MS, EC	Packaging Waste Directive (31), WEEE Directive (34)
Regular reporting by MS of very detailed and extensive information that should already be available but require significant time to compile.	Fairly Large EUR 100,000 to 1 million p.a.	MS, EC	Ambient Air Quality Directive (1)**; Arsenic, cadmium, mercury, nickel and PAH in ambient air (2)**; Environmental Noise Directive (3), Water Framework Directive (4)*, MSFD (7), Drinking Water Directive (8), Habitats Directive (10), Birds Directive (11), E-PRTR Regulation*** (13), Industrial Emissions Directive (14); National Emissions Ceilings Directive (16), Urban WW Treatment Directive (17), Nitrates Directive (18), EMAS Regulation (19), Landfill Directive (20), Extractive Waste Directive (21), Waste Framework Directive (27), Waste Shipments Regulation (29), Batteries and Accumulators Directive (30), End of Life Vehicles Directive (33), REACH Regulation (39), INSPIRE Directive (45), Regulation on Trade in Wild Fauna and Flora (47), FLEGT Regulation (51), Timber Market Regulation (52), Animal Testing Directive (58)
Reporting by MS of detailed information that should already be available	Moderate EUR 30,000 – 100,000 p.a.	MS, EC	EQS Directive (5), Floods Directive (6), Bathing Water Directive (9), IAS Regulation (12), Sulphur content of liquid fuels Directive (15), Seveso Directive (24), Fracking Recommendation (25), Sewage Sludge Directive (26), Mercury Regulation (36), VOCs Directive (37), CLP regulation (40), EIA Directive (43), SEA Directive (44), Access and Benefits Sharing Regulation (50), Ship Recycling Regulation (53), Medium Combustion Plant Directive (54), Asbestos Directive (56)

Type	Approximate annual administrative burden to MS attributable to ROs	Incidence of burden	Items of legislation falling into this category (and reference number)
Regular or ad hoc reporting by MS of a limited amount of available information; or more detailed information by EC only	Small Zero – EUR 30,000 p.a.	MS, EC	VOC emissions Directive (22), Petrol vapour recovery Directive (23), Ecolabelling Regulation (28), RoHS Directive (35), POPs Regulation (38), Regulation on Export and Import of Hazardous Chemicals (41), Regulation on Trade in Seal Products (55), EEA/ EIONET Regulation (57)
No further reporting required	Zero	-	PCBs Directive (32), Environmental Liability Directive (42), Directive on Public Access to Environmental Information (46), Regulation on Imports of Whale Products (48), Regulation on Trade in Seal Skins (49)

NB: The above is based on a broad assessment as presented in the fiches in Annex 3, and the estimates would benefit from further data gathering and analysis.

The figures exclude IT and system costs at EU level, which are normally shared between different items of legislation on a thematic basis.

** For the Water Framework Directive, Member States report that our analysis based on the individual reporting obligations underestimates the actual costs of reporting and information transfer, in response to the Reporting Guidance agreed by the Water Directors. These costs reflect significant investment in systems development and are expected to decrease in future reporting rounds.*

*** There is a shared reporting system for the Directives on Ambient Air Quality and Arsenic, cadmium, mercury, nickel and PAH in ambient air, and costs are therefore shared between them.*

****The majority of the burden for the EPRTR Regulation stems from internationally-derived obligations (in this case the UNECE Kiev protocol). The RO does not stem from the EU legislation and the Commission is not empowered to alter the requirements. Consequently the net (EU added) cost of the ROs is much lower than the overall costs of reporting.*

6.2.3.5 Trends in costs

Some reductions in the costs of reporting can be expected in coming years as a result of efforts to reduce administrative burdens.

Perhaps the clearest example relates to the Circular Economy Package, which proposes the repeal of three yearly implementation reports under Directives 2008/98/EC on waste, 94/62/EC on packaging and packaging waste, 1999/31/EC on the landfill of waste, 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment.

According to the analysis in Annex 3, this is expected to result in time savings averaging 30-60 days per Member State every three years for each of the six directives, suggesting an annual cost saving averaging EUR 80,000 – 180,000 per Directive across the EU28.

Other reductions in administrative burdens are expected as a result of investments in reporting systems, such as those for air quality. In these cases significant up front investments have been required in order to reduce the time taken by reporting, and the benefits have yet to be fully realised. It is also important to note that such systems developments are designed to enhance the benefits and timeliness of information provision, as much as to reduce administrative burdens.

6.2.3.6 Benefits of reporting

The benefits of reporting obligations need to be viewed alongside their costs. It is important to recognise that regulatory monitoring and reporting are intended to provide vital information that supports the implementation, monitoring and review of environmental legislation. Without this information, it would not be possible for policy makers or the public to assess whether the legislation is being properly implemented, whether it is effective in achieving its objectives, what are the costs and benefits of implementation, or what challenges need to be addressed in improving its effectiveness and efficiency over time.

Stakeholders participating in the workshops and public consultation highlighted the importance of considering the benefits of reporting alongside the costs, and expressed concern that efforts to reduce costs and administrative burdens should not undermine the objectives of reporting (Box 6.2).

While the costs and administrative burdens of reporting can be readily quantified in money terms, if sufficient information is available, the benefits of reporting are much more difficult to quantify, for two main reasons:

Environmental monitoring and reporting deliver benefits indirectly, by enhancing the implementation of policy over time. It is also just one stage in the process of policy implementation, providing information which informs future action by policy makers and stakeholders. The effects of the reporting process itself are therefore extremely difficult to quantify; and

Benefits are difficult to express in monetary terms. Even if the benefits of reporting could be quantified, for example in terms of changes in environmental quality that might result from better policy implementation, valuation would remain problematic as environmental effects are more difficult to value in monetary terms, than for instance, the costs of labour time.

For these two reasons, monetary assessment of the benefits of reporting is not generally feasible, and it is necessary to make a qualitative assessment, examining the purpose and benefits of reporting and considering whether current reporting obligations meet their intended purpose and what benefits they deliver.

While estimates are not available for the benefits of reporting itself, monetary assessments have been made of the overall benefits of a range of EU legislation,

including the Nature Directives, Water Framework Directive, REACH and air quality legislation. Examples are given in the evidence submitted by the European Environment Bureau (EEB) to the public consultation (Box 6.2). Reporting plays an important role in guiding the implementation of legislation and in ensuring that the anticipated benefits are met.

Box 6.2 Benefits of reporting – Evidence from stakeholder workshops and public consultation

Participants in the stakeholder workshops expressed concern that the many of the Fitness Check questions focus on costs rather than benefits, and emphasised that the exercise should be concerned with enhancing the benefits and not just reducing costs. It was stressed that the efficiency of reporting can be enhanced not just by reducing costs but also enhancing the benefits delivered from the resources used.

While the direct benefits of reporting itself are difficult to quantify, respondents to the public consultation and participants in the stakeholder workshops stressed that reporting is an integral part of the implementation of EU environmental legislation, and therefore plays an important role in securing the benefits of legislation more widely.

For example, in its response to the public consultation, the EEB pointed to the importance of reporting in providing the benefits of the EU Birds and Habitats Directives (Natura 2000 sites are estimated to deliver services worth €200-300 billion/year), REACH (delivering benefits estimated at around €2.5bn) and the Water Framework Directive (benefits of achieving good ecological status for all European water bodies estimated to be at least €2.8 billion a year). The EEB also argued that reporting has informed the dissemination of information about polluting activities, which has helped to significantly improve the performance of heavily polluting industries, as well as informing the identification of pollution hot spots and targeted measures to improve the quality of the environment and human health.

The role of environmental reporting is to enable the collation of data that provides evidence on the implementation and impacts of EU environmental policy. This is a critical part of Better Regulation and ensures that evidence-based actions can be taken to ensure that policy is amended where necessary to ensure that it remains fit-for-purpose. The objectives of reporting are set out in Section 2 above. Respondents to the public consultation highlighted the importance of monitoring and reporting in assessing whether legal obligations are being met, improving stakeholder understanding of the state of the environment, and providing environmental information for citizens (see Table 2 above).

A qualitative assessment of the purpose and benefits of individual items of legislation is provided in the fiches accompanying this report (Annex 3). The fiches indicate that:

All of the reporting obligations identified aim to fulfil a purpose and to provide particular benefits;

The purpose and benefits varies by reporting obligation. For example, many reporting obligations seek to provide basic administrative information, such as the names and contact details of competent authorities, which, though limited in extent, is vital in informing implementation. In contrast, other reporting obligations provide much more detailed information on implementation and enforcement, the state of the environment and challenges and issues in implementation, which delivers deeper benefits and plays an important role on informing the implementation, monitoring and review of legislation. Some reporting obligations (e.g. those relating to bathing water and air quality) provide important environmental information to the public;

Some reporting obligations have been less beneficial than originally foreseen. This may be the case where reporting has in practice been limited or incomplete, where information has been variable or inconsistent in its nature and format, or where issues with data quality have been identified. In most of such cases, steps are being taken to address this issue, either by repealing the obligation or by improving the quality and consistency of reporting. Examples are given in response to relevant questions on relevance (Section 4) and effectiveness (Section 5);

Most ongoing reporting obligations are seen (at least by EU policy makers) to provide clear benefits, though these are difficult to quantify.

6.2.3.7 Proportionality of costs and benefits

While difficult to quantify precisely, the overall costs of monitoring and reporting at EU level are relatively small, in comparison to the overall costs of environmental legislation. Most items of legislation are estimated to give rise to an administrative reporting burden of less than EUR 1 million annually, with the exception of the packaging and packaging waste and WEEE Directives which require reporting by operators. By comparison the overall administrative burdens arising from EU environmental legislation have been estimated at EUR 1.18 billion per annum¹⁴⁷ annually, and environmental protection expenditure more widely is around EUR 297 billion¹⁴⁸ although this goes far beyond the costs of compliance with regulation. A similar finding was made by an earlier study by the EEA¹⁴⁹, which found that the costs of monitoring and reporting across a range of legislation account for between 0.7% and 4.0 % of overall environmental expenditures.

Interviews with EC policy officers responsible for each item of legislation, as well as EEA staff, indicate that they view the costs incurred in reporting to be proportionate to the benefits delivered, given the vital role of reporting in providing the evidence base needed for implementation and development of the environmental acquis.

Evidence of the proportionality of costs and benefits is also available from recent evaluations of the INSPIRE Directive and E-PRTR Regulation. In both cases administrative burdens were found to be small and proportionate, though some scope for efficiency gains was identified in each case (Box 6.3).

Box 6.3 Findings from the Fitness Check of the INSPIRE Directive and E-PRTR Regulation

The Commission Staff Working Document found that monitoring and reporting obligations from INSPIRE represent the main administrative costs of the Directive, and fall mainly on public authorities. The perception of burden varies but is generally related to the costs of coordination, IT infrastructure, service implementation and harmonisation. Precise cost figures are not available. However, four countries (FI, LT, SE, SK) provided estimates of the financial costs of monitoring and reporting combined. These range from EUR 33,000 to 67,000 per country per annum, and between 0.75% and 4% of overall INSPIRE implementation costs. This indicates that the administrative burden appears to be low. Overall, it was found that the administrative costs for the implementation of INSPIRE are far lower than the benefits and administrative cost savings that can be achieved through a modern and shared spatial data infrastructure. Nevertheless, Member State experts called on the Commission to review the existing monitoring and reporting obligations based on

¹⁴⁷ High Level Group on Administrative Burdens, Cutting Red Tape in Europe, Legacy and Outlook, Brussels, 24 July 2014 Legacy and outlook http://ec.europa.eu/smart-regulation/refit/admin_burden/docs/08-10web_ce-brocuttingredtape_en.pdf

¹⁴⁸ http://ec.europa.eu/eurostat/statistics-explained/index.php/Environmental_protection_expenditure_accounts

¹⁴⁹ EEA (2008) On Costs for Monitoring and Reporting. Unpublished draft report

Commission Decision 2009/442/EC. In particular the three-yearly national report is considered too burdensome and duplicates information gathered under the monitoring framework with the help of the EU Geoportal and the EEA's dashboard.

The recent evaluation to inform the REFIT of the E-PRTR found that the Regulation performed well under the efficiency criterion. The additional reporting requirements under E-PRTR were found to be minimal compared to existing obligations on Member States as Parties to the Kiev Protocol. Data managers saw the level of effort as appropriate for the benefits provided by the E-PRTR. In particular:

- The only additional requirement of E-PRTR compared to the Kiev Protocol (for which all but two MS are parties) relates to a few specific water pollutants discharged by a limited number of sites;
- There are some additional burdens involved in MS reporting data from national registers to the EEA;
- The EEA and Commission incur some costs in maintaining the EU register. Data are not available for the EEA, but the Commission estimates that this involves 1FTE staff per year, costing around €150,000.

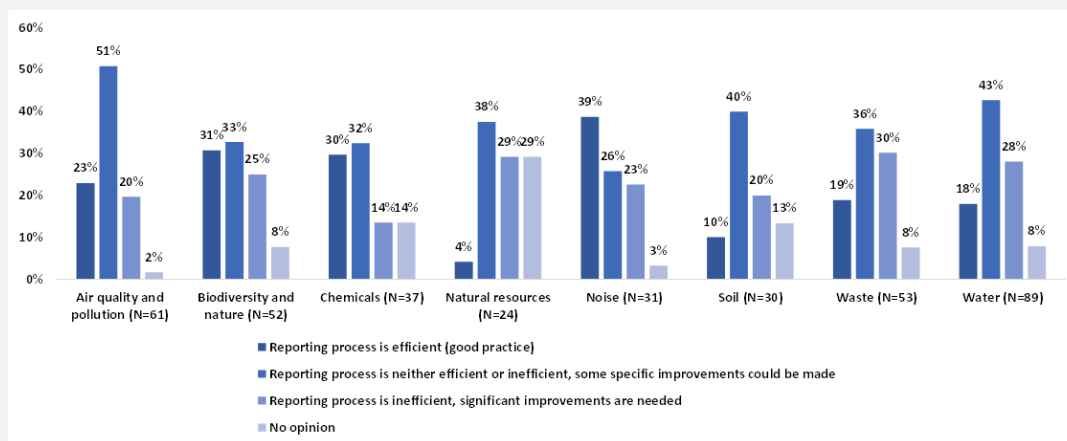
The views of MS and other stakeholders are more mixed. For example, the public consultation revealed a wide spread of opinion regarding the efficiency of the current arrangements (Box 6.4).

Box 6.4 Stakeholder views

The public consultation revealed strong support for the statement that “a balance should be struck between asking for more information, and the cost of that provision” (Question 3.4). Four respondents (three environmental authorities and one private enterprise) felt that existing reporting requirements were too demanding, in the sense that the resources required to collect data may be far greater than the value gained from the data. These respondents also expressed the view that there is a lack of clarity as to how this data is used by the Commission, and for what purpose it is requested.

Question 4.2 asked respondents about their perceptions of the efficiency of the reporting process (with regard to cost and administrative burden) in the policy domains with which they were most familiar. There was a spread of opinion in all policy domains about whether or not current monitoring and reporting arrangements are efficient. Noise was the only policy domain where the largest proportion of respondents viewed the current process to be efficient. For waste and natural resources, a larger proportion of respondents viewed current arrangements as inefficient rather than efficient, while the remaining policy areas tended to be viewed as neither efficient nor inefficient – but with the potential for significant improvements to be made.

Q4.2: Which of these statements do you consider as appropriate when assessing the cost and administrative burden of the reporting process?



The stakeholder workshops also expressed differences in opinion about the efficiency of particular reporting obligations. For example, some MS and stakeholders argued that reporting of derogations under the Birds and Habitats Directives is burdensome and that those reporting see little benefit and have difficulty in understanding the purpose of the process. Other workshop participants argued that reporting of derogations plays an important role in demonstrating compliance and proper and transparent implementation. Some stakeholders have argued that reporting of derogations could be limited to those which have an impact on species and habitats¹⁵⁰, though this raises the question of how the threshold for assessing such an impact would be defined. Such examples highlight that stakeholder perceptions of efficiency are influenced by awareness and understanding of the purpose and benefits of reporting, and that effective communication of these is important.

¹⁵⁰ For example, email submission from Czech Ministry of the Environment, 22 November 2016

This issue is likely to be exacerbated in cases where those required to report are more remote from the EU policy level. For example, an email submitted to the Fitness Check from the German Federal Ministry for the Environment argues that officials in regional and local administrations often see reporting as particularly burdensome (Box 6.5), and reiterates the need for reporting requests to be accompanied by a clear explanation of their purpose, as well as appropriate guidance.

Box 6.5 Views expressed by the German Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety

An email submitted to the Fitness Check summarised the following views received from administrations in the German Länder:

- Monitoring and reporting are often regarded as a burden to environmental administrations which – as a rule – have serious resource problems and are already hard pressed to fulfil their central task of risk mitigation;
- Therefore, especially if monitoring and reporting obligations are exercised as an isolated task and not as an “easy- to-deliver by-product” of surveillance, from the perspective of those working in local /regional environmental administrations, these obligations are impeding inspectors to “do their real work” and forcing them instead to do “even more paper work”;
- The potential frustration of being forced to make a “wrong” choice by giving “reporting” priority over “inspection” (in the broadest sense) is severely aggravated by
 - a lack of knowledge /understanding why specific information is needed and to what specific purpose it will serve
 - the lack of visible results of their reporting.

The email states that each of these complaints has been made on several occasions and by various representatives in several Länder. As well as the need to test the necessity, effectiveness, subsidiarity and alternatives to monitoring and reporting, the letter calls for:

- Monitoring and reporting requests/questionnaires to be accompanied by a short initial statement, explaining the purpose of the request, how the information will be used and where and when its results will be made available;
- Communication at a sufficient time in advance and consistency in reporting requirements for at least two or three subsequent reporting periods (except for elimination of mistakes);
- Advance notice of the monitoring required, as well as sufficient guidance in the national language, accompanied by contact details and FAQs;
- Processes to eliminate mistakes and improve the system through learning.

The letter argues that such arrangements would enhance understanding of the purpose of reporting among data providers and hence address negative perceptions, as well as providing a check of effectiveness and efficiency which should help to avoid unnecessary burdens for environmental administrations.

Source: Email from Kristina Rabe, German Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety, 16.10.16

A submission from a representative of the French Government to the Fitness Check highlighted the high national cost of reporting under the Water Framework Directive, and argued that the efficiency of reporting could be improved (Box 6.6). It should be noted that these views may not be shared by all Member States. It is also clear that there is room for improvements in the efficiency of Member State implementation, as well as in the system at EU level.

Box 6.6 Costs and efficiency of WFD Reporting – Submission from French Government and response from European Commission

In France, Water Framework Directive reporting in 2010 was estimated to require 10 person years of work, and this is expected to increase to a minimum of 18 person years of efforts in 2016. Even after allowing for the loss of about 30% of this time due to technical problems, the costs involved are considered to be excessive and not justified by the benefits. According to the submission, the main cause of these technical problems arises from errors and deficiencies in European reporting tools and quality management processes, which have required repetition of reporting processes and increased time inputs and burdens.

The 18 person years of effort includes participation in and leadership of working groups, translation of reporting guidance (which has been revised several times since 2014), technical assistance to RBDs, and collation, analysis, quality checking and transfer of data.

The French Government notes that there have been improvements since 2010, but stresses the importance of MS understanding how the European institutions use the data and information reported, as well as data being useful for both the European institutions and MS. It is argued that reporting can be seen to be efficient only when it provides a tool to aid policy decision making in a strategic way and has positive impacts on other policies.

WFD reporting is highly complex and technical. Discontinuity or interruptions in the reporting process can create problems, as there is a risk of losing the consistency of the thread of reporting. For this reason, it is argued that properly validated tools and stable datasets are required, as well as an understanding of reporting requirements well ahead of the reporting period. In particular, the link between reporting, evaluation under Article 5 (made in the middle of the current management cycle and which will be the basis of the RBMP for the next management cycle) and RBMP has to be clearly established over the long term.

In response, the European Commission points out that it translated the final version of the Guidance, and announced in advance its intention to do so, and that it was the decision of the Member State to translate draft guidance before it had been finalised. Each section of the Guidance includes a table showing how the information provided by Member States will be used. The need to issue guidance in advance is agreed, but it is noted that a number of factors can cause delays, including the time taken to agree guidance with Member States.

Source: Emailed comments from French Government and European Commission

The figures indicate that the actual costs to Member States of reporting under the WFD greatly exceed the costs of the legal obligations to report under the Directive, as estimated in this study using the Standard Cost Model. However, it is evident from the contribution that these costs are to a certain extent triggered by the implementation requirements and needs of the Directive as a whole and would still occur even in the absence of reporting.

6.2.4 Conclusions

The evidence suggests that, in overall terms, the costs of monitoring and reporting as required by EU legislation are moderate, and represent a small proportion of the costs of environmental legislation in total. However, it should be noted that the overall costs and burdens of environmental monitoring and reporting greatly exceed the estimates given above in certain areas. Examples include the Water Framework Directive (where overall reporting efforts follow guidance agreed by the Water Directors, and have involved significant one-off investments in systems development)

and the E-PRTR (where the bulk of reporting activity is driven by international rather than EU obligations).

Reporting plays an important role in the implementation of EU environmental legislation and delivers significant benefits. In general, the costs of monitoring and reporting appear to be proportionate to the benefits achieved. However, some Member States and stakeholders express concern about disproportionate costs, and negative perceptions about the efficiency of the existing arrangements are particularly prevalent where data providers are unclear of the purpose and benefits of reporting. This suggests a need to communicate more clearly to ensure that those who incur the costs understand the purpose and benefits of reporting.

6.3 What factors influence the efficiency with which environmental monitoring and reporting takes place?

6.3.1 Introduction

The question examines the factors that determine the efficiency of monitoring and reporting – i.e. the relationship between the costs and benefits of monitoring and reporting activities. This requires an examination of the factors affecting both the costs and the benefits of environmental reporting.

Analysis of the costs needs to examine the factors influencing the administrative burdens of reporting (using the Standard Cost Model) as well as influences on other costs (such as systems costs and outsourcing costs). The effects of timing, process and content of reporting on costs and administrative burdens need to be examined.

Assessing the efficiency of reporting also needs to examine the benefits achieved, and what determines them (such as the quality, timeliness and relevance of what is reported). Even if achieved at low cost, monitoring and reporting is unlikely to be efficient if it delivers data of poor quality, which is out of date and poorly matched to needs – as these factors are key determinants of the benefits of reporting relative to the costs.

6.3.2 Method and sources of evidence

The answer to the question draws on:

- The analysis of the costs and administrative burdens of reporting – based on the Standard Cost Model;
- Analysis of the inventory of reporting obligations on factors affecting costs – e.g. timing/ frequency of reporting;
- The analysis of the benefits of reporting, including qualitative assessment of the main factors that influence these;
- Stakeholder views and examples – from workshops and public consultation;
- Review of relevant documents (e.g. past literature, REFITs);
- Identification of examples – from the fiches and literature – of:

Efficient environmental monitoring and reporting at EU level – i.e. those ROs which achieve their objectives and deliver benefits at relatively low cost;

Less efficient environmental monitoring and reporting – i.e. those ROs which are perceived to have relatively high costs relative to their benefits;

Analysis of the reasons for these.

Overall, this range of evidence allows the factors affecting the efficiency of reporting to be understood, though most of the available evidence is qualitative.

6.3.3 Evidence and analysis

The cost analysis and consultations indicate that a large proportion of the costs of reporting relate to the administrative burdens of the time required to fulfil reporting obligations. The factors influencing these costs can be assessed with respect to the Standard Cost Model, and include:

- The **number of entities** required to report;
- The **time** taken to meet each reporting obligation;
- The **frequency** of reporting; and
- The **hourly cost** of time.

6.3.3.1 Number of reporting entities

The cost assessment makes it clear that the number of entities obliged to report is a major determinant of administrative burden. Most reporting requirements oblige only the Member State authorities to report information at EU level, limiting the number of reporting entities to 28. However, in Member States with federal structures, costs are increased for those obligations for which it is necessary to compile data from different administrative levels for reporting purposes.

The largest administrative burdens arise from reporting obligations which require individual businesses or other operators to report. For some items of legislation, this may require thousands of different entities to report, greatly increasing the administrative burden. Examples include the Packaging Waste and WEEE Directives, which require tens of thousands of businesses to provide information annually to the competent authorities. This data is used in MS reports to the Commission (see Annex 3). Whether this is efficient or not depends on whether the objectives of reporting under these directives could be achieved without requiring so many businesses to report. It is important to recognise in these cases the importance of reporting by businesses for establishing the information systems needed to meet the core provisions of the Directives (e.g. to achieve and monitor progress towards recycling and recovery targets), and not just the contribution it makes to reporting at EU level.

6.3.3.2 Frequency of reporting

The frequency of reporting is also a direct determinant of administrative burdens, as more frequent reporting increases the number of reports required and hence the time and cost involved.

The review of the environmental legislation reporting obligations inventory indicates that 79 out of 181 reporting obligations require Member States to regularly report to the Commission or EEA. Of these, approximately one third require annual reporting, with reporting every three years and every six years respectively the next most common frequencies.

It can be noted that the frequency at which MS are required to report varies widely across the environmental acquis. For example, in the water area, the Urban Wastewater Treatment Directive requires biennial reporting, reporting against the Nitrates Directive is every 4 years, while the Water Framework and Floods Directives require reporting every six years. Clearly, reducing the frequency of reporting under the UWWTD to bring it in line with the WFD would reduce administrative burdens by up to two thirds – however, less frequent reporting might also reduce benefits, and whether there was a gain in efficiency would depend on whether the current frequency of reporting is excessive relative to the benefits delivered.

6.3.3.3 Time taken to report

The time taken for reporting is influenced by a range of factors, including the:

- Content – the extent and detail of the information sought, whether or not this information is readily available, and the amount of effort required to collect and process it;
- Format – whether numerical, text or geospatial data is demanded, the form in which this data needs to be submitted, the format of the template used to gather it, and the extent of guidance given; and
- Process – including the method of processing, transmission and analysis, and the degree to which this is automated.

Reporting obligations vary widely in the time and costs involved. Some may require a few minutes' work, while others are more onerous and compliance may take tens of days, especially where detailed and complex information is sought. Clearly, reducing the extent of data sought, ensuring the format is clear and user friendly, provision of clear and adequate guidance, and the adoption of effective and user-friendly reporting processes can all help to contribute to lower cost and more efficient reporting.

Advances in IT in recent years have greatly reduced the time taken to report, and hence the administrative burdens of reporting at MS level, as well as the time taken by the EEA and Commission to compile, process and analyse data at EU level. They have also facilitated the sharing of data and helped to enhance the benefits of reporting by making information more widely available to stakeholders and the public. This, however, as noted in section 6.2.3, has required significant investments in information and reporting systems at MS and EU level. These investments are designed to deliver longer term savings in operating costs as well as enhanced benefits from data sharing.

The evaluation to support the E-PRTR REFIT found that efficiency has been increased through the use of electronic reporting. The implementation review (Appendix D) found that the majority of Member States reported that there are electronic systems for submitting E-PRTR data, but there are still cases (Brussels region in Belgium and Greece) where there is no electronic reporting tool and data are reported on paper. Some Member States have both paper and electronic systems. The report found that there is a move towards the greater efficiency of electronic reporting, but there are still efficiency 'gaps' that can be addressed. It concluded that this is a matter for Member State action, rather than for EU level intervention.

Member States and stakeholders participating in the consultations and workshops stressed that the efficiency of reporting can be influenced by the systems established and implemented at EU level. For example, the French Government suggested a range of factors that influence the costs of reporting, particularly under the Water Framework Directive (Box 6.7).

Box 6.7 Factors influencing costs – submission from French Government

Factors influencing costs – particularly relating to reporting under the Water Framework Directive - are:

- Reporting tools still under development and therefore not fully functioning;
- Changes in guidance and code lists over time;
- Delays in transmission of information;
- Additional time needed to move to new formats (e.g. GML for Water Framework Directive);
- Late updates in reporting requirements, entailing new works;
- Checks and cross checks too constraining and not provided to MS in time;
- Constraints caused by insufficient capacity of EEA Reportnet;
- Delays in quality assurance/control procedures.

Capacity in the Member States is another factor determining the efficiency of reporting. Stakeholder interviews relating to the waste legislation found that MS where local administrations are less experienced in collecting and collating data regarding packaging and WEEE may have less efficient reporting systems than their more experienced counterparts. Thus, the administrative capacity of each MS affects the overall efficiency of environmental monitoring and reporting.

6.3.3.4 Cost of time

The cost of time is also a major determinant of the costs of reporting. The Standard Cost Model estimates administrative burdens by applying a tariff rate for the cost of labour, including salary costs and overheads. The hourly cost of time varies with the grade of staff doing the work, and also varies widely across the EU to reflect differences in earnings.

For example, the Commission's database on administrative burdens (designed to provide data for Standard Cost Model assessments) estimated EU average hourly tariff rates in 2010 of EUR 13.7 for elementary occupations (ISCO 9), EUR 18.2 for clerks (ISCO 4) and EUR 41.5 for legislators, senior officials and managers (ISCO 1). The cost per hour was therefore 128% higher for a senior official than for a clerk. The variations between Member States are greater still – the average cost per hour for a clerk in 2010 was 15 times higher in Denmark (31.6) than in Bulgaria (2.1).

6.3.3.5 Benefits of reporting

The overall efficiency of reporting is influenced by the factors which determine the benefits of reporting as well as the costs. These are discussed in the sections on relevance and effectiveness above, and include:

- Relevance – does reporting address the information required by policy makers, stakeholders and the public?
- Currency and timeliness – is the information reported recent and up to date?
- Completeness – is the information complete, or do gaps preclude an overall assessment?
- Quality – is the information reported robust and reliable, thereby providing a sound basis for decision making?
- User-friendliness – is the content of reports simple and easily interpreted?
- Continuity – do reports allow trends to be assessed over time?

The questions on relevance (Section 4) found that, in general, reporting obligations are found to require useful and relevant information to be collected, though in some instances reports have been less beneficial than envisaged.

The questions on effectiveness (Section 5) found that, in general, reporting obligations meet their objectives well, informing the implementation of EU environmental legislation and providing information to stakeholders and the public, but that certain factors limit the effectiveness of reporting to some extent. These include the timeliness, completeness and quality of some reports. Addressing these deficiencies at reasonable cost would help to enhance the overall efficiency of reporting.

Stakeholders participating in the workshops and public consultation emphasised that the efficiency of the current arrangements should be viewed in the light of the benefits they deliver as well as the costs. Any potential changes designed to reduce the costs of reporting also need to be viewed in the light of these factors that influence benefits. For example, reducing the frequency of reporting will reduce costs, but an assessment of efficiency needs to examine the potential effects on the benefits of having current and up-to-date information.

6.3.4 Conclusions

The efficiency of reporting is affected by a range of factors that influence both the costs and benefits. These relate to:

- **The reporting obligations themselves** – and the demands they place on Member States and obligated entities in terms of what needs to be reported and how frequently;
- **The processes of reporting** – including the overall systems established at EU level and the systems and practices implemented by MS to deliver against their obligations;
- **The level of compliance with obligations, and the quality and completeness of information provided**, which are important determinants of the benefits of reporting.

The Standard Cost Model provides a useful basis for understanding the factors influencing the costs of reporting, which need to be viewed alongside the benefits delivered.

Overall, experience suggests that the factors affecting the efficiency of reporting are increasingly understood, and that refinements in reporting systems and processes have led to some improvements in efficiency in recent years. However, answers to the questions on effectiveness, coherence and disproportionate costs suggest that some deficiencies in reporting processes and practices remain, and that there is scope for further gains in efficiency.

6.4 Are there examples of good practice in environmental monitoring and reporting at the national and regional level that imply that it could be undertaken more efficiently, and if so, how?

6.4.1 Introduction

Member States and regional authorities may fulfil monitoring and reporting obligations in different ways – for example by setting up different types of systems to collect, process and transfer the data needed. These systems may vary in their costs and in the benefits that they deliver. Examples of efficient implementation may help to improve the efficiency of monitoring and reporting at the EU level, if taken up more widely.

The study has tried to identify a range of good practices at national and regional level which, if adopted more widely, could increase the efficiency of monitoring and reporting across the EU. Most of the best practices identified aim to better coordinate the reporting and monitoring data and information through enhanced use of ICT systems at national level. These measures include centralized dashboards to collect data from decentralized or local competent authorities and operators and safeguard oversight from central competent authorities and regional organisations. They may involve different forms of automation processes and use of IT to compile and submit data.

6.4.2 Method and sources of evidence

The following sources were analysed to identify best practices across the EU:

- Cost analysis and scoping fiches of monitoring and reporting obligations of environmental legislations;
- Stakeholder views and examples – from workshops and public consultation;
- Analysis of reporting processes undertaken for other REFITs – e.g. E-PRTR, Noise, INSPIRE; and

- Horizontal issues fiches highlighting good practice e.g. in e-reporting/ use of technology, active dissemination.

The responses also build upon a series of interviews conducted with Member State representatives. Relatively few examples of good practice were found.

6.4.3 Evidence and analysis

In certain Member States, electronic platforms have been developed to facilitate data collection at national level. Investment in such platforms has helped to streamline processes and reduce the time dedicated by Member States to reporting, and the associated administrative burden.

Box 6.8 Austria's improvement of its electronic data management (EDM) system for reporting under IED

No central databank is currently used for IED in Austria. However, the Federal Ministry for Agriculture, Forestry, Environment and Water Management (MoE), in association with the Austrian Agency for the Environment, is currently seeking to fill in that gap by developing a new application in its existing electronic data management (EDM) system.

The EDM is an integrated e-government application that aims to replace conventional paper-based records and reports (including applications submitted to the authorities) through efficient electronic data management in line with international standards (e.g. with regard to barrier-free access for disabled people) in the environmental field .

Its objectives are to:

- a) Reduce the administrative burden on authorities and companies;
- b) Serve as an integrated comprehensive system for the entire environmental field thereby favouring synergies across fields;
- c) Integrate other e-government registers (e.g. Austrian company register);
- d) Use international EDI (Electronic Data Interchange) standards that are well established in the economy for messages and unique international identification system (of companies, locations and installations);
- e) Provide a single sign-on for all users and all applications;
- f) Prevent data redundancy, in particular by a centralised master data management across applications (eRAS);
- g) To the extent possible, use already available data (e.g. from procurement and accounting)

The EDM system is currently used for data collection purposes, in relation to PRTR installations, waste treatment plants and large combustion plants. Its benefits range from reducing human intervention in reporting processes (due to the use of the EDI of structured data using recognised message standards directly between IT applications which results in processing only structured information – i.e. quantified or at least classified), limiting manual input of data into the electronic system where the information is initially collected, and integrating the entire business processes into the EDI adjusted to the economic and technical capacities of the participants.

The Ministry of Economics is currently improving the collection processes to record and complete the data reported by Bundesländer in connection with the IPPC installations and environmental inspection programs. By expanding the scope of the data collected, the EDM system will facilitate data collection across different fields, e.g. by the IPPC activity code.

The development of this electronic system is still in progress, and no information on costs is currently available.

Electronic platforms have demonstrated their capacity to reduce the burden, especially for quantitative input, as illustrated by Austria's current improvement of its EDM

system. Other Member States have embarked on similar projects to facilitate data access and collection under the IED.

Belgium (Flanders), for example, is currently improving its reporting system which will enable it to bring all permitting installations into one central repository. At the same time, the region is also updating its existing Access database containing specific information on IED installations. The project was initiated in 2015, with the aim of developing the integrated system into a complete registry in 2017. This will facilitate reporting processes and access to information at all levels (i.e. EU and regional level – for the Flemish government and agencies), improve permit updating, exchange of information as part of the Sevilla process, and help disclose information to the public. The registry will also facilitate data comparison between permits and ‘on-site’ information contained in the inspection registry. The total project costs, which involve managing installation information, geographical components, producing reports, data publishing and migration from the Access database to the new registry are estimated at around EUR 300,000, including testing, training and maintenance costs of the new system for the first 2 years. In the future, the registry is expected to integrate other relevant environmental information, including emissions data (IED and more), PRTR information, and the complaint management system¹⁵¹.

Similarly, in Ireland, the Environmental Protection Agency (EPA) is currently developing an integrated industrial reporting solutions to improve efficiencies in permitting, compliance and reporting across a number of linked directives by collecting structured data (e.g. IED, ETS, air emissions and waste) (see Box 6.9).

Box 6.9 The EPA’s Common View of Authorisations Project (Ireland)

The Irish Environmental Protection Agency (EPA), in its new Strategic Plan 2016 - 2020 highlights that clear, accurate and timely information is a vital component in raising awareness about the environment among the public and key policy makers. As part of EPA’s strategic priorities, the development of new approaches and tools will be accelerated, with a particular emphasis on the provision of accessible information.

Certain Member States, such as Ireland, have pointed to the great variety of reporting systems and IT technology used across directives. While there exist well developed systems for water reporting (i.e. WISE), improvements in other areas could be considered to facilitate more efficient reporting. This is the case for industry-related directives such as IED, waste, PRTR, air emission projections and inventories, for example.

An analysis conducted in Ireland in 2014 suggested that the reporting system used by industry and waste authorised entities presented some inherent inefficiencies in its processes and methods (e.g. duplication of data, uselessness of data, use of spreadsheets causing significant issues in terms of process efficiencies and the availability, accuracy and completeness of the data).

The “Common View” (CV) project is an important initiative launched by the EPA in order to streamline data collection, reduce reporting burden, and improve the efficiency of data processing, onward reporting and data quality. The project is a business driven programme of analysis carrying out assessment across all offices, multiple teams and numerous regulatory activities in the EPA. One of the key objectives of the CV project is to streamline the collection of structured data for the application form and post licensing reporting in order to rationalise the existing data; eliminate unwanted data requests; and reuse data already available across a number of linked directives (e.g. IED, ETS, air emissions, waste, etc.). These business changes

¹⁵¹ Interview of 25 October 2016 with Mr Boonen – Environment, Nature and Energy Department (Flanders-BE).

are expected to yield significant benefits for the EPA, the authorised entity and ultimately the public, including:

- Significant efficiency gains for the EPA and licensees;
- Substantially improved quality and accessibility of data leading to better decision making and environmental outcomes;
- Increased value for money;
- Improved quality and accessibility of public information.

ICT has radically reduced the time to complete administrative jobs, e.g. from six months down to half a day – so delivering major efficiency gains. The EPA has set up an integrated system, which is used to handle communication with stakeholders including operators. The functionality caters for all processes in the regulatory cycle – application, licensing, enforcement, monitoring, etc., sharing data across the functions. It also provides reports to stakeholders. As an illustration, analysis of data returns from waste activities identified that in some cases operators had to make nine data returns to the EPA, reporting on up to 800 different data fields. Through the implementation of CV this will be reduced to a maximum of 2 reports and 100 data fields.

Some elements of the system have been completed and more are ongoing. In the future, the aim is for an online application form to capture data for reuse in licences, to structure self-monitoring and guide inspection. For the authorised entity, this will eliminate multiple data reporting streams. For the internal stakeholder, this will significantly reduce the effort involved to access data collected by other teams and free up time for true data assessment. For EU reporting, the EPA will be able to draw on the data across this cycle.

According to EPA, the systems and structures in place at EEA level for reporting, linked with the National Reference Centres, are a good model to consider across other environmental directives. Also the review of data flows carried out by the EEA could be considered for other areas. Core environmental reporting obligations and data used for assessments, products and services at European level should be identified.

Despite ongoing developments in certain Member States, the potential for adapting national systems to the developments in the field of digital technologies seems only tapped to a limited degree and more benefits could be reaped from expanding the scope of existing ICT to other reporting requirements, as illustrated in the examples of Austria, Flanders and Ireland with respect to the IED and related fields. Opportunities also exist to create synergies between different reporting requirements. Different reporting obligations create different datasets and increased burden for administrators (both at competent authority and operator level) and certain Member States (e.g. Germany) have advocated for streamlining and harmonising reporting requirements instead of reporting tools.

Common reporting systems using similar tools and templates are able to reduce the burden for the Member States, especially when multiple stakeholders are involved in the reporting processes such as in countries with decentralised regulatory systems. Similarly, oversight of all data requirements for a specific thematic policy area by one single competent authority, department of a ministry or organisation has also been reported as an important factor for the optimisation of reporting. Germany's reporting process under IED, for example, involves many different stakeholders and follows a detailed centralised process that has been well documented¹⁵².

¹⁵² https://xubetrieb.de/sites/en.xubetrieb.de/files/xub_berichte/Abschlussbericht_PhaseII_final_viewer.pdf

Box 6.10 Examples from the E-PRTR REFIT

The E-PRTR REFIT evaluation gave examples of where Member State information systems have been used to improve efficiencies. For example, in France and in the Netherlands, the website integrates several reporting obligations including SED, LCPD inventories, waste storage, NEC Directive, GHG emissions and CLRTAP. In France it also allows reporting of methane and PM from agriculture activities and it includes calculation tool that helps farmers to estimate their emissions. This goes well beyond the requirements of the E-PRTR, but avoids businesses and authorities having to work with several different databases.

The implementation analysis provided evidence on differences between Member States and related difficulties. It examined streamlining of reporting activities between E-PRTR and other reporting activities. The results found three situations:

- Member States where no integration is undertaken, e.g. Greece;
- Member States where the E-PRTR is fully integrated to national reporting mechanisms, which is the case in Bulgaria, Czech Republic, Ireland, the Netherlands and the United Kingdom; and
- Member States where the integration has started and is being completed, which is the case in Romania and Slovakia.

These actions to enhance efficiency are Member State initiatives. However, actions at EU level to integrate reporting (as being examined in the reporting Fitness Check) can help facilitate this (e.g. by overcoming barriers between different areas of EU law).

Efficient informal coordination between responsible competent authorities or organisations from different Member States can also facilitate information sharing, improve data quality and timeliness of reporting. The reporting processes put in place by the Baltic Marine Environment Protection Commission (HELCOM) have been cited as an example of best practice allowing access to the raw data and final information which avoids overlap or repeated requests and inefficiencies. HELCOM has established a system for reducing duplications in reporting. The EC and other EU agencies (e.g. EEA) receive the reports from HELCOM on behalf of Member States. This is believed to be very helpful in making reporting and monitoring more efficient for everyone.

Box 6.11 Helcom's regional reporting system

As part of its mandate, HELCOM (the Baltic Marine Environment Protection Commission) produces joint documentation of approaches and results to support HELCOM EU Member States in EU reporting and sharing information at European level.

The vision of the Baltic Sea Action Plan (BSAP) – a healthy Baltic Sea – which was adopted in 2007, was built on both ecological and management objectives, leaning on a structured and coherent approach for environmental assessments. In the BSAP, the Contracting Parties to the Helsinki Convention agreed to periodically evaluate whether the targets of the Action Plan have been met by using indicator-based assessments.

These could also be used for the other international monitoring and reporting requirements, inter alia the EU Marine Strategy Framework Directive (MSFD).

According to the MSFD, countries are required to establish and implement regionally coordinated monitoring programmes for the ongoing assessment of the environmental status of their marine waters. Regional coordination can ensure that comparable sampling, analysis and data processing methodologies are being used by the countries within a marine region. This coordination can be achieved effectively through Regional Sea Commissions such as HELCOM.

The arrangements aim to:

- a) Avoid duplication of reporting by the HELCOM Contracting Parties;

- b) Be compatible with those of other international organizations such as ICES and data activities of the European Union, to the fullest extent possible;
- c) Facilitate the use of shared environmental information systems.

HELCOM contributes, with its data and information system, to the availability of high-quality spatial information relevant to Maritime Spatial Planning on the status of the marine environment, pressures and human activities.

6.4.4 Conclusions

There exist a series of examples of good practices – which can be maintained, built upon and replicated. These include:

- Enhanced use of ICT systems – including examples of good practice in online reporting/ webforms, improved information and reporting systems at MS level (e.g. Ireland), enhanced reporting formats;
- Integrated information systems which address the reporting needs of different Directives, thereby reducing duplication of efforts and associated administrative burdens, as well as enhancing public access to environmental information (e.g. Ireland, France, Netherlands);
- Centralised dashboards, searchable databases and web portals (e.g. Flanders' Geopunt) for citizens and EU institutions; and
- Coordination of Member States reporting processes within one single organisation, particularly for shared resources and transboundary issues (e.g. HELCOM for the EU Marine Strategy Framework Directive).

These examples are believed to have both reduced administrative burdens and enhanced the benefits of reporting, by improving the timeliness of information provision and enhancing access to environmental information among stakeholders and the public. We were not able to find quantitative estimates of reductions in costs or administrative burdens. It should also be noted that these benefits have often been secured through significant investments in the development of reporting systems.

It is clear that there is scope for examples of good practice to be replicated and scaled up across the EU, and that there are ongoing developments of systems and processes both at MS and EU level which are enhancing efficiency over time. Because of differences between MS in administrative arrangements and existing systems, new developments and examples of good practice may take a variety of forms, and often need to be viewed on a case-specific basis.

6.5 Could improvements be made to the process of environmental monitoring and reporting to cut costs?

6.5.1 Introduction

The process of environmental monitoring and reporting refers to the series of steps that are taken to achieve the result of reporting the required information at EU level. The reporting process typically involves a series of stages from the specification of the information required, through the collation, processing, analysis and transmission of data by the Member States, and then the analysis and reporting that takes place at EU level. Quality checking of data is also an important part of the process at MS and EU level. Each of these steps requires resources and generates costs – how monitoring and reporting are organised therefore has implications for the costs involved.

Key elements in the process of reporting include the format and language of reporting, and the degree of automation of information transfer.

The answer to the question needs to be based on an understanding of the current process for environmental monitoring and reporting, an analysis of the scope for

improvements in this process, and an assessment of the potential for cost savings through such improvements.

6.5.2 Method and sources of evidence

The main sources of evidence for the answer to this question include:

- The inventory – and analysis of the current process and format of environmental reporting and how this varies across different items of legislation, as well as the reporting process and scope for streamlining, and details of implementing acts and guidelines;
- Stakeholder views and examples from the public consultation and workshops;
- Reviews of reporting processes undertaken for fitness checks of E-PRTR, INSPIRE, Environmental Noise Directive;
- The cost analysis, and analysis of the potential cost savings from process improvements.

The above sources provided numerous examples of issues related to the reporting process, and opportunities for cost reduction.

6.5.3 Evidence and analysis

Section 6.3 noted that the process of reporting is one of the factors that influence the overall time and costs involved. The main stages in the process typically include:

- Definition of reporting obligation and arrangements;
- Issue of reporting request, template and guidance;
- Collation of data and development of reports at MS level;
- Transmission of reports to EC/EEA;
- EU level quality checking; and
- EU level analysis and reporting.

Key elements of the process include:

- **Reporting format.** Reporting may take place through the completion and submission of text based questionnaires, or a variety of electronic reporting formats. Increasingly, automated reporting systems are taking the place of formats that depend on manual data entry. For example, for ambient air quality, the EEA and Member States have invested in the development of automated systems that collate air quality monitoring data and share it at EU level.
- **Service provider.** Under different items of legislation, Member States may be required to report direct to the Commission, or to another agency. The EEA is identified in the reporting obligations inventory as the main service provider for 46 reporting obligations. For other items of legislation, reports are submitted to Eurostat (e.g. reporting on targets for waste legislation, timber imports under the FLEGT regulation) or the Commission's Joint Research Centre (e.g. reporting under Seveso Directive). Reporting processes may vary for these different service providers. For example, the EEA is able to allocate dedicated resources to environmental reporting and this can enhance the timeliness and efficiency of the reporting process. The Commission often uses contractors to analyse and synthesise reports submitted by the Member States, and this can add costs and delays to the reporting process (see Box 6.12).
- **Reporting templates and guidance.** Templates – in various formats – are provided for the majority of reporting obligations, although according to the

reporting obligations inventory, 77 of the 181 reporting obligations arising from EU environmental legislation have no reporting template. The design of reporting templates is a significant factor in determining the demands placed on data providers and the user-friendliness of the reporting process. For many but not all reporting obligations, guidance is issued to Member States, and the clarity and comprehensiveness of this guidance also influences the efficiency of the process.

- **Languages.** Whether reporting is undertaken in national languages or in English is a significant issue in the reporting process. Member States have the right to report in their own languages if they wish to do so. However, receiving and having to process reports in many different EU languages can create practical challenges and cause delays at EU level. Reporting templates and guidelines are often provided in English only, which can create challenges for data providers in the Member States, again potentially causing delays in the reporting process or problems in interpretation of requirements, which in turn may affect the relevance, quality and completeness of reports. Languages provide greatest challenges for the reporting of textual data, and are another reason why minimising the use of textual reporting formats can help to reduce costs.
- **Quality control arrangements.** The sections on effectiveness above highlighted the importance of quality management processes in ensuring that reporting delivers information that is sufficiently robust, complete and reliable for its intended purpose. Ideally data should be quality checked at each level of the reporting process, to ensure that gaps and errors are avoided and to reduce the need for iterations in the reporting process as queries are resolved and replacement data sought. A failure to quality check data at the local or national level can increase the time taken in quality assurance at EU level, causing delays and inefficiencies in the process.

Box 6.12 Time taken for EU reporting

One measure of the efficiency of reporting is the time delay between the deadlines set for Member States to report and the publication of reports at EU level. This time delay may reflect the efficiency of processing of the reported data by the EU institutions, as well as the need for translation of reports and the time taken for administrative processes such as the letting of external contracts. It may also be influenced by late reporting by Member States, and by the quality, consistency and completeness of the reported information. These various factors all reflect the overall efficiency of the process.

According to data in the inventory, it takes an average of 631 days for an EU level report to be published, from the deadline set for Member States to report. Where the EEA is responsible for overseeing the reporting process, this time lag is reduced to an average of 593 days. The quickest turnover is recorded for the annual bathing water and the national emission ceilings reports, which both take less than half a year (146 and 162 days respectively). The longest delays occur in mixed processes where the EEA infrastructure is used initially but the processing of the reports is outsourced - this results in an average time lag of 727 days between the Member State reporting deadline and the publication of the EU level report.

The process of reporting has changed significantly over time. For example, the Standardised Reporting Directive (SRD) 91/692/EEC sought to rationalise and improve the transmission of information and the publication of reports on existing EU environmental directives, which previously lacked a defined approach to reporting. The SRD introduced a three yearly reporting cycle, requiring Member States to send information to the Commission on the implementation of the SRD and other pertinent

Directives. The report was drawn up on the basis of a questionnaire drafted by the Commission, which was sent to the Member States six months before the start of the period covered by the report. The report was to be returned to the Commission within nine months of the end of the corresponding three-year period. The Commission was then required to publish a Community report on the implementation of the Directive within nine months of receiving the reports from the Member States.

At the time of the SRD, paper based reporting was the norm. However, since then, a complex array of reporting processes has developed, introducing different requirements for different items of legislation, and involving a range of reporting formats. Electronic forms of reporting have increasingly replaced paper-based questionnaires. Developments in IT have enabled investment in new automated systems that share environmental monitoring information at EU level, enabling real time transmission of data on the state and pressures on the environment. The INSPIRE Directive has introduced a common infrastructure for the sharing of spatial information, and is driving changes in reporting processes across a range of legislation. These developments have required significant financial investments, but have significantly enhanced the speed and capacity for sharing of information.

EU wide information systems have been introduced in a number of areas of legislation, enhancing the efficiency of reporting processes and reducing administrative burdens (Box 6.13).

Box 6.13 New information system for reporting on sulphur content of marine fuels

In 2015, new implementing rules were introduced with the aim of achieving cost-efficient and coherent implementation and enforcement of Directive 1999/32/EC. Under the Directive, MS are required to report annually on compliance with and enforcement of rules governing the sulphur content of liquid fuels used in shipping, and the results of sampling and analysis.

A dedicated Union information system, developed and operated by the European Maritime Safety Agency, has been available to Member States since 1 January 2015. The system serves as a platform to record and exchange information on the results of individual compliance verifications under the Directive. Member States are encouraged to use the system in order to rationalise and optimise the assessment of compliance with the requirements of the Directive. The information system can be used by MS to fulfil their annual reporting obligations under the Directive, using latest technologies to keep administrative burden to a minimum. Use of the system is optional, leaving flexibility to those Member States which prefer to report in a more traditional way.

Source: Commission Implementing Decision (EU) 2015/253 of 16 February 2015 laying down the rules concerning the sampling and reporting under Council Directive 1999/32/EC as regards the sulphur content of marine fuels

Improvements have also been made to the process of reporting under the Water Framework Directive (WFD). The Commission and Member States have worked together to develop a common process and guidance to achieve this (Box 6.14), through considerable investment of time and effort. Because of the level of investment involved, the Member States are keen to ensure that the reporting process remains stable over time.

Box 6.14 Improved process and guidance for WFD reporting

In 2009, the Commission and Member States agreed on guidance for reporting under the Water Framework Directive (WFD), which was the basis for the development of

electronic tools that were used to report the first River Basin Management Plans (RBMPs) in 2010. The first reporting was a positive exercise but resulted in a heavy workload both at the Member State and EU level. A thorough review of the reporting requirements for the second RBMPs has been carried out resulting in a revised WFD Reporting Guidance. This revision of the Reporting Guidance was a lengthy process, involving very detailed discussions between the Commission and the Member States on the need to report each individual piece of information. Once the Reporting Guidance was endorsed by Water Directors, the water authorities in the Member States in several cases needed to engage into a similarly detailed and lengthy process at national level to explain to local water managers why each piece of information need to be reported at European level. This explains why, at the last meeting of Working Group Data Information and Sharing (DIS) under the Common Implementation Strategy of the Water Framework Directive (18 -19 October 2016), the Member States reiterated the need for a stable reporting mechanism. In other words, for future reporting obligations, the Member States are not in favour of changing the current schema as described in the revised WFD Guidance.

The role of ICT in enhancing the efficiency of the reporting process is illustrated by the example of Ireland (Box 6.15).

Box 6.15 Role of ICT to improve the efficiency of reporting process – example from Ireland

ICT has radically reduced the time to complete administrative jobs in Ireland. For example, the time taken to report under the IPPC/Industrial Emissions Directives was reduced from 6 months in 2010 to around half a day in 2012. This has delivered major efficiency gains. The Irish EPA has set up an integrated system, which is used to handle communication with stakeholders including operators. The functionality caters for all processes in the regulatory cycle – licensing, enforcement, monitoring, etc., sharing data across the functions. It also provides reports to stakeholders. It used to take four years to produce an enforcement report overview, but now the EPA can produce four reports a year. Some elements of the system have been completed and more are ongoing. In future the aim is for an online application form to capture data for reuse in licences, to structure self-monitoring and guide inspection. For EU reporting, the EPA will be able to draw on the data across this cycle.

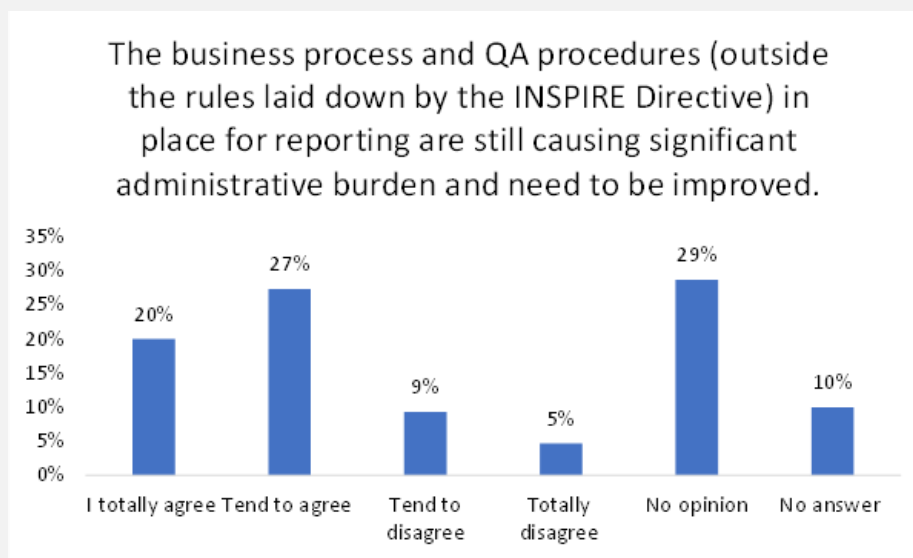
Source: Environmental Regulation using ICT as an enabler, presentation by Ann Marie Donlon, Environmental Protection Agency, Ireland, to "Make it Work" workshop, Brussels, November 2015, and minutes of "Make it Work" workshop

However, some reporting processes have changed to a relatively limited extent. For example, reporting on implementation of the Landfill Directive follows a questionnaire issued in 2000 (Decision 2000/738/EC), and, (as for other waste legislation), involves the submission of reports by email in MS Word format. 840 days elapsed between the publication of the most recent Commission report (on 17 January 2013) and the deadline for the Member State reports on which it was based (30 September 2010).

Although stakeholders acknowledge improvements in the efficiency of the reporting process, they see significant room for further improvements in the efficiency of the system. For example, a majority of respondents to the public consultation expressed the view that there is significant scope for improvements in the efficiency of current reporting processes, and pointed to the need both for better guidance at EU level and for the enhanced use of information technology (Box 6.16)

Box 6.16 Stakeholder views of efficiency of current reporting processes – Evidence from the Public Consultation

The public consultation found that a large proportion of stakeholders consider that there is scope to improve the efficiency of reporting processes. Answers to question 4.2 (see section 6.2.3 above) revealed that a minority of stakeholders considered that reporting is currently efficient, for all areas of environmental legislation. A balance of stakeholders also agreed with the statement that the current business processes and quality assurance (QA) procedures in place for reporting are still causing significant administrative burden and need to be improved.



Responses concerning specific aspects of the process for reporting suggested that respondents believe that the process of reporting could benefit both from improvements in guidance offered to Member States, and improvements in the use of IT:

- 29% of respondents “totally agreed” and a further 33% “tended to agree” with the statement that “**More help is needed for member states in preparing reports, including the development of common tools**” compared to 11% who “tended to disagree” and 3% who “totally disagreed”
- 7% of respondents “totally agreed” and a further 23% “tended to agree” with the statement that “**IT technology is already adequately used and no further major improvements of the reporting process are needed**”, compared to 35% who “tended to disagree” and a further 20% who “totally disagreed”.

Source: Public consultation

Submissions by Member States to the Fitness Check highlight areas where reporting processes are seen to be inefficient. Concerns include frequent changes in reporting processes over time, often with insufficient notice being given to data providers, as well as inadequate guidance or the provision of guidance in English only (Box 6.17).

Box 6.17 Comments on reporting processes from the German Government

An email submitted to the Fitness Check summarised the following concerns about reporting processes expressed by administrations in the German Länder:

- Lack of consistency between reporting rounds, with demands modified in subsequent reporting periods, with new, more or different data required with insufficient advance notice. This can lead to data being unavailable, in the wrong format, or insufficient time being available to translate or interpret the request in the national language;
- Lack of contact points/ simple inquiry mechanisms to for guidance and clarification of requests, or standard procedures to propose clarifications, process improvements or correction of mistakes;
- Lack of guidance in national languages.

These concerns relate to the practical handling of the reporting process, rather than the legal obligation itself, and data providers express concerns that it is difficult to know how to propose changes to tackle these issues.

Source: Email from Kristina Rabe, German Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety, 16.10.16

A written submission to the Fitness Check by the French Government argued that the efficiency of reporting processes can be enhanced by advance warning of reporting requirements, ensuring stable and consistent datasets and processes over time, and open and transparent use of data (Box 6.18).

Box 6.18 Enhancing the efficiency of reporting processes – submission from the French Government

A submission from the French Government made a number of suggestions about how the efficiency of reporting process for the Water Framework Directive could be enhanced. It is argued that advance notice of reporting requirements is important to ensure that they can be taken into account in the implementation process. Advance warning of reporting requirements can help to ensure consistency between use of data for reporting, River Basin Management Plans, Programmes of Measures and analyses of River Basin Districts under Article 5. In addition, ensuring the required datasets are stable over time will enhance the efficiency of the reporting process. Open and transparent use of the data reported by MS in EU level reports provides feedback to MS and helps to promote quality checking.

Source: Written submission from French Government

Recent REFITs of the E-PRTR and Environmental Noise Directives both highlight the gains in efficiency brought about by electronic reporting systems, while noting the potential for processes to improve further in future. It is noted that not all Member States currently report using the available electronic tools, which can limit the efficiency of the system as a whole.

Box 6.19 Efficiency of E-PRTR reporting – evidence from the E-PRTR REFIT

The REFIT evaluation of the E-PRTR Regulation found that efficiency has increased through the use of electronic reporting. The implementation review found that the majority of Member States reported that there are electronic systems for submitting E-PRTR data, but there are still cases (Brussels region in Belgium and Greece) where there is no electronic reporting tool and data are reported on paper. Some Member States have both paper and electronic systems. While there is a move towards electronic reporting, there are still efficiency 'gaps' that can be addressed through action by Member States.

A workshop to inform the REFIT revealed a general consensus that efficiency savings are being made at Member State level, but that further progress could be made at EU level, such as through the development of single reporting portals, which could enhance efficiency by streamlining the reporting process. It was also argued that authorities and operators would benefit from improved guidance, for example on the relative merits of calculation compared to measurement. The quality assurance process was seen to be time-consuming, suggesting that there could be potential for time savings and efficiency gains through improvements in the quality of the data reported.

Box 6.20 Efficiency of the reporting process for the Environmental Noise Directive

The REFIT evaluation generally found that the END Reporting Mechanism - which involves transfer of information electronically through the EEA Reportnet system - is generally seen to be efficient and working well.

Although the majority of MS are already using the Reportnet system, the evaluation found that the efficiency of the collation of END reporting data could be improved if all EU MS were to use Reportnet, since the shared information system is linked to the Central Data Repository (CDR), which automatically enters data in a way that can be aggregated.

The evaluation also found that:

- Most national CAs were satisfied with the guidelines produced by the EEA as to how to use the Reportnet system.
- Views about the user-friendliness of Reportnet were mixed. Some MS reported that it was easy to use, but many others argued that the system needs to be further improved, and that information requirements are not always sufficiently clear.
- Reportnet has been efficient in enabling the EC to report on its monitoring and reporting obligations under Art. 11 and in developing an electronic database of information on SNMs, as required under Art. 10 (3). However, there are aspects of data capture, especially in relation to agglomerations, that need to be strengthened.
- Steps need to be taken to ensure timelier reporting, since having an efficient reporting system without sufficiently comprehensive data in it undermines the efficient and effective implementation of the Directive. However, this needs to be balanced with consideration of the feasibility of reporting by MS.

A common issue raised by a variety of Member States and stakeholders participating in the workshops and consultations is that reporting involves a learning process, whose effectiveness and efficiency should be expected to improve over time. Early reporting rounds under each item of legislation may require a large amount of data on various aspects of implementation as well as on the state and pressures on the

environment. They also require reporting processes and systems to be established. Over time, as the legislation becomes more mature, monitoring and reporting can become more focused on ongoing implementation issues, while the processes of reporting themselves should also improve with experience. While it is important to ensure sufficient consistency in reporting requirements and processes to facilitate efficient reporting processes at Member State and EU level, the process also needs to be sufficiently dynamic to enable improvements to be made that enhance efficiency – and hence lower costs – over time.

6.5.4 Conclusions

Changes to the reporting processes which affect the standard cost model parameters – number of entities, frequency, time, other costs (as already explained earlier) – hold the potential to reduce costs. The key challenge is ensuring that any changes do not undermine the usefulness of the information and the ability to satisfy the reporting obligation objectives.

In general, efficiency improvements can be made to reporting processes through better use of technology – an area where an overwhelming number of public consultation respondents felt there is currently room for improvement in environmental reporting as a whole – although this may require investment in new equipment, processes and capacity-building. Other factors – such as arrangements for service provision, the guidance and templates issued, and the languages used – also affect the efficiency of the process. Responses to the public consultation, and discussions at the stakeholder workshops, suggest that such process improvements are seen as offering greater opportunity to reduce burdens than are reductions in the reporting obligations themselves.

It is clear that the efficiency of reporting processes has – with the benefit of investment – greatly improved in recent years and that this is an ongoing process, which benefits from learning by those involved at both the EU and MS levels.

Given the investments of time involved to develop efficient reporting systems, it is also important that, once they have been developed, they remain stable over time. Achieving efficiency in the reporting process therefore requires an appropriate balance to be struck between seeking process improvements, and avoiding unnecessary and disruptive changes to the system.

6.6 Could the timing of reports be better synchronised or streamlined to cut costs?

6.6.1 Introduction

Timing influences the costs of reporting in different ways. For example:

- The frequency of reporting has a direct bearing on the time taken to report, and hence the administrative burdens involved. There are wide variations in the frequency of reporting for different items of environmental legislation, which ranges from annual to every six years or more;
- Variations in reporting timetables between different items of legislation also affect costs. For example, where different items of legislation require similar information to be collected and reported at different times, this can add to costs by increasing the overall reporting requirement. On the other hand, reporting obligations which call for different types of information at different times may lead to a smoother workflow and reduced burdens compared to those which concentrate these demands at a particular time.

This question asks whether the current timing of reporting could be better synchronised, or the frequency reduced, in order to reduce costs.

6.6.2 Method and sources of evidence

Evidence has been examined from the following sources:

- Inventory – analysis of differences in the frequency and synchronisation of timing between different items of legislation;
- Horizontal issues fiche on timing;
- Stakeholder views and examples – public consultation and workshops;
- Evidence from policy reviews and REFITs;
- Analysis of cost implications of changes in timing.

This provides a range of evidence on current issues regarding the timing of reporting. Assessment of the scope for synchronisation and streamlining to cut costs has drawn on the views of stakeholders as well as the analysis of the ICF team.

6.6.3 Evidence and analysis

The timing of reporting obligations varies widely across the environmental acquis.

Information in the reporting obligations inventory reveals that 81 reporting obligations require the Member States to regularly report to the Commission while 97 of the reporting obligations were either one-off or ad-hoc requirements. A one-off reporting obligation is for instance a requirement to transmit the list of competent authorities dealing with the legislation, which was the case for instance under the Invasive Alien Species Regulation¹⁵³ or the Access and Benefit Sharing Regulation¹⁵⁴. Other examples include when the Member State needs to notify the Commission on exemptions or penalties. Examples of ad-hoc reporting obligations include those requirements where the reporting is linked to the occurrence of a specific event. For instance, if a Member State decides to limit any incoming shipments of waste destined to incinerators that are classified as recovery under the Waste Framework Directive¹⁵⁵ it needs to notify the Commission.

Figure 13 presents the full overview of the frequency of reporting which also sub-categorises the regular reporting obligations. As indicated above the one-off and ad-hoc reporting obligations cover almost two-thirds of the reporting obligations. Out of the 79 regular reporting obligations the largest category is annual reporting obligations, but with more than half having reporting periods of more than two years, including a significant number (particularly in the water legislation) having a 6-year cycle. Some items of legislation have 3 year, 4 year or 5 year reporting cycles.

There are good reasons why the timing of reporting may vary between different items of legislation. Differences in timing may reflect, for example:

Differences in the purpose of reporting. Where reporting focuses on the state of the environment, there is a demand for frequent reporting of environmental information, often on an annual basis. This is the case, for example, for bathing water quality and air quality. Similarly, numeric reporting of progress towards targets (e.g. in relation to waste recycling) is also amenable to frequent reporting, often focusing on annual statistical data. On the other hand, reporting on implementation of legislation is often less frequent, particularly for those items of legislation with extended implementation timetables;

¹⁵³ EU Regulation (EU) No. 1143/2014 on Invasive Alien Species

¹⁵⁴ Regulation No 511/2014 of the European Parliament and of the Council on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union

¹⁵⁵ Directive 2008/98/EC on Waste Framework

Differences in policy cycles. Particularly for implementation of legislation, reporting may be aligned to the policy timetable, often reflecting deadlines set in the legislation itself. For example, reporting under the Water Framework Directive is aligned with requirements in the Directive for the completion and revision of River Basin Management Plans and Programmes of Measures.

Increasing the frequency of reporting also increases the time demands and administrative burdens of the reporting process (except in fully automated reporting systems). On the other hand, reporting needs to be sufficiently frequent to provide up-to-date and policy relevant information. An efficient reporting system will therefore balance the costs of more frequent reporting with the benefits of improving the timeliness of the data. Such a system is likely to involve reporting more frequently for some items of legislation than others, where it is cost effective to do so and where the pace of change is such that frequent reporting is justified.

Analysis of the timing of reporting obligations indicates that there are often significant differences in timing even for related items of legislation. For example, Table 9 summarises the timing of reporting for water-related legislation.

Table 9. *Timing of Reporting against water related legislation*

Directive	Reporting obligation	Frequency	Last deadline for reporting
Directive 2000/60/EC establishing a framework for Community action in the field of water policy	Programmes of Measures	Every 6 years	22 December 2012
	River Basin Management Plans	Every 6 years	22 March 2010
Directive 2008/105/EC of the European Parliament and of the Council on environmental quality standards in the field of water policy (consolidated version)	Report on monitoring of substances included in the Watch List	Annual	N/a
Directive 2007/60/EC of the European Parliament and of the Council on the assessment and management of flood risks.	Preliminary Flood Risk Assessment and Areas of Potential Significant Flood Risk	Every 6yrs	22 March 2012
	Flood Hazard Maps and Flood Risk Maps	Every 6yrs	22 March 2014
	Flood Risk Management Plans	Every 6 years	22 March 2016
Council Directive 98/83/EC on the quality of water intended for human consumption.	Report on Quality of Water for Human Consumption	Every 3 years	28 February 2015

Directive	Reporting obligation	Frequency	Last deadline for reporting
Directive 2006/7/EC concerning the management of bathing water quality	Monitoring and Classification of Bathing Waters	Annual	31 December 2015
Council Directive 91/271/EEC concerning urban waste-water treatment.	Information on monitoring results Situation report on the disposal of urban waste water and sludge in MS areas	Every 2 years	30 June 2014
Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural source.	Monitoring and implementation report	Every 4 years	30 June 2012
Directive 86/278/EEC on the protection of the soil, when sewage sludge is used in agriculture.	Report on the use of sludge in agriculture: the quantities used, the criteria followed and any difficulties encountered	Every 3 years	30 September 2013

Source: Reporting obligations inventory

The table suggests that there is potential to reduce administrative burdens by reducing the frequency of reporting under some Directives, thereby aligning them with those which report less frequently (Box 6.21).

However, this would need to be viewed against the potential loss of benefits from less frequent reporting, and in light of the information needs for the implementation of the relevant Directives. Reducing the frequency of reporting, while it could reduce costs, would only enhance efficiency if these cost savings outweighed the loss of benefits.

Box 6.21 Costs of reporting under the Urban Wastewater Treatment and Nitrates Directives

Analyses for this study (see fiches, Annex 3) estimate that biennial implementation reports under Article 17 of the Urban Wastewater Treatment Directive are likely to require average time inputs of 30 days per Member State every two years. In addition, an additional 60 days are estimated to be required for reporting by the EEA. For the Nitrates Directive, four-yearly implementation reports are estimated to require 100 days' input per Member State and a further 200 days at EU level. On the basis of these estimates, and using the Standard Cost Model and a daily average tariff of EUR 300, the administrative burden could be estimated to average around EUR 126,000 annually under the UWWTD and EUR 225,000 annually for the Nitrates Directive.

If the timing of reporting were reduced to every 6 years, as under the Water Framework Directive and Marine Strategy Framework Directive, and if it was assumed

that the time required would be reduced in proportion to frequency, this would result in a two thirds reduction in the time and cost of reporting under the UWWTD and a one third reduction under the Nitrates Directive. On this basis the annual reduction in administrative burden would be EUR 84,000 under the UWWTD and EUR 75,000 under the Nitrates Directive.

These rough estimates show that savings in administrative costs would be possible by aligning the timing of reporting obligations under these Directives. However, this would need to be viewed against the potential loss of benefits from less frequent reporting.

Participants in the stakeholder workshops highlighted the scope to reduce administrative burdens by streamlining timing under the water-related directives. It was also argued, however, that synchronisation of reporting should take account of the capacity of the Member State authorities, and that there could be problems and resource constraints if everything had to be reported at once.

One of the problems of reducing the frequency of reporting is that the available information becomes increasingly outdated as the time elapsed since the last report increases. For example, the EEA told us that MSFD reporting is of limited value for the evaluation of the EU Biodiversity Strategy as the timelines are not synchronised for the two policy cycles. Reporting on the implementation of the MSFD follows a six year cycle, with the next round of MS reports not due until the end of 2018. When the current EU Biodiversity Strategy is evaluated, the latest available MSFD data will date back to the beginning of the period covered by the Strategy.

6.6.4 Conclusions

There are significant differences in the timing of reporting under EU environmental legislation. There are good reasons for many of these differences, as differences in the purpose and content of different reporting obligations mean that variations in reporting timetables are appropriate. However, it is difficult to find a logical explanation for the very wide range of reporting cycles that are currently in place.

Reducing the frequency of reporting offers potential to reduce costs and administrative burdens, and there are examples where alignment of reporting obligations in related policy areas could achieve this. However, reducing frequency also brings risks that the benefits of timely information provision will be lost. Therefore the potential to enhance efficiency by streamlining the timing of reporting needs to be examined carefully on a case by case basis, taking account of the frequency needed to ensure that reporting is fit for purpose and delivers the benefits envisaged.

6.7 Could the promotion of active dissemination of data (in the context of Directives 2003/4/EC and 2007/2/EC) alleviate environmental monitoring and reporting burden whilst improving access for public authorities, businesses and citizens?

6.7.1 Introduction

Active dissemination involves Member States making efforts to ensure that environmental information is made available to citizens, businesses and other stakeholders. Where information is made publicly available – and can therefore be accessed by the European Commission, stakeholders and the public alike – this potentially raises the prospect of reducing the need for formal reporting at EU level.

The Access to Environmental Information Directive (2003/4/EC) obliges MS to make publicly available certain information (from environmental policies to environmental data) in certain formats. Under the INSPIRE Directive (2007/2/EC) Member States must make available in a consistent format spatial datasets in scope of the Directive and also create network services for accessing the datasets.

The question asks whether such active dissemination could alleviate the burden of environmental monitoring and reporting while improving access to information for public authorities, businesses and citizens. To answer it, it is necessary to assess:

- Whether active dissemination has the potential to reduce the need for formal reporting at EU level;
- Whether replacing formal reporting with active dissemination would lead to reductions in costs and administrative burdens; and
- Whether active dissemination would improve access to environmental information for public authorities, businesses and citizens.

6.7.2 Method and sources of evidence

The main sources of evidence used to address this question included:

- Analysis of active dissemination undertaken for this study;
- Horizontal issues fiche – role of active dissemination and scope for efficiency gains;
- Stakeholder views and examples – public consultation and workshops;
- Literature on active dissemination and INSPIRE, including INSPIRE REFIT, SIIF documents;
- Cost analysis – and assessment of potential effects of active dissemination on different cost factors.

The answer is able to draw on a range of evidence and examples of active dissemination, as well as the views of stakeholders and the analysis of the evaluators regarding its future potential and scope to reduce burdens.

6.7.3 Evidence and analysis

6.7.3.1 Legal framework

The mandate to the Fitness Check outlines the need to explore the feasibility of moving towards a 'zero reporting vision' based on active dissemination of information increasingly taking the place of formal reporting obligations. Whilst much of this has been driven by underlying technological changes, there are a number of legislative measures that have been implemented in recent years which have driven an expansion and promotion of active dissemination at the Member State level.

Article 7 of the **Access to Environmental Information Directive**¹⁵⁶ states (paragraph 1) that:

"Member States shall take the necessary measures to ensure that public authorities organise the environmental information which is relevant to their functions and which is held by or for them, with a view to its active and systematic dissemination to the public, in particular by means of computer telecommunication and/or electronic technology, where available."

The information to be made available and disseminated (paragraph 2) should also include details of all relevant policies, plans, programmes and international agreements relating to the environment, progress reports on policy implementation, reports on the state of the environment and activities affecting it, authorisations with a significant impact on the environment, environmental impact studies and risk assessments.

¹⁵⁶ 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 - <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32003L0004>

Finally, this article of the Directive also requires (paragraph 3) Member States to ensure that national, and, where appropriate, regional or local reports on the state of the environment are published at regular intervals not exceeding four years, and that such reports shall include information on the quality of, and pressures on, the environment.¹⁵⁷

Other legislation which is relevant to active dissemination includes the **INSPIRE Directive**¹⁵⁸, and the Directive on the re-use of public sector information¹⁵⁹.

The aim of the INSPIRE Directive is to facilitate better environmental policy across the EU. This involves inter alia:

- Improving the connections between and access to existing spatial data across the European Union at a local, regional, national and international level;
- Improving the sharing of spatial data between public authorities;
- Improving public access to spatial data.

Under INSPIRE Member States must make available in a consistent format spatial datasets in scope of the Directive and also create network services for accessing the datasets. The focus of the Directive on spatial datasets means that the main link to the Access to Environmental Information Directive's active dissemination requirements concerns "state of the environment" requirements in paragraph 3, rather than to the more administrative elements listed in paragraph 2.

The Directive on the re-use of public sector information aims to ensure that information held by public authorities is made available for reuse by commercial and non-commercial organisations and members of the public; this in turn is seen as generating new economic opportunities, and improving the transparency and public understanding of such information. While there is no direct reference in the Directive to either INSPIRE or the Access to Environmental Information Directive, there are clearly synergies between the policies. However, the Directive on re-use of public sector information, while it discourages Member States from placing barriers in the way of re-use, does not specify the design of systems for publishing data, or the extent to which coordinated "open data" portals should be used.

The Commission's Digital Single Market strategy of 2015¹⁶⁰ focuses on improving infrastructure (in its broadest sense) for the sharing of data, rather than issues such as which data Governments put online, and in what forms.

6.7.3.2 Different uses of active dissemination

EU environmental reporting obligations cover different stages of the Driving Force – Pressure – State – Impact – Response (DPSIR) cycle. The reporting obligations inventory for this study indicates that the majority of reporting obligations placed on Member States involve information on "Response"; that is, government action either to implement European legislative requirements, or plans and strategies adopted to respond to environmental data.

EU legislation makes it clear that active dissemination should cover a wide range of environmental information, including information on the state of the environment,

¹⁵⁷ Further provision under this article relate to the dissemination of information in relation to imminent threats, and to the scope for Member States to comply with their obligations by providing links to sites which store the information.

¹⁵⁸ 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) - <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32007L0002>

¹⁵⁹ Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information - <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:02003L0098-20130717>

¹⁶⁰ https://ec.europa.eu/priorities/digital-single-market_en

pressures on it, and a wide range of policy responses (including policies, programmes, strategies and actions at different levels). Spatial information, as covered by INSPIRE, tends to focus on just the state of the environment and pressures on it.

It is intended that active dissemination should cover a wide range of environmental information relevant to reporting obligations. In order to assess its role in alleviating reporting obligations, it is necessary to consider its role in different contexts.

In the field of air quality, there have been significant advances in the provision of public information in recent years, driven by investment in new information systems linking the air quality monitoring network to online portals. These systems should help to reduce the administrative burdens of reporting, by reducing the time taken to process and transmit data, and may over time, help to fulfil EU reporting obligations.

Box 6.22 Public information on air quality

The directives on air quality require Member States to ensure that up-to-date information on ambient concentrations of different pollutants is routinely made available to the public. This is done by providing information on websites, in press and by public displays. The information needs to be updated as appropriate to the averaging periods. The relation to the different limit and target values needs to be clear. When information or alert thresholds are exceeded Member States need to inform the public about the exceedance and the actions that are eventually taken. This obligation is prescribed in detail in the different directives.

A number of EU level sources provide information to the public. The Air quality e-reporting database (<http://www.eea.europa.eu/data-and-maps/data/aqereporting-1>) is the public air quality database system collected and maintained by the EEA. It contains air quality monitoring data and information submitted by reporting countries throughout Europe. The air quality database consists of a multi-annual time series of air quality measurement data and statistics for a number of air pollutants. It also contains meta-information on, among others, those monitoring networks involved, their stations and their measurements. The database covers geographically all EU Member States, the EEA member countries and some EEA collaborating countries. The EU Member States are bound under the Air Quality Directives (2004/107/EC and 2008/50/EC) and the Commission implementing Decision 2011/850/EU to engage in a reciprocal exchange of information on ambient air quality. The Air quality e-reporting database viewers provide validated air quality data as well as unvalidated up-to-date data, viewable through interactive maps, covering the regulated pollutants.

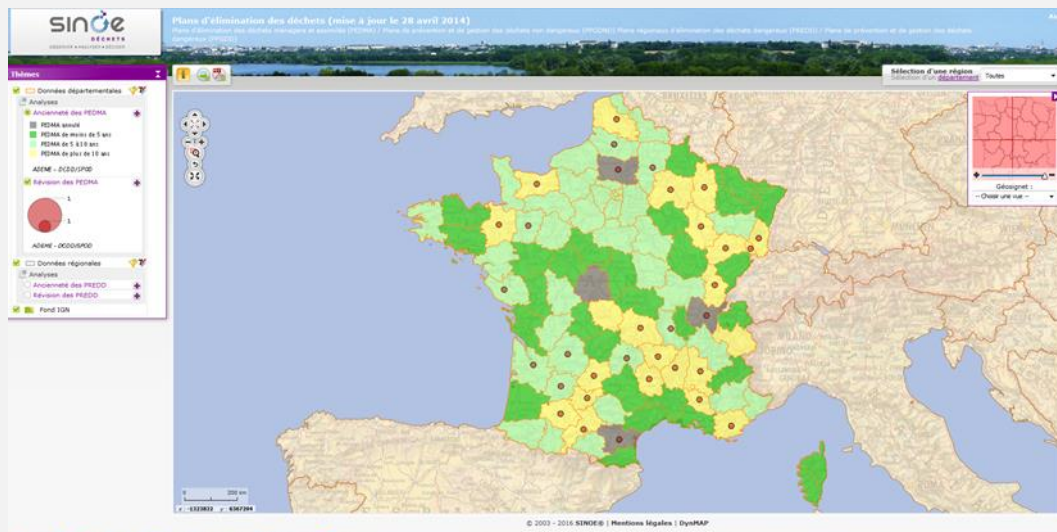
Many member states also provide up-to-date information online through interactive websites.

Information can also be found online about environmental plans and strategies in the Member States. A review of examples of active dissemination of waste management plans suggests that there is significant variation between Member States, and that there are differences in the completeness, timeliness and coverage of the information available, as well as the ease of its accessibility (Box 6.23).

Box 6.23 Examples of active dissemination of waste management plans

France

Information on departmental waste management plans can be found through the national government data site at www.data.gouv.fr




Clicking on the individual Departments on the map takes the user to a zipfile of the relevant plans and associated documents, at departmental or regional level. This tool is easily useable and provides fairly complete information to assess compliance with the relevant requirements in the Waste Framework Directive 2008/98/EC for implementation of waste management and prevention plans. The route to finding the online information is not straightforward, but, if accompanied by clear protocols on how the information should be communicated, it could perform some of the functions associated with the information provisions in the legislation. Other elements of the current information requirements in the waste framework directive (for example, information on waste oil management, and on extended producer responsibility schemes) would be less easy to incorporate in a similar mechanism, without making it significantly less useable for members of the public.

Hungary

Hungary has a page of reasonably full information on waste management planning, with links to the relevant plans, which can be accessed by using the Hungarian terms for waste management plans in a search engine. However, finding this information may not be straightforward for individual citizens unfamiliar with the relevant terms. Another challenge is to identify whether the plans are still in place or might have been superseded.

Spain

The Spanish Agriculture and Environment Ministry has an easily found page with full documentation for national plans, and plans of the autonomous communities, which would seem to provide both full information on the process and the plans themselves for individual citizens, and an adequate resource for Commission-level checking of the completeness of Member State implementation of the planning requirements of the Waste Framework Directive.



The screenshot shows the website of the Spanish Ministry of Agriculture, Food and Environment. The main navigation bar includes the ministry's name and various service links. The page content is focused on environmental quality and evaluation, specifically on the 'Planes y Programas' section. A sidebar on the left lists various topics and services. The main content area features a heading for 'Planes y Programas' and a section titled 'En esta página:' which lists several key documents and programs related to waste prevention, including the 'Programa Estatal de Prevención de Residuos 2014-2020' and the 'Plan Estatal Marco de Gestión de Residuos (PEMAR) 2016-2022'. Below this, there is a detailed section for the 'Programa Estatal de Prevención de Residuos 2014-2020', which explains the government's commitment to reducing waste and meeting EU directives. A small graphic of a recycling symbol is also visible.

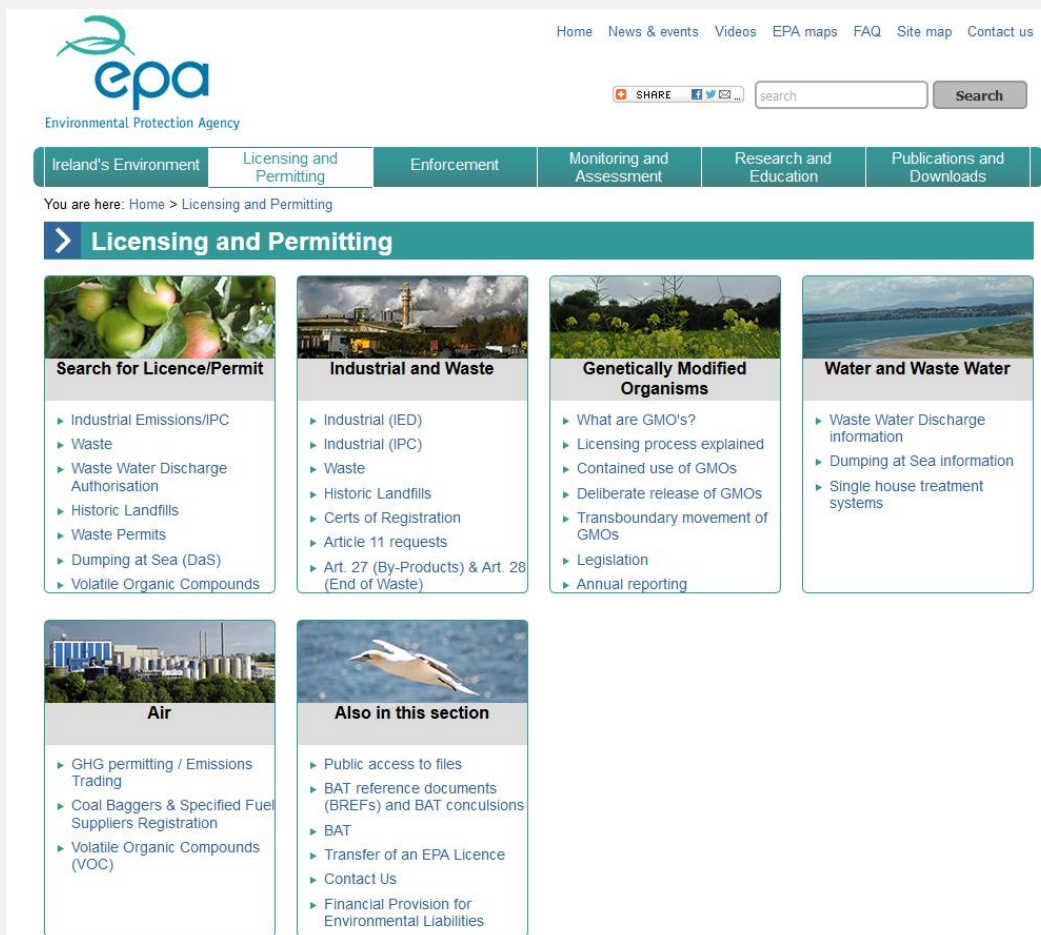
UK

Information for England, Scotland, Wales and Northern Ireland is difficult to locate through national (UK-level) websites, and requires searching at a more local level. This approach to the provision of information clearly would not meet the requirements of the Commission in seeking to establish whether national implementation of the waste planning requirements of Community legislation was adequate.

Some Member States have also made advances in online dissemination of permitting information. The example of Ireland is given in Box 6.24.

Box 6.24 Active dissemination of authorisations and monitoring of installations in Ireland

Ireland's environmental protection agency has invested substantially to improve its licensing information over recent years. Its website now provides (at <http://www.epa.ie/licensing/>) a relatively clear and easily navigable mechanism for citizens to identify relevant permitting information.



The main licensing and permitting page is shown above, and can be reached by clicking on

“Licensing and Permitting” on the EPA’s homepage. Clicking on, for example, “Waste” on the page above takes the user, via a declaration page, to a choice between a number of search criteria. Asking to see, for example, all of the landfills in a County provides a clickable list of licensed landfill sites, with each site page then providing access to relevant documentation.

Similar mechanisms exist for other types of installation permitted under other regulatory mechanisms. The information provided appears to enable citizens to exercise full oversight over relevant environmental permits in their locality; and would also enable initial scrutiny of the enforcement of environmental regulation, for example by the Commission in response to complaints from third parties.

While good examples of the provision of information in relation to specific types of installation exist in other Member States, the Irish system appears to be unusual in both its completeness and its ease of use.

The screenshot shows the EPA website interface. At the top, there is a navigation menu with links for Home, News & events, Videos, EPA maps, FAQ, Site map, and Contact us. Below this is the EPA logo and the text 'Environmental Protection Agency'. A search bar is located on the right side of the header. The main navigation bar includes categories like Ireland's Environment, Licensing and Permitting, Enforcement, Monitoring and Assessment, and Research and Education. The current page is 'Licence Details' for a specific application.

Licence Details

Details of Application

Reg No.	W0017-03 About Licence RSS Feeds
Applicant Name:	Limerick City and County Council
Facility Name:	Gortadroma Landfill Site
Location of Facility:	Gortadroma, Ballyhahill, Co. Limerick, Limerick.
Type of Facility:	Landfill
Main Class of Activity:	3.5
Other Classes of Activity (more)	3.1,3.4,3.6,3.7,3.11,3.13,4.2,4.3,4.4,4.9,4.10,4.11,4.12,4.13,
Application Date:	2/07/2004
Licence Status:	Replaced by Reg No: W0017-04 (IED)
Under Review/Replaced By:	Reg No. W0017-04 (IED)
Latest licence for this facility:	Reg No. W0017-04 (IED)

Decision Details:

Proposed Decision issued date:	26/04/2005
Closing date for objections to Proposed Decision:	23/05/2005
Final Decision issued date:	22/09/2005

Documents

To view electronic documents (if any) for this application, click on the buttons below. These open in a new window. All documents available in electronic format are presented as Adobe Acrobat PDF files. If you have any problems opening or displaying a document in your browser, right-click on the file and save it to your computer.

Licence application documents:

View applicant documents | View EPA documents
View Third Party documents | View Miscellaneous documents

[More information on the licence application process](#)

Licence enforcement documents:

View Licence Enforcement Documents

[More information on licence enforcement](#)

Do you wish to contact the EPA about this licenced facility?

A variety of developments have been made in the dissemination of spatial data in Bulgaria and Poland (Box 6.25).

Box 6.25 Developments in dissemination of spatial data in Bulgaria and Poland

In Bulgaria, some state structures have launched spatial data portals that allow public access to the data they administer, such as the Ministry of Health, Ministry of Defence and the Land Registry. Thematic portals are also in place for water and biodiversity. In addition, authorities participate in multilateral data exchanges projects and initiatives (such as DanubeFloodRisk, DanubeGIS, WISE). Regular newsletters are circulated on various thematic topics such as air quality to support Member States-level dissemination. Nonetheless, the usability of this data by the Commission and EU is generally poor – with information largely available only on request (often for a fee) and strong variations in the quality and accessibility of information available between government authorities.

In Poland, an effective Spatial Data Infrastructure has been established that brings together different administrative units and supports engagement with third parties

such as academic institutions and private companies. Both regional and thematic data portals have been established following several years' training and capacity-building in INSPIRE. The Polish Association for Spatial Information is seen to play an important role in coordinating this process, with some tasks formally delegated to third parties such as the National Heritage Board of Poland. Other important resources include an e-learning platform targeted largely at municipal governments and scientific and technical conferences are held annually. INSPIRE-related datasets are freely available to public authorities and there are ongoing efforts to support co-development of data standards. In general, the usability of this data on the website is thought to be strong, but could be improved further by making data available in English. There is also felt to be a need for greater transparency.

The examples above demonstrate the significant advances in active dissemination in recent years. They indicate that active dissemination of environmental information covers a wide range of environmental data. As well as information on the state of the environment, information on environmental pressures, permitting arrangements, plans and strategies is increasingly accessible online.

The review suggests that this information is currently insufficiently comprehensive or easily accessible to meet the demands of environmental reporting requirements. However, recent rates of development suggest that active dissemination could, in future, provide much of the information currently covered by EU environmental reporting obligations.

One of the limitations of active dissemination with regard to EU environmental monitoring and reporting is that online datasets often vary in their format, the range of data covered, the specification of the data included, the regularity at which data are updated, the quality management processes applied, and the routes used to access them. This diversity significantly reduces the fitness for purpose of many MS online datasets with regard to EU level reporting. The sections on effectiveness and relevance above stressed that data needs to meet a number of conditions with regard to quality, completeness and consistency in order to be fit for EU reporting purposes.

The INSPIRE Directive aims to tackle these issues by promoting the harmonisation of spatial datasets across the EU, though this is an ambitious and challenging goal that will take many years to achieve.

The Commission has introduced Structured Implementation and Information Frameworks (SIIFs) as a means of addressing this challenge. The initiative has been applied successfully in the case of the Urban Wastewater Treatment Directive, demonstrating that online platforms can fulfil EU environmental reporting needs (Box 6.26).

Box 6.26 Structured Implementation and Information Frameworks (SIIFs)

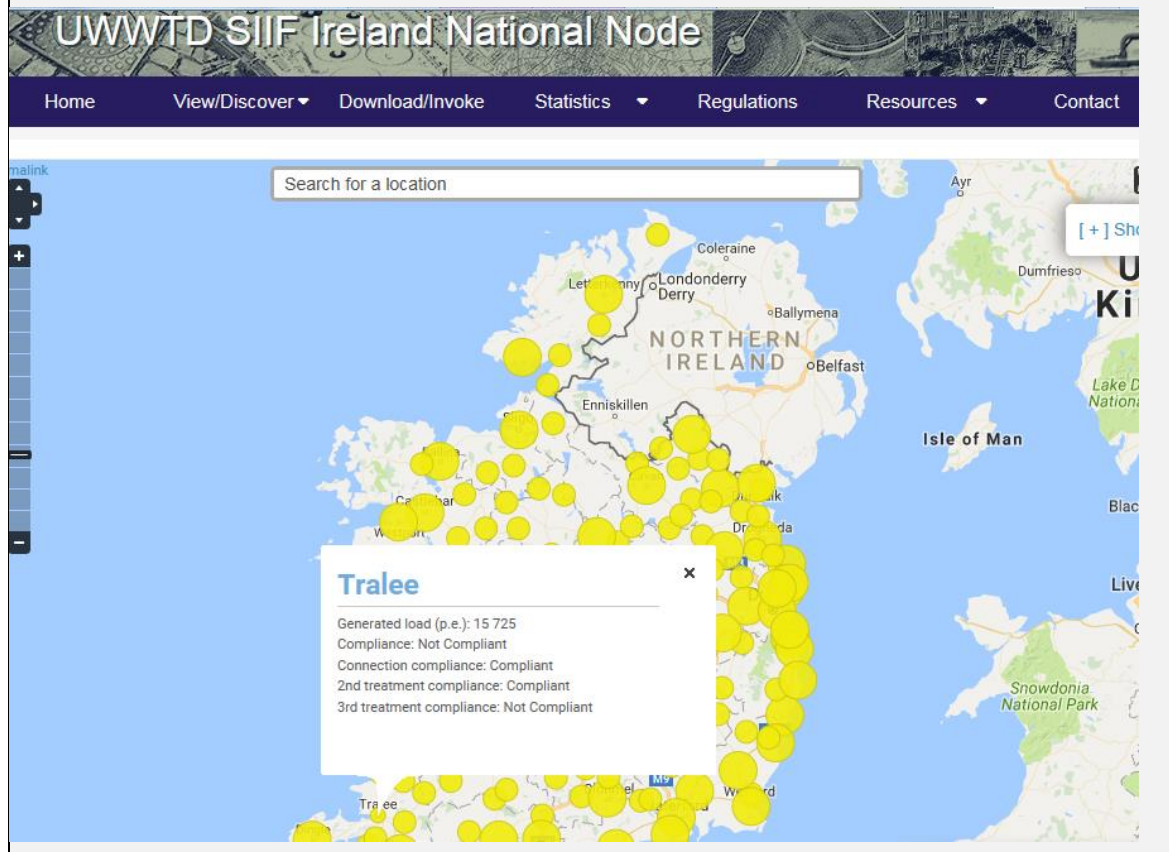
The European Commission has introduced Structured Implementation and Information Frameworks (SIIF) as a means of information management to implement the INSPIRE and public access to environmental information directives. SIIFs aim to guide the development by Member States of consistent and transparent information systems that track implementation of environmental law on the ground and make this information accessible online.

Since 2012, the European Commission has run a pilot programme under the Urban Waste Water Treatment Directive (UWWTD, 91/271/EC) to improve reporting processes and data dissemination towards the public by the development of Structured Implementation and Information Framework (SIIF). It is intended that improved data management will contribute to better implementation of the Directive and reduction of administrative burden, as well as allowing efficient fulfilment of

requirements under the INSPIRE Directive (2007/2/EC) and Directive on public access to environmental information (2003/4/EC).

So far several EU Member States have been involved in the development of national UWWTD SIIF, including the development of improved IT systems and websites on urban waste water data. The Commission is also working with the European Environmental Agency to improve the way to organise and disseminate the information at EU level.

In autumn 2015, the European Commission agreed that the platform could be used for biennial national reporting of UWWTD implementation, under Article 16 of the UWWTD Directive.



Active dissemination is often seen as offering potential to reduce administrative burdens, by reducing the need for reporting at EU level. However, in assessing the potential to reduce burdens it is important to recognise that:

- Substantial investments have been made – and more are required - in the development and maintenance of information systems and online portals, and in the harmonisation of datasets and reporting formats between Member States. Implementation of the INSPIRE Directive has involved substantial investments by the Member States. Active dissemination is therefore not a low cost option;
- To meet the objectives of environmental reporting obligations, a number of conditions need to be satisfied. These include the need to ensure consistency and comparability of the information reported by MS, and to apply quality checks to ensure that data are complete, accurate and error free. As a result, in order to fulfil requirements for environmental reporting, active dissemination needs to adhere to common agreed processes and formats. This suggests that a number of elements in the process of EU reporting (agreement of common formats and definitions, establishment of templates, quality checking of data,

dialogue between EC and MS to resolve anomalies or seek further information, a process that it is already addressed by the INSPIRE legal framework) would be needed. Because most of the time consuming elements of existing reporting obligations would be required, this reduces the scope to reduce administrative burdens.

For these reasons, it is questionable whether active dissemination of environmental information offers great potential to reduce the administrative burdens of reporting. It does, however, offer great opportunities to enhance the benefits of reporting, by:

- Increasing public access to the reported information;
- Enhancing the timeliness of information dissemination, by making data available simultaneously to the public, other stakeholders and the Commission; and
- Potentially reducing the perceived burden of reporting, which becomes a shared exercise in information dissemination, rather than merely an obligation for MS to report at EU level.

Box 6.27 Findings from the INSPIRE Evaluation

The Commission Staff Working document presenting the results of the REFIT of INSPIRE argues that the development of such a European spatial data infrastructure should result, amongst other benefits, in the reduction of administrative burdens and the creation of new business opportunities. The example of Ireland is cited, where investments in connecting the digital infrastructure between authorities reduced the time to prepare a report on industrial installations for the European Union from months to days.

Although this reduction in burdens resulted from the data infrastructure, rather than being related to active dissemination, the latter has generated a wide range of benefits. Businesses are now using such administrative data to provide better services to the public (such as combining predictions on weather and air quality or integrating real-time traffic information in business processes such as updating satellite navigations with road construction sites). Also insurers are increasingly using geographical data to improve profitability by improving their understanding of risks at locations and verifying the content of claims. Moreover, real estate companies are increasingly factoring in environmental information, e.g. when determining house prices (e.g. whether they are situated in a flood risk area) and utility network operators are leveraging spatial data to avoid excavation damage.

Indeed, stakeholders participating in the workshops and public consultation questioned whether active dissemination will significantly reduce the costs of reporting, arguing instead that it will contribute to better access to reported data and better information services.

The greatest potential for cost reduction may lie in better streamlining – for example if online dissemination occurs in a more joined up way and allows data to be used for a range of reporting purposes. Participants in the stakeholder workshop highlighted the potential for development of standardised tools and protocols to support data harvesting in specific areas – for example, WFD River Basin District data, or MSFD harvesting data in line with Regional Seas Conventions.

6.7.4 Conclusions

Active dissemination has considerable potential for replacing traditional reporting obligations to the Commission, with significant co-benefits, helping to enhance public access to the reported information as well as the timeliness of information dissemination.

However, reaching a point at which it could fulfil that purpose could itself involve a considerable investment of administrative (including legislative) effort at EU, member state, and sub-national levels. Because the existing obligations associated with the specification, collection, processing, quality checking and transmission of data would still need to be fulfilled, it is arguable whether active dissemination offers significant potential to reduce administrative burdens. However, the perceived burden of reporting could potentially be reduced, since reporting would be fulfilled through a shared exercise in information dissemination, rather than merely an obligation for MS to report at EU level.

SIIFs offer a promising approach to addressing both the needs of individual pieces of EU legislation, and a structured approach to the use of active dissemination to provide a coherent picture of Member State level implementation.

Issues which would need to be addressed in taking forward such an approach include:

- The overlap between information needed by the Commission and the information for which national website publication has co-benefits in terms of public access to information. Not all of the reasons for reporting obligations in EU legislation (for example, legislator interest in checking whether EU requirements have been implemented correctly; legislator requests for a review of the effectiveness of EU legislation) will generate information of wider public interest. If the information provided is of little or no broader public interest, there may not be a clear rationale for the use of online dissemination as a mechanism to replace or supplement EU reporting obligations.
- The extent to which a focus on EU reporting obligations is compatible with the needs of individual users; if site navigation requirements are distorted to meet the needs currently addressed by reporting obligations, the principal purpose of Member State online dissemination of information may be less effectively achieved.
- The potential need for legislative requirements on Member States to maintain, communicate to the Commission the location of, structure in accordance with EU needs, and keep up to date, the relevant online information.
- The administrative and other costs potentially associated with the legislative and administrative changes required – in particular, with the need to secure agreement on the detail of SIIFs, and (potentially) on a harmonised approach to the structuring of information.
- The potential value of a single European portal providing access to the information disseminated at Member State level.
- A voluntary approach, in which the Commission provides Member States with guidance on the use of active dissemination as a means of meeting reporting obligations, could have some value; although the Commission would need to be confident of sufficient uptake from Member States of such an approach in order to justify the investment of time and resources in designing the necessary structured information frameworks.

7 Coherence of the EU Environmental Monitoring and Reporting System

7.1 Introduction

Coherence is concerned with how well different EU interventions work together, both internally and with other interventions in other policy areas. Analysis of coherence examines evidence of EU interventions working well together (e.g. to achieve common objectives or as complementary actions), as well as examples of tensions (e.g. objectives which are potentially contradictory, or approaches which are causing inefficiencies).

In the case of regulatory monitoring and reporting, analysis of coherence examines how well different reporting obligations work together, and whether there are overlaps, duplications or inconsistencies. It also needs to consider how well reporting obligations relating to environmental legislation work with those in other policy areas (e.g. climate, agriculture) and with international obligations.

There are three specific evaluation questions under this theme. In addition, the separate fiches included in Annex 5 on coherence with other policy areas, and coherence with international reporting obligations contain relevant material on broader coherence issues.

7.2 Is some data reported multiple times, when it could be reported once and then used for multiple purposes?

7.2.1 Introduction

A principle of environmental monitoring and reporting is that overlap between reporting requirements should be minimised. Where the same data is required for more than one piece of legislation, it should be reported only once and then shared between the data managers for those legislative areas. Overlaps can generate unnecessary additional reporting, with attendant administrative burdens, and potentially reduces the credibility of data if there is a lack of consistency in either the content or the presentation of overlapping datasets. For data sharing to be feasible, the data reported must be satisfactory for each item of legislation in terms of its specification, quality and timeliness.

The evaluation question asks whether there are instances when the same data is reported more than once, and if there are, whether the multiple reported instances could be replaced with a single reporting instance. To answer it, it is necessary to assess:

- Whether there are identifiable instances where the same data is reported multiple times under different legislation?
- For such instances, whether it is feasible for this information to be reported only once and then shared between the data managers for each piece of legislation?
- Whether particular actions are necessary to remove/avoid instances of overlapping reporting.

7.2.2 Method and sources of evidence

The main sources of evidence used to address this question were:

- Stakeholder consultation – ranked opinion on importance of avoiding overlap principle;
- Analysis of the inventory;
- Stakeholder view and examples – public consultation and workshops;
- Recent evaluations and REFITs; and
- Internal Commission understanding shared with the research team on links between reporting under the environmental acquis and reporting in other areas of EU policy.

The answer to this question is illustrated with numerous comments and suggestions made by stakeholders, who point to many instances of perceived incoherence and overlapping reporting obligations. Further investigation is needed in each case to assess the issues in more detail and to examine whether change is required.

7.2.3 Evidence and analysis

This section looks first at the evidence in respect of internal coherence of the environmental acquis, and then at coherence of the environmental acquis with other areas of EU policy

Internal coherence of the environmental acquis

Stakeholders responding to the public consultation emphasised the importance of achieving coherence between reporting obligations, rating the principle “collect once and use many times” as the most important principle of environmental monitoring and reporting (Section 2.2.3).

As part of the development of the inventory of reporting obligations, a number of reporting requirements have been identified as presenting some explicit or de facto links with other reporting requirements under other environmental legislations (EU or international). While this does not imply that there are overlaps in reporting, it illustrates areas where these are most likely to occur and whether there may be opportunities to develop common tools and streamline data and reporting processes.

Recent efforts to streamline different items of legislation and avoid overlaps between reporting requirements have been made at EU level, most notably through the REFIT programme.

Other actions such as SEIS (see Box 7.1), INSPIRE, and open data policies more broadly are providing increasing opportunities to share data between organisations. This has the potential to support the removal of existing instances of multiple reporting, and provide an effective and efficient way of ensuring that data already being collected for one purpose is not re-requested for another i.e. it will significantly ease the process of establishing whether information is already being collected and if so, accessing that information. However, such initiatives remain in development. INSPIRE is not due to be fully implemented until 2020, and there remain a number of challenges before full interoperability of data is achieved.

Box 7.1 The role of SEIS in supporting the principle of ‘report once, use many times’

The "Shared Environmental Information System (SEIS)" was established to improve the collection, exchange and use of environmental data and information across Europe. SEIS aims to create an integrated, web-enabled, EU-wide environmental information system by simplifying and modernising existing information systems and processes.

The Water Information System for Europe (WISE) is a prominent example of an initiative taken forward under SEIS. It is an ongoing effort to streamline reporting activities under Directive 2000/60/EC establishing a framework for Community action in the field of water policy and the Floods Directive and the Marine Strategy Framework Directive.

The SEIS Implementation Outlook (EC, 2013) highlighted that national reporting approaches (i.e. the variety of methods used for generating the data and existence of different databases that are not interconnected), still hinder ongoing efforts under SEIS to simplify, streamline and modernise their existing systems and processes, and make them web-enabled. Indeed, data is too often collected based on a single-purpose requirement only while others may have similar needs. This results in public authorities collecting and maintaining their own databases, storing their own environmental information and data at various geographical scales. This often hinders the SEIS principle "collect once and share for many purposes".

The question of perceived or experienced overlaps received much attention from stakeholders during consultations and was illustrated with different examples. Robust

evidence of existing overlaps and inconsistencies related to current monitoring and reporting obligations in EU environmental law were also collected in recent evaluation studies (e.g. E-PRTR REFIT evaluation). Table 10 provides an overview of potential data and information being reported multiple times across different items of legislation.

In seeking to address issues of overlapping/dual reporting, it was suggested that an overarching rather than legislation-specific approach would be necessary, as well as better coherence between the working groups of relevant directives.

Table 10. Evidence of potential overlaps between reporting obligations linked to EU environmental legislation

Areas of overlap or inconsistency	Evidence
<i>E-PRTR and EU water law - Inventory of emissions, discharges and losses of priority substances into water</i>	In relation to EU water law, coherence issues arise between E-PRTR and Directive 2008/105/EC on environmental quality standards (EQSD) according to the E-PRTR REFIT evaluation. This is mostly due to Member States' requirement to produce inventories of emissions, discharges and losses and report on these (under Article 5) using the information collected under the E-PRTR. Despite coherence being an explicit objective of EQSD (see Recital 21), Member States face practical issues as the substances covered by the EQSD are evolving, taking account of new threats, such as endocrine disrupters, and differ from E-PRTR substances. A further difference concerns the timing of reporting (e.g. the E-PRTR is an annual report, while the Priority Substances Directive requires a report on an inventory every six years). However, the E-PRTR REFIT evaluation acknowledges the latter is more a point of difference than a real coherence issue.
<i>E-PRTR and EU water law - Reporting on discharges from WWTPs</i>	The E-PRTR REFIT evaluation highlighted a specific point of incoherence between the Urban Waste Water Treatment Directive (UWWTD) and the E-PRTR. While the E-PRTR requires reporting on discharges from Waste Water Treatment Plants (WWTPs) covered by the UWWTD, the threshold for reporting under E-PRTR is WWTPs with a population equivalent of 100,000 or more. This does not match thresholds for much of the UWWTD (e.g. 150,000 or 10,000 population equivalent for sensitive areas), creating differences in reporting between the directives.
<i>E-PRTR and IED – Industrial point sources and data reported</i>	The public consultation made in the context of the E-PRTR REFIT evaluation viewed the coherence between E-PRTR and IED as generally strong. However, some disagreed and commented that IED has included new activities and some thresholds in Annex I that are not the same as E-PRTR activities. Some also consider that the system of collection of data from installations/activities that are regulated under the IED and E-PRTR is not integrated, complementary or coherent. This often reflects situations in particular Member States, such as Germany, where reporting obligations stemming from the IED often use the same data as from E-PRTR, but require different formulas to compute the requested figures according to a representative of the German Federal Environment Agency interviewed. It was suggested that BREF process should specifically address the pollutants that are covered by E-PRTR in terms of the emissions and monitoring requirements so as to provide more accurate release data.

Areas of overlap or inconsistency	Evidence
	<p>Feedback from the targeted consultation conducted in the context of the E-PRTR REFIT evaluation highlighted the following coherence issues: i) The activity list needs to be harmonized with IED, for example intensive animal rearing; ii) There is a lack of harmonised methodology regarding calculation of pollutants and this leads to different approaches and hence different results; iii) The data are only a subset of the overall emissions 'footprint' for industrial activities due to the thresholds applied and it can be difficult to interpret the significance of yearly variations as facilities can move above and below the thresholds.</p>
<p><i>Habitats Directive and Marine Strategy Framework Directive – Reporting on geographical scope, species and effort distribution</i></p>	<p>According to the Spanish Ministry of Agriculture, Food and Environment, the need to submit reports under the Habitats Directive (Article 17) and the Marine Strategy Framework Directive (MSFD) (reports for marine species) creates inconsistencies in the geographical scope (management units vs. bioregions), in the species (targeted species vs. all marine species of the Habitat Directive), and in the effort distribution (in terms of monitoring programmes).</p>
<p>Nature Directives, MSFD and WFD - pressures</p>	<p>Feedback (EEA, France) identifies that common 'pressures' are reported under these directives, and that there is sufficient overlap that harmonisation of reporting on pressures would be beneficial.</p>
<p><i>UWWTD and WFD – The notion of "sensitive areas"</i></p>	<p>Responses from the EEA and the Spanish Ministry of Agriculture, Food and Environment identify differences in "sensitive areas" under the Urban Waste Water Treatment Directive (UWWTD) and the Water Framework Directive (WFD) and reporting at different spatial scales.</p>
<p><i>Birds Directive and AEWA – Different overlapping fields</i></p>	<p>According to the Spanish Ministry of Agriculture, Food and Environment, the report for the Birds Directive and the report for African-Eurasian Waterbird Agreement (AEWA) have various overlapping fields. Examples include reporting on latest population estimate for the breeding and the wintering population which requires data such as year, population unit, minimum and maximum population size, and population data quality. The direction and quality of population trend for the breeding and wintering population also have to be reported twice under both requirements.</p>
<p><i>Directive on persistent organic pollutants and Directive on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury – Data on life cycle of chemicals</i></p>	<p>According to the Spanish Ministry of Agriculture, Food and Environment, the data to be reported under the legislation covering the entire life cycle of chemicals (e.g. Regulation 850/2004/EC on Persistent Organic Pollutants and Regulation 1102/2008/EC on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury) are often also reported under other legal obligations linked to specific sector activities, such as production and trade, use in goods and/or products, industrial emissions, waste, contaminated sites/soils.</p>

Areas of overlap or inconsistency	Evidence
Directive 86/278/EEC - information on sewage sludge used in agriculture	The Spanish Ministry of Agriculture, Food and Environment reported that data is collected separately on a biennial and triennial basis. The stakeholder suggested that the use of separate questionnaires result in different sources of information being used. Integration into a single questionnaire may improve accuracy of the statistics.
<i>Food law and Marine law</i> – Concentration of contaminants in seafood	The Spanish Ministry of Agriculture, Food and Environment also highlighted that reporting requirements under Regulation 1881/2006 setting maximum levels for certain contaminants in foodstuffs and the Marine Strategy Framework Directive (MSFD) result in similar data (i.e. concentration of contaminants in seafood) being submitted by Member States.
<i>EU Air and climate policy</i> – Atmospheric emissions inventories	Many stakeholders have called for a deeper harmonisation of individual inventories (e.g. NECD inventory, LRTAP inventory, etc.) used for reporting on air/emission levels and climate under LRTAP, LCPD, E-PRTR, ETS and UNFCCC. While there are many similarities between monitoring and reporting for air and climate, fostering synergies between both areas seems, apart from institutional difficulties, a logical step to merge these reports into one “air emissions related” report. Concrete suggestions such as dividing reporting requirements on facility data (e.g. covering IED, E-PRTR, ETS, UWWTP-D, LPS and LCP) and on national data (e.g. EU-MM, NECD, LRTAP, ODS, F- gas D) have been made by Member States such as the Netherlands. This should also encourage harmonised reporting timing and harmonised formats and categorisations.

Coherence of environmental legislation with other EU policy areas

More detailed analysis of the interaction of environmental and other monitoring and reporting systems in other areas of EU policy is set out in the fiche on the issue included in Annex 5. We summarise here the main points identified in relation to each of the areas considered.

Climate policy

The key area of potential overlap identified is the requirement for emissions inventories under the Greenhouse Gas Monitoring Mechanism Regulation (MMR), and air quality legislation including the National Emissions Ceiling Directive (NEC). There are also potential overlaps between the gathering of installation-level information under the European Emissions Trading System, the E-PRTR, and the Industrial Emissions Directive. Our initial assessment is that there is a good understanding by technical experts responsible for inventories in the different Member States of the overlap between the two reporting systems, although there may be scope for some additional improvement in respect of a harmonised reporting cycle.

There are overlaps for certain substances reported under the MMR and NEC (CO, SO₂, NO_x, VOC), coherence between the MMR and NEC has improved. The Commission proposal for a Regulation on the Governance of the Energy Union (adopted on 30 November 2016) recognised the overlap and established a requirement to report on the consistency of the information and the checks conducted (it is apparent that there are sometimes discrepancies in the information reported), and established a requirement that MS' existing GHG inventory national systems are amended to allow access to data resulting from other reporting instruments. The timing of reporting

(amended under the new NEC¹⁶¹) and templates used are aligned to the extent feasible, given that both the MMR and NEC are also linked to MEA reporting requirements. The degree of incoherence does not appear to present significant additional data collection burdens; although may present some issues regarding data comparability and use. However, further analysis of the scope for and possible benefits of streamlining would appear valuable, both in relation to data on pollutants and to information on policies and measures.

Overlaps in substances reported on for the ETS and E-PRTR are well known (CO₂, N₂O, PFCs, CH₄, HFCs, SF₆). Some stakeholders (notably Spain and through the E-PRTR REFIT), identified that discrepancies in the specification of data reported under each can make comparison and validation work more complex. Further work to harmonise, and to better understand the links between, ETS legislation and the IED and E-PRTR could be valuable.

Agriculture

There is little formal overlap between the relevant reporting obligations under the CAP and under environmental legislation (except in the case of the voluntary codes of good agricultural practice under the Nitrates Directive, and good agricultural condition and other requirements of the CAP). However, in some cases (for example, greening payments, or agri-environment and climate agreements), they are clearly aimed at similar outcomes. There may be scope for more systematic use of the CAP data retained by paying agencies to enable bodies responsible for implementing birds and nature legislation to better understand the likely impacts of regulatory and public expenditure mechanisms.

Statistics

While in principle there is a good level of coherence, with waste statistics reporting focused on assessing waste volumes and waste management routes, significant concerns have been reported over the course of the project in respect of discrepancies in the information collected, in particular on the definitions used for hazardous waste. Further assessment of the scope for alignment of definitions would therefore be valuable.

The Environmental Economic Accounts Regulation appears to give rise to little concern among stakeholders about conflicting requirements, although there is significant overlap between its requirements and the requirements of the reporting obligations under the environmental acquis.

Fisheries

Our initial assessment suggests there is little conflict between reporting under the Common Fisheries Policy (CFP) and reporting under the environmental acquis. However, there may be scope for better use of CFP data by Member States in their reporting under environmental legislation.

Sustainable Development Goals

The Commission has made clear¹⁶² that it intends to use the UN Sustainable Development Goals (SDGs) adopted in 2015 as a key element in the European policy framework. It is therefore important in the assessment of the potential future coherence of environmental policy monitoring and reporting obligations to understand how well they meet with the requirements of the SDGs and the 230 indicators of progress towards achieving the SDGs. Environmental policy contributions are indicated in Table 11.

¹⁶¹ now adopted by Council and Parliament, and due to enter into force on 31 December 2016.

¹⁶² See COM (2016) 739 final "Next steps for a sustainable European future: European action for sustainability"

Table 11. Relevance of environmental monitoring and reporting data to SDGs

SDG	Linked Environment policy	Relevance of data
SDG 6: Sustainable water for all	Water legislation	Generally good coverage, some gaps (including identification of population exposure)
SDG 9: Resilient infrastructure	SEA Directive, Environmental Impact Assessment Directive	Limited coverage of SDG requirements, although an important contributor to good policy design
SDG 12: Sustainable consumption and production	Waste legislation (and current circular economy proposals)	Combination of waste legislation and Eurostat provides good coverage, with only minor gaps
SDG 14: Conserve oceans and marine resources	Water Framework Directive and Marine Strategy Framework Directive	Generally good coverage
SDG 15: Protect terrestrial ecosystems, and manage forests sustainably	Nature legislation, and legislation on timber imports (FLEGT, etc)	Some good coverage, in combination with CORINE data, etc
SDG 16: Inclusive societies for sustainable development, access to justice	Access to Environmental Information Directive; Public Participation Directive; Access to Justice Regulation	Limited reporting under the relevant environmental legislation.
SDG 16: Inclusive societies for sustainable development, access to justice	Access to Environmental Information Directive; Public Participation Directive; Access to Justice Regulation	Limited reporting under the relevant environmental legislation.

7.2.4 Conclusions

Internal Coherence

There are a range of overlaps between different reporting requirements associated with the EU environmental law, and numerous examples are cited by stakeholders of data being reported on multiple occasions for different uses, often using rather different definitions and specifications.

Examples of incoherencies emerge from the interactions between the E-PRTR and other EU legislation such as the IED (particularly Annex I definitions and for LCP inventories), EU waste and water law, and INSPIRE. A lack of comparability in the information provided by the Member States, due not only to the variety of methods used for generating the data, but also to an evident lack of consistency in the reported information, suggests that further efforts are needed to harmonise reporting requirements.

Specific attention also needs to be paid to the technical detail of the legislation on waste statistics, to ensure that it matches as far as possible the definitions in waste legislation; and to ensure that the potential for streamlining of the inventory requirements in the NEC and in climate change legislation respectively, is identified and taken forward at the next opportunity for revision of the respective legislation (or, where possible, through changes to implementing acts).

There are ongoing initiatives (e.g. SEIS, INSPIRE) providing avenues for streamlining reporting requirements, standardising definitions, codes and nomenclatures which will support efforts to reduce and avoid multiple reporting. This, however, seems to create significant challenges because of the complicated nature of the INSPIRE data model and the wide range of often conflicting definitions and data specifications to be addressed. Therefore, the need for harmonisation of specific legislative requirements as well as a more overarching approach to the harmonisation of environmental data seems to be needed.

Coherence with other areas of EU policy

Broadly, there are limited areas of incoherence between the environmental acquis and other areas of policy, although examples of incoherencies emerge from the interactions between the E-PRTR and IED on one side, and the ETS Directive (reporting on facility data) on the other side. . Specific attention needs to be paid (i) to the technical detail of the legislation on waste statistics, to ensure that it matches as far as possible the definitions in waste legislation; and (ii) to ensuring that the potential for streamlining of the inventory requirements in the NEC and in climate change legislation respectively, is identified and taken forward at the next opportunity for revision of the respective legislation (or, where possible, through changes to implementing acts).

7.3 Is data reported (including to other parts of the Commission) but then full use not made of it?

7.3.1 Introduction

The more use that can be drawn out of any given dataset, the greater its beneficial value in comparison to the costs of its provision. The evaluation question asks whether there are opportunities to extract more value from the data that is reported by using it for additional purposes beyond its original legislative need. This includes whether information reported under legislation in other policy areas can be used to improve the information available for monitoring and reporting against environmental legislation.

7.3.2 Method and sources of evidence

The main sources of evidence to address this question include:

- Analysis of the inventory;
- Stakeholder views and examples – public consultation and workshops; and
- Internal Commission understanding shared with the research team on links between reporting under the environmental acquis and reporting in other areas of EU policy.

7.3.3 Evidence and analysis

There exist numerous instances of information being reported once at EU level and then used multiple times. This includes both instances where the multiple uses concern EU policy areas, and where multiple uses are also relevant to international reporting required by multilateral environmental agreements to which the EU and its Member States are parties.

An illustration of this principle is provided by the data reported initially under the air emission annual data reporting obligations (CLRTAP/EMEP) which are re-used by EEA to support the production of its regular assessment products and services (e.g. State and Outlook of the Environment Report (SOER), Annual air quality report, annual EU Convention on Long-range Transboundary Air Pollution emission inventory report). The same data are also used by Eurostat and DG ENV for computing emissions, agro-

environmental and other indicators and for official (international) reporting under UNECE.

Another example is the information on Natura 2000 sites (Special Protection Areas, Birds Directive) and (Sites of Community Importance/Special Areas of Conservation, Habitats Directive) which are used by EEA for its SOER, State of Nature reports, Natura 2000 Barometer and viewer, and the European Nature Information System (EUNIS). This information is also used for DG AGRI's yearly statistical and economic information reports and by international organisations such as the Convention on Biological Diversity (CBD) and UNEP World Conservation Monitoring Centre (WCMC) for its World Database on Protected Areas (WDPA).

An analysis of the data flow mapping of EEA's Central Data Repository (CDR) – showing all current and agreed future regular data flows reported by countries or companies through EIONET Central Data Repository (CDR) and/or Business Data Repository (BDR) – finds that 22 out of 74 data flows reported by countries and companies through EIONET CDR and/or BDR are used by other EU partners (e.g. ESTAT, JRC). Only 7 out of 74 data flows reported by countries and companies through EIONET CDR and/or BDR are used by other international organisations (e.g. WHO, OECD, IEA, FAO). The analysis of the data flow mapping of EEA's Central Data Repository (CDR) suggests that while some data is shared across EU and international organisations, other data flows might remain relevant for only a single purpose.

While evidence of data being used multiple times seems to exist, it is difficult to discern instances of data being reported to one organisation or part of an organisation, but then it not be fully used by others.

However, there was very little specific evidence generated on this issue from the research tools deployed in this evaluation. The sole example identified was that of Vessel Monitoring Systems (VMS) data held by International Council for the Exploration of the Sea (ICES). The EEA is unable to access the data and hence relies on analysis produced by ICES; however this does not cover all of the EU marine sub-regions.

Our analysis of related policy areas identified some cases where there was a prima facie possibility that full use of the available data sources was not being made.

For example, agricultural legislation requires a wealth of information to be maintained by paying agencies (and made available for audit) through the Land Parcel Identification System (LPIS) on both the specific characteristics of agricultural land and the detailed practices adopted at farm level, but has relatively limited requirements for the transmission of that data to EU level. Lack of transmission is in part due to the volumes and complexity of the data that would be involved. This barrier to transmission is an example of an issue that may be surmountable through alternative reporting approaches, such as data harvesting. While limited formal overlaps between reporting obligations seem to exist, it seems likely that there is scope for significantly greater use, at Member State and regional level, of the data available from paying agencies to inform national and regional policy-making on the extent to which the objectives of various elements of European environmental policy are being delivered (water quality, particularly nitrates pollution; biodiversity impacts; emissions to air, particularly ammonia). Greater use of agricultural data could help EEA's understanding of the various pressures on land and support its comprehensive reports on the state of, trends in and prospects for the environment across all 39 member countries and cooperating countries of the EEA.

7.3.4 Conclusions

While there exists little evidence of data being reported but then full use not made of it at EU level, the principal opportunity appears to be in maximising the potential for use of the information generated by other areas of EU legislation in contributing to the understanding of issues covered by environmental legislation. In some cases, notably

in relation to data from CAP instruments (and data from the CFP reporting requirements), there is potential for it to develop in future in ways which provide harvestable data to a consistent format, with the potential for either improving the quality of information available under the environmental acquis and making it available to support EEA's comprehensive reports on the state of, trends in and prospects for the environment.

7.4 Is there coherence between reporting to the EU level and to other international levels?

7.4.1 Introduction

Both EU legislation and international agreements place reporting obligations on EU Member States. In such instances, a lack of coherence between related EU and international obligations may unnecessarily increase the costs of reporting, or may diminish the value of the datasets.

Incoherence may occur due to overlaps, duplications or inconsistencies in terms of the reported data (e.g. the indicators, their methodologies and structure) or the reporting processes (e.g. reporting tools, formats and timing).

The evaluation question asks whether there are instances of related reporting obligations occurring under EU and international legislation and if so, whether they are coherent with each other. To answer it, it is necessary to assess:

- Whether there are instances of reporting obligations stemming from both EU and related international legislation; and
- For such instances, to test their coherence in terms of the data, its structure and the reporting process (e.g. format, timing).

7.4.2 Method and sources of evidence

The main sources of evidence to address this question include:

- Inventory of reporting obligations;
- Stakeholder views and examples – public consultation and workshops; and
- Review of documents e.g. evaluations / REFITs.

While overlaps between EU and international reporting obligations can be mapped in a structured way, assessment of the extent to which these give rise to issues of coherence has relied to a large extent on the views expressed by stakeholders. The examples given would benefit from further analysis to assess the extent to which they give cause for concern.

7.4.3 Evidence and analysis

Analysis presented in Section 6 of Annex 5 identified a number of multilateral environmental agreements (MEAs) with overlaps with EU environmental legislation. In some instances there is coherence between the reporting requirements of the EU legislation and those of the MEAs. For example:

- Shipments of Waste Regulation (EC No 1013/2006). The Regulation establishes a system for the supervision and control of shipments of waste within EU borders and with the EFTA, OECD and third countries which are party to the Basel Convention. The Basel Convention is a global environmental treaty which regulates the transboundary movements of hazardous wastes and provides obligations to Parties to ensure that such wastes are managed and disposed of in an environmentally sound manner. Parties to the Basel Convention are required to transmit to the Secretariat, at the end of each calendar year, their respective national reports pursuant to Article 13, paragraph 3. Regulation

2013/2006 mirrors this, requiring Member States to forward to the EC a copy of the report submitted to the Basel Convention. Further EU reporting obligations are then imposed on top of this. These include annual reports, providing further information deemed necessary by the EU institutions, a three-yearly implementation report as well as ad-hoc/one-off reports (e.g. on institutional arrangements). The timing of regular reports is aligned with that of reporting to the Basel Convention (end of the calendar year).

- E-PRTR Regulation (EC No 166/2006). The regulation establishes a European system based on the UNECE Protocol on Pollutant Release and Transfer Registers. The Protocol sets minimum requirements, which means that Parties are free to include additional pollutants and facilities, and the Parties to the Protocol are required to work towards convergence between PRTR systems. This regulation expands the number of substances concerned by adding 5 substances, deemed relevant for EU Member States, to the 86 listed in the Protocol and determines common Protocol implementation approaches, enforcement provisions and guidance, to promote consistency of data across the EU. The Regulation therefore places additional reporting obligations on operators of facilities with regard to the 5 additional substances, but these apply to a limited number of facilities across the EU. It places an obligation on Member States to report to the Commission every three years a report covering aspects of implementation as well as data provided in accordance to Article 7 (i.e. from the annual reporting of facilities for the E-PRTR).

Commission reviews of legislation have sought to identify and remove instances of incoherence between EU and international reporting obligations. For example:

- The National Emission Ceilings (NEC) Directive (2001/81/EC) relates to the 1999 Gothenburg Protocol and the 1979 Convention on Long-range Transboundary Air Pollution (CLRTAP). All pollutants from the Directive are also reported under CLRTAP and the Gothenburg Protocol (the Gothenburg Protocol came into force after this directive but during the time of its implementation – in 2005). The reporting obligations for the Directive were harmonised circa 2008 to improve coherence. A revised directive to replace Directive 2001/81/EC in order to “address the highly significant remaining health risks and environmental impacts posed by air pollution in the Union, and to align Union law with new international commitments following a revision of the Gothenburg Protocol in 2012” has now been adopted by Council and Parliament, and enters into force on 31 December 2016. While the reporting obligations are changed, there will be no additional reporting beyond that already required under international obligations.
- Nature Directives: the reporting of derogations under the two directives and the Bern Convention has been streamlined.

While efforts can be made to ensure that the information and associated analyses and data formats are coherent, it is not always feasible to establish reporting under a single system i.e. the information, while consistent, needs to be reported twice to the two different requesting entities. This can be considered as an incoherence; although one which may have limited administrative cost associated with it. For example, under the Shipments of Waste Regulation (see above), the information submitted to the Basel Convention secretariat has to be resubmitted to the Commission, but this amounts to simply a re-transmission of the already submitted reported. Similarly, even where there is coherence between EU and international reporting obligations, there may be a need for additional reporting to the Commission such as on implementation where this is not required under international obligations, as is the case under the E-PRTR Regulation.

A number of areas of potential incoherence were identified by stakeholders in response to the consultation and workshops relating to this study and the Make it Work initiative (see Box 7.2).

The Water Framework Directive is identified multiple times by stakeholders, with seemingly contrasting views expressed. This demonstrates that, particularly for large complex areas of legislation such as the WFD, which has links to a wide variety of potential sources of pollution, and a wide range of consequent or linked environmental impacts, establishing an understanding of coherence and whether there are justifications for those incoherencies or opportunities to improve coherence, may not be straightforward.

Box 7.2 Examples identified by stakeholders of coherence and incoherence with international obligations

Examples of coherence cited by stakeholders:

- WFD - monitoring sites are used for OSPAR and MSFD (on going) (Source: France national authorities)
- UWWTD - MS reporting informs reporting to the OECD (Source: France national authorities)
- The Prior Informed Consent Regulation (PIC, Regulation (EU) 649/2012) - is consistent with the Rotterdam Convention (Source: Feedback from Spain national authorities)
- Examples of incoherence cited by stakeholders:
- Birds Directive - there is much overlap with reporting for the conventions: Convention on Migratory Species (UNEP), Agreement on the Conservation of African-Eurasian Migratory Waterbirds, Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention; Council of Europe). The requirements differ in frequencies, reporting on longer term and/or short-term trends, geographical borders (EU, Europe or Eurasia). Reporting for the CBD is at a more general level. (Source: MiW Thematic Sessions – Nature)
- WFD/MSFD – for reporting of contaminants data in the sea (water, biota and sediment), the format of data, methodology of assessment, and matrix to be assessed differ under WFD, MSFD and the Regional Sea Conventions (RSCs). This makes it almost impossible to have only one monitoring / data processing system to fulfil the reporting processes (Source: feedback from Spain national authorities).

7.4.4 Conclusions

There are a number of linkages between EU environmental legislation and multi-lateral agreements, and the reporting obligations associated with each. There are examples of both coherence and incoherence between these obligations.

Examples of coherence occur even in cases where the EU legislation has additional requirements beyond those of the multi-lateral agreement, and hence imposes additional reporting obligations, provided that there is no inconsistency between the two sets of requirements, that there is a clear policy justification for the additional reporting required, and provided the submission of information is streamlined and coordinated as far as possible,

The Commission's evaluation and REFIT programme has been successful in identifying and resolving several cases of incoherence. However, there appear to remain some areas of incoherence, with incoherence across a range of aspects from timing, indicators, assessment methods and formats, which could usefully be addressed in further reviews.

8 EU added value of the EU Environmental Monitoring and Reporting arrangements

8.1 Introduction

Analysis of EU added value examines the extent to which the benefits from EU interventions are additional to those which would have resulted from interventions initiated at regional or national levels by both public authorities and the private sector. It typically involves a critical examination of the arguments for intervention at EU level, as well as an examination of changes which are due to EU intervention, rather than other factors. Evaluation of EU added value brings together the findings of the other criteria, presenting the arguments on causality and drawing conclusions, based on the evidence to hand, about the performance of the EU intervention and whether it is still justified. Typically, the likely consequences of a hypothetical counterfactual scenario – involving the removal of EU level intervention – are also considered.

In the case of monitoring and reporting, assessment of EU added value is concerned with the benefits that are derived from EU wide reporting obligations, as compared to an alternative system in which reporting took place only within the Member States (and internationally).

There are two evaluation questions under this theme.

8.2 What is the additional value resulting from reporting to the EU intervention(s), compared to what could be achieved by Member States at national and/or regional levels?

8.2.1 Introduction

The additional value resulting from reporting at EU level can be examined:

- In theoretical terms – critically examining the rationale for action at EU level; and
- In terms of the results achieved, examining whether these results could have been achieved by action at national or regional level alone.

Both of these elements are important – understanding the rationale for EU level intervention helps to inform the analysis and provide a theoretical reference point for assessing what has been achieved in practice. Examining the actual benefits delivered enables us to assess whether the anticipated EU added value has actually been achieved.

8.2.2 Method and sources of evidence

Examination of EU added value needs to build on the findings of the rest of the evaluation, particularly relating to the benefits of monitoring and reporting, and then to add an additional layer of analysis to examine these from an EU added value perspective. The assessment needs to be set in the context of an understanding of the rationale for intervention at EU level.

The sources of evidence therefore include:

- EU literature on EU added value – to review the criteria used to test EU added value;
- Policy documents and legislation on EU environmental monitoring and reporting, to examine the objectives of monitoring and reporting and the rationale for EU level action;
- Details of purpose and benefits of reporting (inventory and fiches) with respect to EU added value criteria;

- Evidence of the benefits of monitoring and reporting at EU level, from the questions on effectiveness and efficiency above;
- Stakeholder views – from the public consultation and workshops; and
- Analysis of the above – to critically examine whether the purpose and benefits could have been achieved without EU level action.

8.2.3 Evidence and analysis

Environmental monitoring and reporting obligations, like all requirements linked to EU legislation, should be subject to the principle of subsidiarity, which is fundamental to the functioning of the European Union¹⁶³. In this regard, there is a need to demonstrate a clear case for reporting at the EU level, compared to reporting at the local or national levels only.

The added value of EU policy interventions is normally assessed with reference to particular criteria, such as the delivery of EU public goods, the need to address trans-boundary issues, the added benefits through co-operation and economies of scale that can be achieved through EU level action, and/or the need to act at European level in order to achieve co-ordination or coherence with other EU policies¹⁶⁴. The Better Regulation Guidelines state that EU added value may result from different factors, including co-ordination gains, improved legal certainty, greater effectiveness or complementarity.

In the case of monitoring and reporting, there is a strong rationale for EU level intervention, given that a primary objective is to inform the implementation and development of EU environmental law. This clearly requires information to be available at EU level on the state of implementation of the environmental acquis, and on whether EU legal obligations are being met. EU level activity is therefore central to addressing the objective that monitoring and reporting should allow for an assessment of whether EU legal obligations are being met.

However, there are also potentially elements of EU added value in each of the main objectives of the EU environmental monitoring and reporting system (Table 12). Responses to the public consultation indicate that each of these objectives is widely endorsed by stakeholders.

Table 12. EU added value dimension of objectives of environmental monitoring and reporting

Objective	EU added value dimension
A. Demonstrate compliance with a legal obligation.	Requires collection of consistent information at EU level on implementation and compliance across the 28 EU MS
B. Determine if the objectives of legislation are being achieved effectively and efficiently, including, where appropriate, ensuring a level playing field of the internal market.	Consistent information at EU level is needed to inform assessment under the EU Better Regulation agenda. EU level reporting can help to inform action to maintain a level playing field.
C. Inform the other EU institutions as well as the public and stakeholders at EU level on the progress of	EU level overview gives comparable information on the state of the environment in MS, and assessment of MS progress in taking actions required by EU law. EU level information allows

¹⁶³ <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:ai0017&from=EN>

¹⁶⁴ See, for example, Medarova-Bergstrom, K., Volkery, A. and Baldock, D. (2012) Criteria for maximising the European added value of EU budget: the case of climate change, IEEP, Brussels http://www.ieep.eu/assets/888/IEEP_-_EU_value_added_and_climate_change_March_2012.pdf

Objective	EU added value dimension
implementation and the identification of gaps.	citizens to compare environmental information with other MS. EU level overview helps to add an additional level of independent scrutiny.
D. Help inform the understanding of an environmental issue and so help to improve decision making, e.g. policy evaluations or impact assessments.	Consistent information is needed to inform understanding of policy issues at EU level, and to inform policy evaluations and impact assessments.
E. Identify and spread good practices amongst Member States.	Reporting at EU level helps MS to learn from each other about best practices in implementation. Co-ordination at EU level helps to promote experience sharing and adoption of effective and efficient reporting systems and practices.

These different dimensions of EU added value present a strong case for intervention at EU level with regard to environmental monitoring and reporting. In order to review the implementation and effectiveness of EU environmental legislation, it needs to be possible to compile consistent and comparable evidence at the EU level. This helps highlight some of the common and distinct challenges inherent in implementation, and the overall and relative effectiveness of EU legislation, across different regions, Member States and localities. The Commission itself needs regular and consistent information on how successfully EU laws are being implemented across the EU, in order to be able to confirm whether implementation is satisfactory, at various specific locations. This can also be crucial in supporting enforcement.

While they depend on a certain degree of EU level action, these objectives could potentially be met – at least to a certain extent - by alternative systems involving a greater degree of active dissemination by the Member States and data harvesting at EU level. However, as sections 4 (relevance of the current reporting system compared to alternative methods such as data harvesting) and 6 (potential for reduced administrative burdens through active dissemination) make clear, achieving the EU level objectives of the monitoring and reporting system is dependent on action at EU level to agree definitions and data formats, quality check data, and promote the consistency, accessibility and timely availability of the relevant data.

This suggests that – however the overall system of monitoring and reporting develops in the future - there is clear added value in EU level intervention in pursuit of the specified objectives.

The added value of EU level reporting with respect to the comparability of data between Member States was emphasised in the recent evaluation to support the REFIT of the E-PRTR Regulation.

Box 8.1 EU Added Value of E-PRTR

The recent evaluation to support the REFIT of the E-PRTR examined the added value of having an EU level Register, as compared to registers at MS level only.

The analysis found that, though the EU added value was sometimes limited by the lack of additional information or completeness of data, the E-PRTR adds value above that of the implementation of the Protocol by the Member States alone. The E-PRTR is valued by users for improving transparency of industrial activities. The Register promotes comparability of data published by Member States and enables comparing industrial emissions across the EU. These added values are recognised by all categories of stakeholders in the various consultation processes of the REFIT analysis.

Another area where the added value of EU level reporting is clear is for transboundary issues, which are relevant for many of Europe's environmental challenges. One respondent to the public consultation argued that as many of the problems legislation seeks to address are transboundary, there are clear benefits in EU level action to ensure that data reported are cross-comparable.

Discussions at the stakeholder workshops presented mixed views of the EU added value of environmental monitoring and reporting. While the EU added value of action to inform the implementation of EU environmental legislation was widely accepted, some participants expressed the view that the objective of informing the public could be met by action at MS level (Box 8.2).

Box 8.2 Views on EU Added Value presented at the stakeholder workshops

A number of participants in the April 2016 stakeholder workshop were keen to stress the importance of monitoring and the benefits of data generated both in terms of demonstrating compliance with EU legislation, and highlighting issues and learning points in the implementation of this legislation within national regulatory frameworks.

Discussion on EU added value at the September 2016 workshop in Barcelona included the following points:

- A number of participants noted the importance of having comparable data on EU Member States in order to indicate a 'level playing field'.
- It was argued that, since reporting relates to EU legislation, EU added value is clear and a proportionate approach is needed to the assessment.
- It was suggested that making information publicly available on the internet could be a substitute for reporting in many cases.
- Some stakeholders questioned whether EU level data is useful to citizens and whether this information might be better provided by MS, within a national context. For example, bathing water quality could be usefully presented with other local level information relevant for potential visitors to water bodies. Reporting to the EU could be reduced, and better links made to national websites where data is available.
- It was recognised that investment is required to set up robust data harvesting approaches as an alternative to EU level reporting. Constantly changing reporting needs can prevent investment occurring. Text information cannot be so readily harvested and hence is less amenable to data harvesting.

Source: Report of stakeholder workshops (Annex 6)

The nature and extent of EU added value may vary according to the context. In particular, the history of environmental regulation varies between Member States and this may influence the impact that EU law has on reporting practices (Box 8.3).

Box 8.3 EU Added Value with respect to WEEE and Packaging/ Packaging Waste

In some MS (e.g. Germany, Austria, etc.) where WEEE and PPW reporting had been adopted prior to EU legislation, the impact of EU law has probably been relatively limited. Those MS tend to view EU reporting as an instrument to provide information for planning and strategy (stakeholder consultation). On the other hand, MS such as Bulgaria, Romania and Croatia have been more significantly impacted by EU rules. For example, the reporting process in those MS is seen as assuring the implementation of national targets (and company targets) and exercising control over proper implementation of requirements set by the Directives (stakeholder consultation).

8.2.4 Conclusions

The analysis indicates that EU level reporting delivers clear benefits that could not be achieved through reporting at MS level alone. In particular, meeting the objectives of allowing for an assessment of whether EU legal obligations are being met, and indicating how well the legislation is working at EU level, is dependent on action at EU level to ensure that consistent, timely and quality checked data are provided.

The objectives of informing stakeholders and the public about the state of the environment and actions to improve it could be achieved to a large extent by action at MS level, though there is some added value in providing stakeholders and the public with access to environmental information which is consistent and comparable across EU Member States.

While the added value of intervention at EU level is clear, the sections on relevance and efficiency indicate that addressing the objectives of reporting is not necessarily dependent on the EU monitoring and reporting arrangements in their current form. Alternative approaches involving active dissemination and data harvesting could play an increasing role in future, providing that co-ordinating actions are undertaken at EU level to ensure that the data provided is fit for purpose, and therefore continues to provide this EU added value.

8.3 What would be the most likely consequences of stopping or repealing the existing EU reporting requirements and replacing them by increased transparency and active dissemination?

8.3.1 Introduction

The question seeks to assess the likely consequences of replacing EU level environmental monitoring and reporting with alternative arrangements which involve Member States making the relevant information publicly available.

“Transparency” is taken here to mean that the information reported is not only made visible to stakeholders and the public, but is also accompanied by appropriate explanation of the definitions, methods, and assumptions employed. Ideally these should be consistent to allow comparability across the EU. Active dissemination is the process of making this information publicly available, and, through appropriate promotion and communications, raising awareness of it (Section 6.7).

To address the question, it is necessary to use a “what if” scenario to examine whether the objectives of EU environmental monitoring and reporting could be met by an alternative system involving greater transparency and active dissemination at MS level, and what would be the consequences for the benefits of the current system under such a scenario.

Two scenarios can be assessed. The first would involve repealing existing reporting obligations and replacing them with a voluntary, Member State led approach to active dissemination of environmental data. A second scenario would involve some form of legal requirement for Member States to disseminate information relevant to the implementation of EU environmental legislation.

8.3.2 Method and sources of evidence

This question can be addressed through the following methods and evidence:

- Review of documentation/ literature on active dissemination, including section 6.7 above, to define a scenario in which greater transparency and active dissemination take the place of current reporting arrangements;
- Review of objectives of environmental monitoring and reporting and analysis of whether/ how they could be achieved through such a scenario;

- Review of evidence of benefits from effectiveness and efficiency questions, and analysis of consequences for these under the alternative scenario; and
- Analysis of likely consequences (including likely costs, benefits and risks) of the alternative active dissemination scenario compared to current EU level reporting arrangements.

8.3.3 Evidence and analysis

Section 6 demonstrated that there have been significant and widespread developments in active dissemination in the EU in recent years, covering a wide range of environmental policy fields and relevant to a range of different stages in the DPSIR cycle, including policy responses as well as changes in the state of the environment and the impact on it.

The demand for environmental information from stakeholders and the public, Member States' interests in disseminating environmental information, continuing advances in IT, as well as relevant EU legislation such as the Access to Environmental Information (2003/4/EC) and INSPIRE (2007/2/EC) Directives mean that growth in active dissemination of environmental information is likely to continue in the future, even if there is no legal obligation to report environmental information at EU level. As a result, much of the information currently available online about the state of the environment, pressures on it, and actions being taken by the Member States to implement environmental policies, would continue to be available to the public and to the EU institutions.

The review in section 6 found that the accessibility of this information online is currently variable, such that some items of information would be more easily found by stakeholders, the public and EU policy makers than others.

The main concern that would arise if current reporting obligations were repealed would relate to the completeness, quality, consistency and timeliness of available environmental information.

Section 4 addresses the question of whether the current arrangements for EU environmental monitoring and reporting remain relevant, compared to alternative approaches such as data harvesting. It concludes that, even allowing for recent technological advances, the current processes of reporting remain relevant, and that opportunities to replace them with data harvesting are limited by gaps and deficiencies in the current data infrastructure, as well as the challenges of ensuring that data are consistent and comparable, available in a timely fashion, complete and sufficiently quality-checked.

Section 5 noted that the effectiveness of environmental reporting is significantly influenced by factors such as the quality, completeness, consistency and timeliness of the data reported. It highlights that, even under the current reporting arrangements where significant effort is invested in the development and application of common specifications, templates, guidance and quality management procedures, the effectiveness of the current reporting system is often compromised.

Should current reporting requirements be repealed, with only voluntary mechanisms for active dissemination left, there would be a significant risk of increasing:

- **Gaps in the information reported** – with a tendency for Member States to follow their own interests, or to supply the most easily provided data, rather than those most relevant to assess implementation, compliance and development of EU law;
- **Inconsistencies in reported data** – including differences in definitions, specifications and assessment methods – unless some mechanism remained in place to ensure common approaches between Member States;

- **Varying timelines for information provision** - in the absence of legally specified deadlines;
- **Variable quality management procedures** – in the absence of common quality management processes – affecting the robustness of data and the confidence of users; and
- **Differences in the accessibility and navigability of the information provided** – in the absence of common templates and access routes.

These risks could have significant consequences for the ability of the reporting system to meet its stated objectives (Table 13).

Table 13. Possible consequences of repeal of EU requirements for objectives of the reporting system, and replacement with only voluntary active dissemination

Objective	Possible consequences
A. Demonstrate compliance with a legal obligation.	In the absence of a legal requirement, MS would presumably decide what information to provide. Data gaps, inconsistencies and quality issues would be expected, presenting challenges for a full and consistent assessment.
B. Determine if the objectives of legislation are being achieved effectively and efficiently, including, where appropriate, ensuring a level playing field of the internal market.	Information about how well the legislation was working at MS level, relevant to assessment of its costs and benefits, might still be provided, but gaps and inconsistencies would present challenges for EU level assessment. Comparative assessment relevant to the “level playing field” would be difficult.
C. Inform the other EU institutions as well as the public and stakeholders at EU level on the progress of implementation and the identification of gaps.	MS would be able to provide information to stakeholders and the public in a way that they deemed appropriate. This could help to focus efforts on the most relevant needs in the national context. However, a loss of comparability between MS would be expected, diminishing some aspects of understanding, and the greater degree of independence afforded by an EU level overview would be lost.
D. Help inform the understanding of an environmental issue and so help to improve decision making, e.g. policy evaluations or impact assessments.	MS might report information considered most relevant for assessments at national level. EU level evaluations and impact assessments would be expected to suffer from deficiencies in the consistency, comparability and completeness of evidence.
E. Identify and spread good practices amongst Member States.	MS would be able to access information provided by each other online, but best practice sharing would be hampered by the loss of common reporting formats, mechanisms and working arrangements.

As a result, it is unlikely that repealing EU legal obligations and replacing them with a Member State led approach to active dissemination of information could meet the objectives of the EU environmental monitoring and reporting arrangements.

However, as indicated in Section 6, promotion of active dissemination of relevant environmental information, coupled with arrangements for data harvesting at EU level, could meet the objectives of EU environmental monitoring and reporting if action was

taken at EU level to specify requirements, establish reporting timetables, define templates and data management protocols, and ensure quality management. This would require significant co-ordinating action at EU level. Because of the need to ensure compliance with the specified arrangements, some form of legal obligation to disseminate the relevant information would also be likely to be necessary.

In the future, technological developments offer the potential to develop solutions that could replace some aspects of the current reporting system. For example, participants in the fourth stakeholder workshop argued that Copernicus, the European earth observation programme, offers potential for EU wide solutions for monitoring the state of the environment, complementing or potentially replacing some current reporting obligations.

8.3.4 Conclusions

The likely consequences of stopping or repealing the existing EU reporting requirements and replacing them with a voluntary, Member State approach involving increased transparency and active dissemination would be the emergence of a system that continued to provide much information about the state of the environment and the actions being taken to improve it. However, such a voluntary system would be unlikely to be fit for purpose in providing sufficient information about the state of implementation of the EU environmental acquis or the compliance with current legal obligations.

While increased transparency and active dissemination have the potential over time to meet the objectives of the current reporting arrangements, this is likely to depend on a continuing legal requirement to provide the information needed, as well as common arrangements and standards for data specification, quality checking and presentation. If existing legal obligations to report were repealed, it is likely that new legislation, designed to ensure minimum standards of information provision to address EU policy needs, would be required.

9 Conclusions

9.1 Overall conclusions on: Relevance; Effectiveness; Efficiency; Coherence; EU Added Value

9.1.1 Relevance

Current reporting processes remain relevant, but opportunities for alternative approaches are increasing.

Advances being made by MS and the EU with open data policies will provide increasing opportunities to consider alternative approaches to reporting, most notably data harvesting. Initiatives such as INSPIRE will help to cement these opportunities. However, there are few existing examples of reporting using alternative approaches, and these have not yet realised their full potential. Regardless of the approach taken to reporting, many of the current steps in the reporting process – most notably quality checking and subsequent analyses – will remain relevant. It is essential to ensure that mechanisms are in place that enable data obtained through alternative approaches to be appropriate for use in legal proceedings i.e. it must be officially approved.

Other challenges are already present within the reporting system, but have a new dynamic when establishing an alternative reporting process (e.g. persistent issues with timeliness of data provision and the need to ensure that information is up-to-date and available at the point of harvesting). These challenges need to be satisfactorily addressed to ensure that the value of the information received is not eroded and to ensure that new approaches replace rather than simply run in parallel to existing approaches.

Technological developments are supporting ever more sophisticated approaches to citizen science. Whilst there remain challenges e.g. regarding quality assurance, there may be an opportunity for citizen science to support greater collection of state and pressure indicators to complement traditional environmental monitoring and reporting. Future development of the monitoring and reporting system needs to be alert to this and ensure that its development is enabled.

The costs of infrastructure and addressing challenges mean that alternative approaches may be most appropriately taken forward where there are clear benefits of doing so. For example, data harvesting may provide the greatest benefit where it is desirable to provide access to large volumes of data on a regular basis, or where there is consistent and relevant publicly accessible information that fits the Commission's needs.

The REFIT programme has successfully addressed some issues of irrelevant and obsolete reporting requirements, but there are opportunities for further change, and continued action is necessary to maintain relevance over the longer term.

The Better Regulation agenda has provided an approach for the systematic review of legislation and the associated reporting obligations. Through evaluations there have been a number of successes in improving and amending reporting obligations in order to ensure and enhance their relevance. These evaluations need to continue, with reporting checked in detail each time including in terms of the coherence with the overall strategic (top-down) vision for reporting.

However, opportunities remain for further enhancements. Indeed, the constantly evolving context within which legislation operates, as well the maturity of legislation and its implementation, mean that the relevance of many aspects of reporting will continue to change over time.

While it is important to ensure that reporting obligations remain relevant, it is also important that their relevance is clear and understood by stakeholders in order to ensure appropriate resources are put to, and application made of, reporting requirements.

Key performance indicators on the implementation and effects of environmental legislation could play an increasing role in environmental reporting, but would require a new and structured approach within the reporting system.

The use of indicators and scoreboards varies widely across the acquis, and there appears to be an increasing focus on the use of KPIs, however there is currently no structured or consistent approach to their use. In particular, reporting obligations rarely present KPIs in a structured way to assess the effects of implementation at different levels (i.e. outputs/results/impacts) as advocated in the Better Regulation Guidelines. To establish the appropriateness of adopting KPIs more broadly, a structured and systematic review is required. This would require work to define a common framework and to examine whether and how it might work for each item of legislation. In addition, there is overlap in the scoreboards in place, and the indicators used in them are not always consistent, and this could benefit from some streamlining.

The process of reporting has taken advantage of advances in technology, although these are not being universally exploited and progress is ongoing.

The process of reporting has taken advantage of advances in technology - from e-reporting to enhanced spatial data infrastructures to earth observation techniques - but these opportunities are not being universally exploited. Continued efforts are required to ensure broader adoption of not only new, but existing technologies and established systems, such as Reportnet. Existing initiatives which can serve reporting,

such as INSPIRE and Copernicus, need to be delivered in a joined up way to ensure that their potential benefits for reporting can be realised.

9.1.2 Effectiveness

The effectiveness of the reporting arrangements have improved greatly in recent years, but there remain widespread problems with the completeness, quality and timeliness of information received through reporting obligations.

It is clearly evidenced that the quality and timeliness of reporting has been improving. However, there remain problems with Member States compliance with reporting obligations, including issues with the completeness, quality and timeliness of submission, apparent across numerous areas of the environmental acquis.

A number of factors influence the completeness, quality and timeliness of reporting, including the requirements and timing laid out in the obligations, the adequacy of the guidance provided to support Member States' fulfilment of the obligations and the sufficiency of Member State and EU quality checks.

While the information requested is broadly sufficient, deficiencies in Member States' reporting mean that the available information is sometimes insufficient to establish an understanding of the state and the effectiveness of implementation of the environmental acquis.

A majority of reported information is geared towards monitoring and assessment of implementation rather than the state of the environment and gaps in the information requested are more likely with regard to the latter.

Of more importance is the broad number of instances where reporting obligations are not adequately satisfied. Indeed, it is difficult to find an EU implementation report or evaluation where there is not some comment regarding the deficiencies in the available information. However this does not always mean that information is insufficient.

There have been improvements in the information made available, with further efforts ongoing, informed by the Commission's REFIT programme. In addition the Commission's Environmental Implementation Review (EIR) will provide a new focus on what type of information and data are needed to best identify the "distance-to-target" and gain a better understanding of implementation challenges from a cross-cutting perspective.

An increasing body of information is being made available by Member States and the Commission on an open access basis. However further efforts are required to ensure that the available information is relevant and realistically accessible to non-technical audiences.

The rapid and ongoing advance in technology has seen active dissemination emerge as the principal route through which citizens' access to environmental information is delivered. A number of major initiatives are working to deepen and refine how environmental information is made available and shared. Information obtained through monitoring and reporting, both as part of mandatory and voluntary data flows, is an important part of the information provided to citizens.

However, while there has been a significant increase in the availability of information, there remain barriers to access for citizens and non-technical audiences. There are ongoing challenges in ensuring that the information being made available is both meaningful (i.e. presented in appropriate terminology and within an appropriate context to aid interpretation) and accessible in practice (i.e. available through easy to navigate portals and accessible using non-specialist software). Ongoing initiatives,

notably INSPIRE¹⁶⁵ and SIIFs¹⁶⁶, should provide appropriate platforms to address these challenges.

Environmental monitoring and reporting is a critical input to the evidence base for decision making. However there are some instances where issues with that evidence base have had a detrimental effect on the ability to draw robust conclusions and hence make defensible decisions.

Information from environmental monitoring and reporting is widely used to support evaluation, impact assessment and decision making more broadly. While there are often issues identified with the sufficiency of the evidence base provided by environmental monitoring and reporting, this does not mean that robust conclusions cannot be drawn and appropriate decisions taken.

However, there have been a number of examples where the evidence base has been deemed insufficient. Deficiencies in Member State reports can limit the available sample, creating potential biases in the analysis (particularly regarding effectiveness) and hence open up any decisions made based on these analyses to challenge. Information on costs (and benefits) is often lacking, limiting the extent to which aspects of efficiency can be examined.

Table 14. Summary of evaluation findings of the effectiveness of reporting in delivering its objectives

Objectives of monitoring and reporting	Evaluation findings
A. To demonstrate compliance with a legal obligation.	This is the most important objective, which is widely satisfied by the current arrangements. However, it is common for there to be deficiencies in the completeness, quality and timeliness of Member State reports, which can affect the ability to determine compliance.
B. To determine if the objectives of legislation are being achieved effectively and efficiently, including, where appropriate, ensuring a level playing field of the internal market.	Deficiencies in reporting can introduce bias to analyses that undermine conclusions on efficiency; a lack of information on costs often prohibits analyses of efficiency. As such, additional data collection efforts are typically required to satisfactorily address these objectives.
C. To inform the other EU institutions as well as the public and stakeholders at EU level on the progress of implementation and the identification of gaps.	A broad range of information is made available to stakeholder groups. Open access data policies and improvements in presentation and sharing of information are enhancing access for all stakeholder groups. Further improvements can be made, notably for citizens, whose requirements typically differ from those of technical or policy audiences.
D. To help inform the understanding of an environmental issue and so help to improve decision making, e.g. policy evaluations or impact assessments.	Reporting provides an important input to the evidence base to support decision making and informs evaluations and impact assessments. However there are instances where the completeness/quality of reported information has been insufficient to draw robust

¹⁶⁵ <http://inspire.ec.europa.eu/>

¹⁶⁶ A concept introduced in COM(2012)95

Objectives of monitoring and reporting	Evaluation findings
	conclusions and hence make evidence-based decisions.
E. To identify and spread good practices amongst Member States	Member State reports provide information that can be useful for identifying and sharing best practices. However this information typically requires further assimilation and interpretation in order draw this out, through bespoke processes set up to identify and share best practices.

9.1.3 Efficiency

The overall costs of monitoring and reporting are moderate and proportionate to the benefits, but some stakeholders express concerns about disproportionate costs for certain ROs

In overall terms, the costs of monitoring and reporting as required by EU legislation are moderate, and represent a small proportion of the costs and benefits of environmental legislation in total. Reporting plays an important role in the implementation of EU environmental legislation and delivers significant benefits. In general, the costs of monitoring and reporting appear to be proportionate to the benefits achieved. However, some Member States and stakeholders express concern about disproportionate costs, and negative perceptions about the efficiency of the current arrangements are particularly prevalent where data providers are unclear of the purpose and benefits of reporting. This suggests a need to communicate more clearly to ensure that those who incur the costs understand the purpose and benefits of reporting.

The efficiency of the current arrangements could be improved further, even after significant gains in recent years

Factors such as the frequency of reporting, the processes employed, and particularly the numbers of organisations required to provide data all affect the costs of reporting. Overall, experience suggests that the factors affecting the efficiency of reporting are increasingly understood, and that refinements in reporting systems and processes have led to some improvements in efficiency in recent years. However, some deficiencies in reporting processes and practices remain (e.g. incomplete uptake of e-reporting by Member States, changes in reporting formats and processes over time, inadequate guidance), such that there is scope for further gains in efficiency. In particular, reporting obligations need to be examined through a bottom-up approach that is undertaken in a way that ensures consistency with a strategic vision of what constitutes best practice.

Enhanced systems and processes are increasing efficiency at Member State level

There are wide variations in reporting systems and practices between Member States, with variations, for example, in the uptake of electronic reporting practices. Recent years have seen investment in new electronic formats and information systems, often requiring significant investment but greatly speeding up reporting processes, while also promoting data sharing and enhancing public access to environmental information. It is clear that there is scope for examples of good practice to be replicated and scaled-up across the EU, and that there are ongoing developments of systems and processes both at MS and EU level which are enhancing efficiency over time.

There is scope for further improvements in the efficiency of processes, particularly through further use of IT and involvement of EEA

Changes to the reporting processes which affect the Standard Cost Model parameters – especially the number of entities, the frequency of reporting, and the time taken to report – hold the potential to reduce costs. The key challenge is ensuring that any changes do not undermine the usefulness of the information and the ability to satisfy the reporting obligation objectives. Efficiency improvements can be made to reporting processes through better use of technology – an area where an overwhelming number of public consultation respondents felt there is currently room for improvement in environmental reporting as a whole – although this may require investment in new equipment, processes and capacity-building. Other factors – such as arrangements for service provision, the guidance and templates issued, and the languages used – also affect the efficiency of the process. Evidence suggests that such process improvements are seen as offering greater opportunity to reduce burdens than are reductions in the reporting obligations themselves. However, given the investments of time involved to develop efficient reporting systems, it is also important that, once they have been developed, they remain stable over time. Achieving efficiency in the reporting process requires an appropriate balance to be struck between seeking process improvements, and avoiding unnecessary and disruptive changes to the system.

Harmonising the timing of reporting could reduce costs, but potential effects on benefits would also need to be considered

There are significant differences in the timing of reporting under EU environmental legislation. There are good reasons for many of these differences, as differences in the purpose and content of different reporting obligations mean that variations in reporting timetables are appropriate. However, it is difficult to find a logical explanation for the very wide range of reporting cycles that are currently in place. Reducing the frequency of reporting offers potential to reduce costs and administrative burdens, and there are examples where alignment of reporting obligations in related policy areas could achieve this. However, reducing frequency also brings risks that the benefits of timely information provision will be lost. Therefore the potential to enhance efficiency by streamlining the timing of reporting needs to be examined carefully on a case by case basis, taking account of the frequency needed to ensure that reporting is fit for purpose and delivers the benefits envisaged.

Active dissemination can increase the efficiency of monitoring and reporting, but more by increasing benefits than reducing costs

Active dissemination has potential for replacing traditional reporting obligations to the Commission, with significant co-benefits, helping to enhance public access to the reported information as well as the timeliness of information dissemination. Because the existing obligations associated with the specification, collection, processing, quality checking and transmission of data would still need to be fulfilled, it is arguable whether active dissemination offers significant potential to reduce administrative burdens. However, the perceived burden of reporting could potentially be reduced, since reporting would be fulfilled through a shared exercise in information dissemination, rather than merely an obligation for MS to report at EU level.

The reporting system is complex and diverse, and there is great scope for simplification

The research and consultations highlight the overall complexity and diversity of the current environmental monitoring and reporting arrangements, with great variations in numbers and types of reporting obligations, types and specification of data required, frequency of reporting, reporting formats and processes. While reporting requirements will inevitably vary in line with differences in legislation, there would appear to be scope for simplification and harmonisation, perhaps within some form of

common framework. For example, where similar types of reporting obligations (e.g. implementation reports, reporting of administrative details, reporting of derogations and exemptions, reporting on the state of the environment etc.) can be identified, there may be potential to work towards common approaches for each. The starting point would be some form of typology of reporting obligations that worked across the environmental acquis. Such an approach might help to inform future developments, such as the greater use of active dissemination as well as attempts to improve coherence between reporting obligations.

9.1.4 Coherence

There are instances of overlaps of reporting across the environmental acquis. Improvements in data sharing should provide increasing opportunities to remove and avoid these overlaps.

There are a range of overlaps between different reporting requirements associated with the EU environmental law, and numerous examples are cited by stakeholders of data being reported on multiple occasions for different uses, often using rather different definitions and specifications.

There are ongoing initiatives (e.g. INSPIRE) providing avenues for streamlining reporting requirements, standardising definitions, codes and nomenclatures which will support efforts to reduce and avoid multiple reporting.

There is a lack of evidence on whether information is reported (including to other parts of the Commission) but then full use not made of it. Improvements in data sharing should provide increasing opportunities to identify and capitalise on opportunities that do exist.

There are a number of examples where data sharing across EU level organisations is occurring, but little evidence of data being reported but then full use not made of it at EU level. Two examples were identified where difficulties in accessing data prevents full use being made of that data. However there may be many other instances where full use is not being made of data because potential secondary users do not know that it is collected or available. Improvements in data sharing – both between Member States and between EU organisations – should open up opportunities to explore and gain greater access to a wider pool of data and hence increase the use of data being collected across the EU.

There are many good examples of coherence between EU and international reporting; however there remain a number of areas of potential incoherence

There are examples of both coherence and incoherence between EU and international reporting obligations. Examples of coherence seem to occur where the EU legislation has additional requirements beyond those of the multi-lateral agreement and hence seeks additional reporting obligations associated with these. Incoherence may occur due a number of reasons, including differences in timing, indicators, assessment methods, and formats.

9.1.5 EU Added Value

EU level reporting delivers clear benefits that could not be achieved through reporting at MS level alone

Action at EU level is needed to ensure that consistent, timely and quality checked data are provided. This is necessary to meet the objectives of allowing for an assessment of whether EU legal obligations are being met, and indicating how well the legislation is working at EU level. EU level intervention is not essential to inform stakeholders and the public about the state of the environment and actions to improve it, but there are added benefits of providing access to environmental information which is consistent and comparable across EU Member States.

Alternative approaches – such as active dissemination and data harvesting – offer the potential to meet the objectives of reporting in future, if certain conditions are met

While information could be made available in other ways, such as through active dissemination, accompanied by data harvesting at EU level, co-ordinating actions are required at EU level to ensure that the data provided are consistent and fit for purpose. It is likely that, if current obligations were repealed, much information would still be available about the state of the environment and the actions being taken to improve it, but that this would not provide sufficiently robust information about the state of implementation of the EU environmental acquis or the compliance with current legal obligations. The latter would depend on a continuing legal requirement to provide the information needed, as well as common arrangements and standards for data specification, quality checking and presentation.

9.2 Overall observations on the fitness for purpose of the current arrangements

The overall performance of the EU environmental monitoring and reporting arrangements can be examined with reference to the principles identified in Section 2.2.3, as defined in the Better Regulation Guidelines.

Table 15. Performance of environmental monitoring and reporting relative to the Better Regulation monitoring principles

Principles	Findings of the evaluation
Comprehensiveness / sufficiency	Section 5 (effectiveness) found that, in general, reporting obligations are sufficiently complete to cover the information required by policy-makers, stakeholders and the public. However, gaps in the data reported by Member States are apparent in some areas, weakening the evidence base and reducing the effectiveness of reporting. Streamlining the system to focus most on what matters, and increasing the use of KPIs (Section 4) could help to enhance the completeness of the evidence base. In this sense aiming for “comprehensiveness” is not necessarily appropriate if it risks weakening the focus on the most policy critical information.
Proportionality	Section 6 (efficiency) concluded that the costs of the monitoring and reporting arrangements are generally proportionate to their benefits. However, some Member States and stakeholders express concern about disproportionate costs, and negative perceptions about the efficiency of the system are particularly prevalent where data providers are unclear of the purpose and benefits of reporting. This suggests a need to communicate more clearly to ensure that those who incur the costs understand the purpose and benefits of reporting, as well as looking at opportunities to increase the (co-)benefits of monitoring and reporting at the local/regional level.
Minimisation of overlap	Stakeholders responding to the public consultation rated the principle that information should be collected once and used many times as of highest importance. Section 7 (coherence) found some instances where there are overlaps between reporting obligations, within EU legislation and between EU legislation and multi-lateral agreements, suggesting that there is potential to improve the coherence of the system. Improvements in data sharing infrastructure will support efforts to remove and avoid overlaps, and increase opportunities for multiple use of

Principles	Findings of the evaluation
	information in the future; although it is not clear that this has yet had much impact.
Timeliness	Section 5 (effectiveness) highlighted significant concerns about the timeliness of reported information, which appears to be a significant factor limiting the effectiveness of reporting in some areas. There are wide variations in timeliness – with reporting under the Bathing Water Directive widely cited as an example of good practice. Timeliness is not only affected by delays and other hindrances in the reporting process for a given obligation. It is also affected by incoherence in the reporting cycles between legislation i.e. where data reported under one piece of legislation is also required for use by another, but the assessment point for each are not aligned.
Accessibility	EU reporting plays an important role in enhancing public access to environmental information (Section 5). However, there is potential to improve the accessibility of information further, and enhanced use of IT, enabling active dissemination of environmental information, is resulting in significant progress in this area. Further efforts to improve the presentation of information, its structure and routes of access e.g. with wider development of SIIFs, will help to increase the benefits of improved access, particularly for the general public.

Overall, this suggests that the current arrangements perform quite well relative to some principles (comprehensiveness, proportionality, accessibility) but that there is room for improvement in others (e.g. quality, timeliness, overlap and consistency issues) for some areas of legislation.

Ongoing developments – in life-cycle stages of legislation implementation, policy contexts and needs, scientific knowledge and technology – mean that the specific requirements for reporting under individual areas of legislation are constantly evolving and require ongoing maintenance to ensure that they continue to deliver upon their objectives and conform to the above principles.

9.3 Recent trends and possible future directions

The analysis indicates that the EU environmental monitoring and reporting arrangements are evolving rapidly, both through policy changes and advances in reporting processes and practices.

There is a significant landscape of European environmental legislation. Built up over the years to address specific environmental issues and integrate the environment into broader areas of policy, the environmental *acquis* is at a level of maturity at which the focus is now on enhancing the legislation that is in place – ensuring that it is performing as it should and remains relevant to changing contexts.

In this regard, the Commission's programme of better regulation has introduced the Regulatory Fitness and Performance (REFIT) programme which aims at making sure that EU laws deliver their intended benefits for citizens, businesses and society while removing red tape, lowering costs and making EU laws simpler and easier to understand.

A number of major initiatives have been completed or are underway and have provided for enhancements to be made to the environmental monitoring and reporting arrangements. Examples include:

- On waste legislation, a new Circular Economy Package has been proposed by the Commission, which contains proposals to simplify reporting obligations.

This includes repealing obligations to prepare tri-annual implementation reports and focusing instead on statistical reporting of outcomes;

- The E-PRTR REFIT is exploring options to enhance the effectiveness and efficiency of reporting, and its coherence with reporting under the IED and other legislation.
- The INSPIRE REFIT concluded that enhanced application of INSPIRE can facilitate environmental reporting and active dissemination. At the same time, the reporting under the INSPIRE Directive was assessed as being in need for simplification.

Furthermore, recent years have seen simplification and harmonisation of reporting under other areas of legislation, such as for water, nature and industrial emissions.

At the process level, the use of information technology has widely improved reporting processes, bringing time savings and efficiencies and helping to enhance the accessibility of the reported information. This has often required substantial investments at the EU and MS levels. Most fundamentally, the advent of e-reporting has provided for substantial improvements in efficiency and also, in many instances, quality. An important development was the EEA's Reportnet facility – although it is notable that despite it being 15 years since its launch, its use is not yet universal across Member States.

Technological developments have continued to provide opportunities to move the process of reporting forward onto ever more sophisticated systems which present both potential benefits and challenges. These are linked with wider trends in data and knowledge management, which are providing for greater access, sharing and interoperability of information and systems.

SEIS was launched in 2008, which aims to enhance knowledge by “modernising and simplifying the collection, exchange and use of the data and information required for the design and implementation of environmental policy”. In 2012, the SIIF concept was formally adopted¹⁶⁷. A SIIF is closely related to the concept of SEIS, but with a specific focus on specific legal text and on information at Member State level.

Together with INSPIRE, action in these areas are opening up possibilities for new ways of reporting, such as data harvesting, and supporting greater public access to information. For example, the development of SIIFs has enabled active dissemination to emerge as an alternative to EU reporting under the Urban Wastewater Treatment Directive.

These developments present major opportunities and, given the macro-level trends of the information age, this is clearly the direction that information exchanges for environmental reporting will be heading. However, there remain notable challenges to be overcome and not insubstantial investment costs. The pace of system evolution must be such that ongoing technological developments serve the needs of the system rather than drive or overshadow them. It must also ensure that late adopter Member States are supported to avoid a gulf in reporting capabilities opening up, which may undermine or prohibit the realisation of the benefits on offer.

Examples suggest that the active dissemination of environmental information by Member States, accompanied by data harvesting at EU level, could meet many of the objectives of reporting in future. However, there are critical challenges to ensure that what is in principle an action designed to provide information to multiple stakeholders can serve the specific needs of environmental monitoring and reporting – for example, it must guarantee that the harvested information is suitable for use in legal proceedings.

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The analysis suggests that there is room for improvement in a number of areas of reporting. Ensuring that the reporting system evolves to maximise its usefulness requires ongoing action at two levels. Firstly, it requires continuation of the Commission's REFIT programme, to provide a continuous evaluative cycle of maintaining the fitness for purpose of the reporting requirements of specific legislation. Secondly, it requires further implementation and development of cross-cutting data management and open access initiatives that will support the next evolutionary shift in reporting approaches and provide for a step-change in the realisation of the benefits of reporting.

9.4 Emerging options for improving environmental monitoring and reporting

Possible changes to the arrangements for monitoring and reporting could address a series of issues and opportunities, as follows (Table 16).

Table 16. Areas of potential for further change

Issue/ opportunity area	Action	Potential benefits/ cost savings
Key performance indicators	Examination of the potential for a more structured approach to KPIs in accordance with Better Regulation Guidelines. Would require a change in focus to reporting more on results rather than implementation.	Potential to save costs through more streamlined, focused reporting, and enhance benefits through better clarity, more structured assessment of policy performance and greater focus on what matters most.
Improved support for delivering existing data flows	More user-friendly formats and interfaces, and improved clarity and completeness of technical guidance (including translation of guidance and/or access to support for clarifications) that not only explains the requirements but also the purpose.	More consistent interpretation of requirements and increased willingness to deliver as the relevance is clear. Provides for the delivery of more comprehensive, comparable and better quality information.
Harmonisation of processes	Harmonisation of processes towards a corporate business process building on EEA approach. This could include, for example, harmonisation of organisational arrangements, reporting formats, briefings and guidance, quality management protocols etc.	Overall simplification of system, greater certainty for data providers, benefits from sharing of good practice.
Timing	Examination of potential to harmonise frequency of reporting, by reducing frequency in some areas aligning reporting in related areas of legislation. May require amendment of legislation.	Potential cost reductions, although loss of benefits must be considered if frequency is reduced. Alignment may create peak periods in work effort and demands on resources, which may present challenges for timely delivery against deadlines.

Issue/ opportunity area	Action	Potential benefits/ cost savings
		Overall potential to move towards a simpler and more harmonised system overall.
Information sharing and systems interoperability	Wider development and application of common frameworks i.e. building on INSPIRE, SEIS and SIIFs, which promote integrated reporting and interoperable data management systems and support greater active dissemination.	Benefits from enhancing public access to information while meeting EU reporting requirements. Potential for long-term efficiency savings from streamlined and automated reporting. Benefits of real-time data access (where relevant) will provide for more responsive policy action. Access to larger underlying data sets will provide for more in-depth and fine-grain analyses.
Coherence	Explore potential to address identified issues of coherence of reporting across the acquis, in relation to coherence between items of environmental legislation, with reporting in other EU policy areas and with international agreements. A number of issues are identified in Table 17 below, and require a case by case assessment. Greater use of interoperable reporting systems could support improved data sharing and hence coherence.	Potential to reduce administrative burdens where similar data need to be reported more than once. Potential to increase the value of reported data by supporting multi-use of data, particularly between environment and other policy areas.
Simplification	Consideration of the potential to define a common typology/ framework for reporting, to highlight commonalities and differences and inform further harmonisation. Possible link with KPIs.	Potential benefit in enhancing transparency, informing future actions and reducing complexity over time, as well as helping to increase the focus on what matters most.
Regulatory review	The ongoing process of reviewing the stock of environmental legislation – e.g. through REFITs – offers specific opportunities to examining the ongoing relevance, coherence, effectiveness and efficiency of reporting arrangements in each area.	Potential to ensure that the reporting system remains relevant and up-to-date, and responds to changing needs and opportunities.

9.5 Information gaps and further research needs

The analysis demonstrates that the EU arrangements for monitoring and reporting are highly complex and that assessing their performance, and identifying opportunities for them to work better, is far from straightforward. Stakeholders offer a range of often conflicting views about what is working well, what is working less well, and what needs to change. This report draws overall conclusions about the relevance, effectiveness, efficiency, coherence and EU added value of the current arrangements, and identifies some general directions for change as well as numerous suggestions about possible improvements in specific areas.

Given the complexity of the system and the range of views expressed, some of the conclusions are somewhat tentative, and would benefit from further research and analysis.

Particular areas that would benefit from further research include:

- **Further analysis of identified issues with respect to specific items of legislation.** Stakeholders have flagged up a range of issues and concerns relating to different items of legislation (Table 17), identifying a possible need for change. Most of these issues are not straightforward – there are often conflicting views between different stakeholders about the need for change, or barriers that make it difficult to achieve in practice. Further research would therefore be helpful in many cases to examine the validity of the views expressed, and the advantages, disadvantages, opportunities and constraints for effecting change.
- **More detailed analysis of coherence issues.** Many of the issues highlighted relate to the coherence between different environmental reporting obligations, with reporting in other EU policy areas, and with reporting under international agreements. More detailed assessment is needed in most cases to examine how coherence could be improved, and the practicalities of achieving this.
- **More detailed analysis of timing issues.** The report notes that reductions in administrative burden could be made through harmonisation of the timing of reporting in some areas, particularly in areas such as the water legislation, where reporting takes place more frequently for some legislation (e.g. Urban Wastewater Treatment and Nitrates Directives) than others (Water Framework Directive). However, reducing the frequency of reporting also risks the loss of benefits through less timely data. It is not always clear whether differences in timing result from historical anomalies or a sound rationale. Analysis of the advantages and disadvantages of alternative reporting cycles would be helpful, to understand the case for and against harmonisation.
- **Analysis of the role of key performance indicators.** Building on the analysis in this report, a more detailed assessment could help to identify whether and how KPIs could contribute to reporting in particular areas of the environmental acquis. A common framework could be defined, identifying relevant output, result and impact indicators and assessing the potential to apply this in different areas of environmental legislation, and examining the feasibility of such an approach and its adequacy in meeting the objectives of the reporting system.
- **Analysis of the potential for simplification.** Consideration of the potential to define a common typology/ framework for reporting, to highlight commonalities and differences and inform further harmonisation. This links closely with the idea of key performance indicators above, but would not necessarily include KPIs and could be based on the common elements within the existing system. For example, where similar types of reporting obligations (e.g. implementation reports, reporting of administrative details, reporting of

derogations and exemptions, reporting on the state of the environment etc.) can be identified, there may be potential to work towards common approaches for each. The starting point would be some form of typology of reporting obligations that worked across the environmental acquis.

- **Analysis of opportunities for process harmonisation.** There would be merit in examining the potential for further harmonisation of reporting processes towards a corporate business process, building on the EEA approach. This could include, for example, examination of the potential for further harmonisation of organisational arrangements, reporting formats, briefings and guidance, quality management protocols and other aspects of the reporting system.
- **Research into the role of citizen science.** Analysis of the feasibility of citizen science to contribute to, or complement, the existing monitoring and reporting system, including definition of the types of indicator that could be included, as well as the practicalities of combining citizen science with the current reporting process.

9.6 Summary of issues by legislation

Table 17 below identifies the items of legislation that the evidence sources used in the evaluation indicate as being potential candidates for further investigation for improved monitoring and reporting.

It should be noted that the analysis presents a broad summary, distilling the large amount of information in the report and the different annexes. The purpose is to identify whether issues have been identified for a particular Regulation or a Directive, and the analysis is not provided at the level of individual reporting obligations. It is therefore possible that, for legislation with a number of reporting obligations, even if most of them do not give rise to concern, the presence of one may flag the Regulation or Directive for possible attention.

The analysis focuses on the sources of information, but ultimately all of the issues identified relate to the five evaluation criteria of effectiveness, efficiency, relevance, coherence and EU added value. For example, studies and stakeholder consultations may raise questions of whether the information is still policy relevant, efficiently collected and processed, effectively used, and coherent with other reporting activities.

It should be noted that the summaries reflect the extent of commentary on each item of legislation among stakeholders – they do not say anything about the balance of costs and benefits and do not imply that change is necessarily required. Items of legislation with more extensive reporting obligations and higher costs were more likely to capture the attention of stakeholders, because of challenges with regard to effectiveness, efficiency and coherence, even if they provide useful information and examples of good practice in reporting.

The following sections set out the methodology for summarising and scoring the issues raised.

9.6.1 Inventory of Reporting Obligations

Evidence from the inventory has been used to flag individual reporting obligations for further attention. Where an item of legislation has one or more such reporting obligations, it is flagged for further attention. The scoring focuses on:

- Timing – where there is a significant delay in production of a Commission report – regardless of whether the reason is a delay in Member State submission of information, delay in Commission analysis, or the complexity of the analysis required – we have taken this as a *prima facie* indicator of potential for

improvement. In order to assess the significance of the delay, we have taken into account the frequency of reporting, on the assumption that longer frequencies may explain or justify slightly longer delays, while more frequent reporting presumably requires greater urgency of analysis. (Where the delay divided by (1+ the log of the frequency of reporting) is greater than 500 days, we have flagged the RO for attention).

- The Commission opinion on usefulness has also been used. Where either the Member State reports, or a Commission report based on them is regarded as of "Low" value, we have flagged the reporting obligation for further attention, except where either is regarded as of "High" value; thus if the Member State reporting is regarded as of Low value, but the Commission summary report is regarded as of High value, the reporting obligation is not identified for further attention.

Directives are therefore flagged, based on the evidence on timing and perceived usefulness, as being a candidate for further analysis.

The scoring is represented in Table 17 as follows:

- Legislation flagged for both timing and perceived usefulness: ✓✓
- Legislation flagged for either timing or perceived usefulness: ✓

9.6.2 Scale of cost burden

Evidence from the fiches regarding the costs to the Member States has been used to flag items of legislation which have larger cost burdens. Those estimated in Table 8 as having either 'large' or 'fairly large' costs have been identified. The scoring is represented in Table 17 as follows:

- "Large" cost burden: ✓✓
- "Fairly large" cost burden: ✓

9.6.3 Evidence from the public consultation, the stakeholder workshops and other study consultations and feedback

Evidence provided from the Environmental Monitoring and Reporting public consultation (including position statements and supporting evidence provided), the supporting workshops, other consultation exercises undertaken and any other written feedback-received during the course of the study has been considered. Other evidence sources include other available research, Make it Work workshops/papers, and analysis conducted during the support study.

The scoring is represented in Table 17 as follows:

- Multiple responses have identified possible issues with reporting: ✓✓
- Single response / stakeholder has identified possible issues with reporting: ✓

9.6.4 Evidence from past or ongoing evaluation or other studies

Evidence from ongoing or recent evaluations (including under REFIT) and related studies has been used to indicate potential candidates for further investigation. The scoring is represented in Table 17 as follows:

- Clear evidence of issue to be addressed: ✓✓
- Some evidence of issue to be addressed: ✓

9.6.5 Good practice examples

The table also records those items of legislation for which one or more examples of good practice are identified in the report. These are marked with a 'Yes' in the table.

Table 17. Assessment for each item of legislation

No.	Title of legislation	Evidence from the inventory	Scale of estimated cost burden	Evidence from public and stakeholder consultations	Evidence from past or ongoing REFIT, evaluations, etc.	Good practice examples identified?	Main issues
1	Ambient Air Quality Directive (AAQD)		✓	✓		Yes	Opportunities to better use data across related legislation. Good practice examples identified (e.g. harvesting, data access, indicators).
2	Ambient Air Quality Directive (As, Cd, Hg, Ni, PAH)		✓	✓		Yes	As 1.
3	Environmental Noise Directive (END)	✓	✓	✓✓	✓✓		Data incomplete due to delayed implementation, sequence of reporting (i.e. maps versus action plans not ideal as too short) , data quality sometimes poor
4	Water Framework Directive (WFD)	✓	✓	✓✓		Yes	Issues of coherence (with MSFD, nature Directives, international obligations); stakeholder complaints about high burdens; delays between MS and EC reporting; numerous good practice examples
5	Environmental Quality Standards Directive (EQS)				✓		Coherence issues (E-PRTR)
6	Floods Directive (FD)					Yes	
7	Marine Strategy Framework Directive (MSFD)		✓	✓✓	✓	Yes	Coherence between MSFD, WFD and the Nature Directives could be improved: improved synchronisation (timing of reporting); and harmonisation of information (e.g. area/scale, indicators)

No.	Title of legislation	Evidence from the inventory	Scale of estimated cost burden	Evidence from public and stakeholder consultations	Evidence from past or ongoing REFIT, evaluations, etc.	Good practice examples identified?	Main issues
8	Drinking Water Directive (DWD)	✓	✓	✓	✓✓		Issues of timeliness, frequency of reporting, data quality and completeness
9	Bathing Water Directive (BWD)			✓		Yes	Good practice cited in timeliness, use of KPIs, guidance; some stakeholders question value of EU level reporting
10	Habitats Directive (HD)		✓	✓✓	✓	Yes	Data quality issues, despite improvements; coherence with WFD, MSFD and international agreements; various examples of good practice
11	Birds Directive (BD)	✓	✓	✓✓	✓	Yes	Data quality issues, despite improvements; coherence with WFD, MSFD and international agreements; various examples of good practice
12	Invasive Alien Species Regulation (IAS)						
13	European Pollutant Release and Transfer Register (E-PRTR)	✓	✓	✓✓	✓✓	Yes	Coherence issues (EQS, waste legislation, IED, UWWTD); delays in EC reporting; data quality issues; various examples of good practice
14	Industrial Emissions Directive (IED)		✓	✓✓	✓		Coherence issues (E-PRTR)
15	Sulphur Directive (SD)					Yes	Good practice example – new information system used for reporting

No.	Title of legislation	Evidence from the inventory	Scale of estimated cost burden	Evidence from public and stakeholder consultations	Evidence from past or ongoing REFIT, evaluations, etc.	Good practice examples identified?	Main issues
16	National Emission Ceilings Directive (NEC)		✓	✓			Data quality, usefulness, coherence issues
17	Urban Wastewater Treatment Directive (UWWTD)	✓	✓	✓	✓	Yes	Issues with coherence (WFD, E-PRTR), frequency of reporting, usefulness; good practice (SIIFs)
18	Nitrates Directive (ND)		✓	✓			Frequency and timing of reporting could be investigated
19	EMAS Regulation		✓				
20	Landfill Directive	✓✓	✓	✓			Delays, data quality and usefulness questioned
21	Mining Waste Directive	✓	✓				RO21.1 considered to be of low usefulness
22	Volatile Organic Compound Directive (VOC Stage 1)	✓					Implementation reporting considered to be of low usefulness, but obsolete in practice
23	Volatile Organic Compound Directive (VOC Stage 2)						
24	Seveso III Directive			✓✓			Some issues of coherence identified with Aarhus Convention, Helsinki Convention, JRC; some stakeholders unclear of purpose of reporting
25	Shale Gas Recommendation						

No.	Title of legislation	Evidence from the inventory	Scale of estimated cost burden	Evidence from public and stakeholder consultations	Evidence from past or ongoing REFIT, evaluations, etc.	Good practice examples identified?	Main issues
26	Sewage Sludge Directive	✓		✓			Questions of usefulness, double reporting, frequency of reporting, lack of quantitative indicators
27	Waste Framework Directive (WFD)	✓	✓	✓✓	✓✓		Coherence/consistency of statistics, definitions cross waste legislation and with the Waste Statistics Regulation
28	Eco-label Regulation						
29	Waste Shipment Directive	✓✓	✓	✓			Issues of coherence with other items of legislation, especially regarding definitions of hazardous waste
30	Batteries Directive	✓	✓				Information under RO 31.1 considered of low usefulness
31	Packaging Waste Directive	✓✓	✓✓				Issues of reported low usefulness, time delays in Commission reporting
32	PCB Directive	✓			✓		Low usefulness, inadequacies in data provided. However, no further reporting is required.
33	End-of life Vehicles Directive (ELV)	✓	✓				Low usefulness
34	WEEE Directive	✓	✓✓	✓			Definitional issues, coherence issues, and limited usefulness of reporting
35	RoHS Directive	✓					Limited usefulness of reported information

No.	Title of legislation	Evidence from the inventory	Scale of estimated cost burden	Evidence from public and stakeholder consultations	Evidence from past or ongoing REFIT, evaluations, etc.	Good practice examples identified?	Main issues
36	Mercury Regulation			✓			Possible coherence issues with other policy areas
37	Paints Directive	✓					Commission experts indicated that the obligation to report on implementation has become obsolete in practice
38	POPs Regulation			✓			Possible coherence issues with other policy areas
39	REACH Regulation	✓	✓				Indicator selection could be improved in order to enhance assessment of effectiveness
40	CLP Regulation						
41	PIC Regulation						
42	ELD Directive	✓			✓✓		The nature & extent of information provided by MS is highly diverse, which impedes analysis and interpretation. No further reporting is, however, required.
43	EIA Directive						
44	SEA Directive			✓			BirdLife argues that there is limited checking of compliance and implementation; quantitative indicators would help
45	INSPIRE Directive	✓	✓	✓✓	✓✓		There are potential issues regarding degree of specificity and focus of the obligations

No.	Title of legislation	Evidence from the inventory	Scale of estimated cost burden	Evidence from public and stakeholder consultations	Evidence from past or ongoing REFIT, evaluations, etc.	Good practice examples identified?	Main issues
							and potential overlaps with information provided elsewhere
46	Access to Information Directive (A2I)	✓					Limited usefulness of MS and Commission reports. However, no further reporting is required.
47	CITES Regulation		✓				
48	Whale imports						No further reporting is required
49	Seal pups Directive						No further reporting is required
50	ABS Regulation						
51	FLEGT Regulation		✓				
52	Timber Regulation		✓				
53	Ship Recycling Regulation						
54	Medium Combustion Plants Directive (MCP)						
55	Seals Products Directive						
56	Asbestos Directive	✓					Information considered to be of low usefulness
57	EEA Regulation						
58	Animal Testing Directive		✓				

Annexes

Annex 1: Inventory of EU environmental reporting obligations

The inventory developed for this study identifies 58 pieces of EU environmental legislation which give rise to reporting obligations at EU level. The focus on environmental legislation for which the EC Directorate General for the Environment (DG ENV) is responsible means that the inventory does not include environmental data covered in reporting obligations in legislation under the remit of other Commission Directorate Generals even if they have relevance for the environment (for example, statistical reporting under the responsibility of Eurostat). The issue is, however, addressed under the evaluation criterion of coherence to a certain extent.

This inventory is available in an XLS format and can be downloaded from the European Commission's website. The XLS file includes eleven sheets which provide information on the following:

1. Guidance sheet: brief background and explanation on how to use the inventory;
2. Main inventory sheet: within the scope of this project, 181 reporting obligations (ROs) were identified in total and each of the reporting obligations has a separate entry in the main inventory. A detailed description of the screening criteria included in the main inventory is provided below.
3. Summary statistics 1: statistical information on the quantitative aspects of the identified 181 reporting obligations;
4. Summary statistics 2: statistical information on the qualitative aspects of the identified 181 reporting obligations;
5. Statistics - COM reports: statistical information on those reporting obligations which are used in a Commission report;
6. Statistics - delays: information on those reporting obligations, which are linked to EC reporting and where figures are available for the time elapsed between Member State and EC reporting;
7. Key performance indicators: overview of the analysis on key performance indicators;
8. Overview of secondary legislation: overview of existing secondary legislation and groupings by content type;
9. Secondary legislation AQD: reporting obligations under the secondary legislation linked to the Air Quality Directive;
10. Secondary legislation IED: reporting obligations under the secondary legislation linked to the Industrial Emissions Directive;
11. Secondary legislation Nitrates Directive: reporting obligations under the secondary legislation linked to the Nitrates Directive.

Description of screening criteria as indicated in the main inventory

A.0 Core inventory reference

Section outlining the core information of the analysed source

A1. Inventory reference no.

Unique inventory data entry row for a given piece of legislative / non-legislative source, e.g. 1, 2, 3

A2. Title with link to source

Free text option for title of the legislative / non-legislative source with link to source, e.g. Eurlex overview page for legislation

A.1 Layer 1 obligation reference

Section outlining the core information in relation to Layer 1 of the screening exercise, i.e. the reporting obligation

A3. Reporting obligation inventory reference no.

Unique inventory data entry row for a reporting obligation reference (Layer 1), e.g. 1.1, 1.2, 1.3

A+ Core reference information

Section providing basic background information on the analysed obligation

A4. Short description

Free text option of short description / informative title of the reporting obligations (Layer 1)

A+ Core reference information

Section providing basic background information on the analysed obligation

A5. Obligation source type

Obligation source type indicated in dropdown list: legislative or non-legislative

A6. Legal base for reporting (Article)

Free text option for indicating the basis of the obligation, e.g. relevant article for the reporting obligation as referenced in the legislation

A7. Inclusion in EEA data repository

Links to EEA reporting databases, i.e. whether the specific legislative / non-legislative source and its requirements are analysed in EEA data repository

Free text option with description: 'yes' or 'no' and if yes, hyperlink to source included

A8. Media/Theme

Relevant environmental media/theme indicated in dropdown list

A9. DG ENV Lead Unit

Relevant unit within DG Environment indicated in dropdown list

A* Layer 2 reporting obligation

Outlining the second layer of reporting obligations, i.e. those which are included in secondary legislation.

A10. Existence of secondary legislation (and its content)

Dropdown list of yes and no. Where yes is indicated a hyperlink directs to a separate sheet.

B. DPSIR Coverage

Section categorising the nature of the information reported, indicating whether the following categories are covered or not, and which of these is primarily addressed: Driver/ Pressure/ State/ Impact/ Response. One of the five categories should be marked as "primary" for each row, and where other categories are also addressed by

the data, this should be indicated with "yes". Those categories which are not addressed are marked as no. The total of "Primary" DPSIR categories should thus be a subset of the total DPSIR categories addressed. For more information about EEA's DPSIR framework see:

http://ia2dec.pbe.eea.europa.eu/knowledge_base/Frameworks/doc101182

B1. Driver

Dropdown list of 'primary', 'yes' or 'no'

B2. Pressure

Dropdown list of 'primary', 'yes' or 'no'

B3. State

Dropdown list of 'primary', 'yes' or 'no'

B4. Impact

Dropdown list of 'primary', 'yes' or 'no'

B5. Response

Dropdown list of 'primary', 'yes' or 'no'

C. Type of content

Section focusing on the type of content reported

C1. Type of information reported

Type of information reported indicated in dropdown list: Numerical/Text/Geospatial

C2. Thresholds / triggers for reporting

Free text option to record where reporting is triggered by specific events (e.g. volume of product; exceedance of limit values).

D. Timing of reporting

Section outlining the key aspects of the timing of the reporting

D1. Frequency of reporting

Frequency of reporting indicated in dropdown list: one-off, monthly, quarterly, annual, every 2yrs, 3yrs, 4yrs, 5yrs, 6yrs, >6yrs, ad-hoc

D2. Last deadline for reporting

Free text option to indicate the date of latest deadline for Member States supplying the latest round of data, e.g. 15 March 2014

D3. Next deadline for reporting

Free text option to indicate the date of the deadline for Member States to supply the next round of data, e.g. 27 May 2016

D4. MS information published in a Commission report

10. Dropdown list of 'yes' or 'no' to indicate whether the information reported by the Member States is used in a Commission Report

D5. Next deadline for Commission reporting based on the data

Free text option to indicate the date of deadline for any summary reporting required from the Commission, e.g. 27 July 2016

D6. Date of most recent Commission report

Free- text option to indicate the date of most recent Commission report based on the data provided by Member States, e.g. 26 May 2015.

D7. Deadline of MS report on which the most recent Commission report is based on

Free-text option to indicate the deadline of MS report on which the most recent Commission report was based on (as recorder in D5).

D8. Time elapsed between MS reporting and EC reporting (no. of days)

Automatic calculation of the time it takes the Commission to publish its report after the Member States submitted their report, based on criteria D5 and D6

D9. Comment on time taken for reporting

Additional free text column to comment on the time elapsed between MS reporting and EC reporting (D7); for example, it may be that a key reason for apparently late Commission reporting is late or unsatisfactory delivery of data by Member States.

E. Format and process requirements

Section providing information on the format and process requirements

E1. Reporting partner / service provider

EU level organisation to whom information is initially provided, or who has a formal role in its management included in a dropdown list: EEA/Eurostat/JRC/Other. For the 'other' dropdown option additional text, i.e. description, is added as a note.

E2. Existence of information provision requirement to international organisation

Free text option to record where the legislation specifies that information needs to be provided to international organisations: if there is a requirement the name of the relevant organisation is indicated if there is no requirement 'no' is indicated.

E3. Existence of format requirements for reporting

Existence of format requirements for reporting either in the form of Commission legislation or guidance indicated in a drop-down list: None/Template/Direct data input/Other. For the 'other' dropdown option additional text, i.e. description, is added as a note.

E4. Reference / Link to reporting template

Free text option with description: 'yes' or 'no' and if yes, hyperlinks to relevant documents on Eurlex or Commission website, if available

E5. References / link to additional reporting guidance(s)

Free text option with description: 'yes' or 'no' and if yes, hyperlinks to relevant documents on Eurlex or Commission website, if available

E6. Electronic reporting required / facilitated

Dropdown list of yes/no to identify where direct data entry by Member States is required/facilitated/encouraged

F. Relevance to 3rd parties and the public

Section providing basic information on the relevance to 3rd parties and the public

F1. Reporting requirements on 3rd parties

Indicating whether the data is based on information which businesses or other 3rd parties are required to provide under the legislation. Only explicit third party reporting requirements in the legislation are identified, not implicit requirements (e.g. where Member States arguably can only report to the Commission on the basis of requiring data from third parties). Free text option with description: if there is a reporting requirement on 3rd parties the relevant article and a short description of the parties will be identified and if there is no provision it is indicated with 'no'.

F2. Public information provisions

Recording where information required (by this legislation) to be made publicly available contributes to the data supplied to the Commission; or where the data supplied to the Commission is required to be made publicly available. Free text option with description: if there is a public information provision the relevant article is identified and if there is no provision it is indicated with 'no'.

G. Use of information

Section outlining how the reported information is used

G1. Purpose of reporting

Free text option to record the actual use as reported by Unit, noting where reporting requirements on Member States contribute to aggregate reporting by the Commission (or others), or where the reporting requirement has a specific legislative purpose (for example, enabling the Commission to consider whether enforcement action is necessary).

G2. Scoring of usefulness of reporting requirements

Dropdown list of low/medium/high to indicate the usefulness of the reporting requirement as reported by DG ENV Lead Unit

G3. Explanation of usefulness of the reporting requirements

Free text option to record the usefulness of the reporting requirement as reported by DG ENV Lead Unit.

G4. Target Audience of COM report in addition to Council, Parliament and other EU institutions

Dropdown list of environmental stakeholders/industry/both/other to emphasise any particular audiences at whom any resulting Commission report is aimed

G5. Scoring of usefulness of the COM report

Dropdown list of low/medium/high to indicate the usefulness of the COM report as reported by DG ENV Lead Unit

G6. Recording of usefulness of the COM report

Free text option to record the usefulness of the COM report as reported by DG ENV Lead Unit.

G7. Elements of COM report to be retained if report is not considered highly useful

If the COM report's usefulness is considered low or medium (see G5) then those elements that are nevertheless valuable and must be retained are recorded.

G8. Not useful elements of COM report

Free text option to record those elements of the COM report that are not considered useful by the DG ENV Lead Unit.

G9. Additional information requirements to improve usefulness

Free text option for DG ENV Lead Unit to indicate what additional information in the COM report (and hence potentially for inclusion in revised reporting requirements on Member States) would improve the usefulness of the report.

H. Links to other reporting requirements

Section outlining the various links to other reporting requirements

H1. Explicit links to reporting requirements in other legislation

Explicit links to reporting requirements in other legislation mentioned in the analysed legislation indicated in Dropdown list EU / International / None.

H2. Reference to the explicit link to reporting requirements in other legislation

If there is an explicit link to a reporting requirement in another EU or International legislation (see H1) the title of the legislation is recorded.

H3. Additional de facto links to reporting requirements in other EU legislation – reference

Free-text to indicate whether in practice reporting is combined with reporting requirements in other legislative acts by listing the relevant

H4. Possible data overlaps with other reporting requirements

Free-text to indicate whether in addition to any combined approaches to reporting requirements in other legislation does the subject matter of Member State reporting, or the data required to be reported, overlap with data requirements in other legislation? (in terms of subject matter, or in terms of data).

H5. Potential informal links with other policy areas/legislation

Free text option with description to record other policy areas/legislation where the information reported could be used and/or information reported under other policy areas/legislation that could be used under the analysed legislation.

H6. Existing links with voluntary reporting

Free text option to record where reporting requirements are combined with more extensive, but voluntary, reporting, e.g. to the EEA.

I. REFIT and other streamlining activities

Section providing information on the REFIT and other streamlining activities

I1. Relevance to REFIT activity

Dropdown list (yes/no) to indicate if reporting requirements are linked to the REFIT programme

I2. Relevant documents linked to REFIT activity (if I1 is yes)

Free text, to indicate relevant documents to as hyperlinks if the reporting requirements are linked to the REFIT programme (if I1 is yes).

I3. Timetable for review/evaluation

Dropdown list of years 2015-2018 to indicate the timetable for review/evaluation of the legislation / non-legislative source

I4. Suggestions for potential streamlining from COM or stakeholders

Free text to briefly outline suggestions for potential streamlining.

I5. Streamlining activity

Information on the status of the streamlining activity in Dropdown list: completed, ongoing, planned, none

I6. Main working groups working on streamlining (EC internal or Comitology working groups)

Free text to provide information on the main working groups working on streamlining.

I7. Reference documents on streamlining

Free text to indicate hyperlinks to relevant documents

I8. Member State best practice

Free text to indicate where Commission services are aware of Member State approaches to reporting which can be considered as best practice, or interesting innovations.

J. INSPIRE Coverage

The INSPIRE Directive¹⁶⁸ requires spatial data sets to be compliant with the specifications set out in the Directive and the related Implementing Acts. This section of information aims at identifying which spatial data sets are already now required by the reporting requirements set out under the specific pieces of legislation. It therefore identifies in more detail the "geospatial" data which have been identified in section C, item C.1. Moreover, it aims at linking the "geospatial" data requirements in environmental reporting with the themes and requirements under the INSPIRE

¹⁶⁸ <http://inspire.ec.europa.eu/>

Directive. The aim is to produce a minimum list of spatial data sets to be agreed with the Member States so that they make them available through INSPIRE services as quickly as possible.

J1. Detailed reporting requirement

This item specifies in more detail the reporting requirements with geospatial relevance. It explains in summary text what the main areas of importance are, e.g. on the air quality directive, one could write "*information on zones, agglomerations, assessment regimes and methods, assessment, aggregated data, attainment of objectives, source apportionments, AQ plans, measures, attainment year and pollutant measurements (Articles 6-14)*".

J2. Number of spatial data sets in reporting

There are several possible ways on counting the number of spatial days. For the purpose of this exercise, this number of spatial data sets should correspond to the entries in item J.3. In other words, the number of spatial data sets indicated here should be identical with the number of individual datasets named in item J.3. Moreover, similar datasets where the geospatial information is the same and only the attributes change are counted as "1 dataset". E.g. a spatial dataset is the location of the monitoring stations for air quality measurements. This is one dataset which can be used to share data for different pollutants. The air pollutants (e.g. SO₂, NO_x, PM₁₀) are attributes of the same elements. Hence, only spatial dataset not as many as there are pollutants.

J3. Sub-elements/spatial data sets

The actual spatial dataset shall be identified with a name, ideally the one used in the reporting requirements. Examples are the location of monitoring stations, the boundaries of river basins or the distribution of species in a grid system. There are some cases which may need further discussion, such as the question whether statistical data provided at national level to the Commission (e.g. waste statistics or national emissions under the NEC Directive) are to be considered as spatial data in particular when they are aggregated through administrative units (i.e. NUTS levels). Moreover, there is a lot of data and information which could be collected with a geospatial reference, such as plans or programmes or permits linked to an administrative entity. For the purpose of this exercise, it is up to the unit in the light of their actual reporting requirements whether an actual spatial dataset is collected (not whether it could be made spatially relevant in the future).

J4. INSPIRE theme

This gives reference to the themes of the Annexes I, II and III of the INSPIRE Directive. The number of the annex and the short name of the specific theme need to be mentioned (e.g. Annex I (AU) for Administrative Units in Annex I). In some cases, the dataset falls within more than one theme or even different annexes. In this case, only the annex or annexes concerned should be mentioned. This has to be done for every spatial data set you named in J3. An overview of all themes and their short names can be found in the table below.

Overview of the INSPIRE themes	
Annex I	Annex III
1. Addresses (AD)	14. Agricultural and aquaculture facilities (AF)
2. Administrative Units (AU)	15. Area management / restriction / regulation zones & reporting units (AM)
3. Cadastral parcels (CP)	16. Atmospheric conditions (AC)
4. Coordinate reference systems (RS)	17. Bio-geographical regions (BR)
5. Geographical grid systems (GG)	18. Buildings (BU)
6. Geographical names (GN)	19. Energy resources (ER)
7. Hydrography (HY)	20. Environmental monitoring facilities (EF)
8. Protected sites (PS)	21. Habitats and biotopes (HB)
9. Transport networks (TN)	22. Human health and safety (HH)
	23. Land use (LU)
Annex II	24. Meteorological geographical features (MF)
10. Elevation (EL)	25. Mineral resources (MR)
11. Geology (GE)	26. Natural risk zones (NZ)
12. Land cover (LC)	27. Oceanographic geographical features (OF)
13. Orthoimagery (OI)	28. Population distribution and demography (PD)
	29. Production and industrial facilities (PF)
	30. Sea regions (SR)
	31. Soil (SO)
	32. Species distribution (SD)
	33. Statistical units (SU)
	34. Utility and governmental services (US)

J5. INSPIRE application schema / spatial object type

The INSPIRE Directive provides conceptual data models for all INSPIRE themes, these are called data specifications. Every single model consists of a collection of related spatial objects that represent real-world entities with associated attributes. In this item it should be specified which kind of spatial objects are in the datasets that you have named in J3. E.g. you have mentioned a data set with the location of all monitoring stations in a monitoring network. Monitoring stations and networks are defined in the "Environmental monitoring facilities" theme in Annex III. The stations are represented by the "Environmental monitoring facility" object, the network by the "Environmental monitoring network" object. In this case you should write down the two objects as follows "EF: Environmental monitoring network; EF: Environmental monitoring facility", EF is the abbreviation of the theme name.

J6. Comments

Any additional comments.

Annex 2: Methodology for assessment of costs and benefits

Executive Summary

This report sets out a method and scoping assessment of the costs and benefits of monitoring and reporting obligations arising from EU environmental legislation.

The study focuses on reporting obligations (RO) stemming from EU environmental legislation. Associated monitoring obligations which arise directly as a result of EU reporting requirements, and which are not designed to provide information for other purposes, are also, in principle, included in the scope.

In order to assess reporting obligations, it is important to distinguish them from other information obligations (IO) resulting from EU law. Our definition of reporting obligations includes only those information obligations that arise as a result of the need to report to the EC. A test of whether the gathering and transmission of information constitutes a reporting obligation is whether that information would be collected and provided in the absence of a requirement to report to the Commission. Other information obligations – such as the information required for permitting, labelling, product registration, inspections, compliance-checking or action planning – are not regarded as reporting obligations.

The costs of these obligations are assessed using the standard cost model (SCM). This involves estimating the total amount of time and other costs resulting from the RO, and estimating the associated costs by applying an appropriate tariff rate.

Few existing, up to date estimates exist to inform such an assessment. Moreover, a detailed analysis is not possible at this stage because data on the number of reporting entities and amount of time required to comply with reporting obligations is lacking.

This document presents an outline scoping of the type, nature and likely extent of the costs arising from EU reporting obligations. This is intended to inform further discussion.

A series of fiches accompanying this document present an overview of each of the reporting obligations arising from EU environmental legislation. These seek to identify the nature and frequency of the reporting obligation, the types and numbers of organisations required to report, and the likely amount of time and administrative burden involved.

Rough estimates of the overall time requirements are used to examine the broad extent of likely costs, using a standard tariff rate of EUR 300/ day across the EU. This enables different items of legislation to be grouped according to the overall likely scale of administrative burdens resulting from reporting obligations.

This assessment suggests that there is a very wide spread of administrative burdens among different items of legislation, ranging from zero to millions of euro annually. A few items of legislation have reporting obligations that require data to be collected from businesses, either by requiring businesses to report directly or by requiring data from competent authorities which need to be collected from businesses. These items of legislation tend to have large overall administrative burdens.

The estimates include only the costs of time (and in some cases consultancy fees) incurred in reporting. They do not include costs of monitoring equipment or time incurred in monitoring of emissions or environmental quality. Our analysis found that none of the ROs examined gave rise to a requirement for environmental monitoring purely for reporting purposes.

The estimates are sensitive to the methodology and assumptions applied, and further work is needed to test and refine them. We therefore welcome critical analysis and discussion.

The analysis also considered the benefits of each RO. The fiches indicate that reporting to the EC provides a variety of benefits, including:

- Checking and verifying compliance with legislation;
- Informing citizens and stakeholders of the state of the environment and the implementation of environmental legislation;
- Enabling compilation of environmental information at EU level, thereby providing information about the state of Europe's environment, trends, pressures and responses;
- Providing up to date information about arrangements for implementation, including responsible authorities, methods of implementation, enforcement arrangements and penalties for non-compliance;
- Aiding the identification and resolution of problems in implementing EU legislation; and
- Informing the monitoring and evaluation of EU environmental legislation.

1 Introduction

ICF, IEEP and Denkstatt were commissioned by DG Environment to undertake a study to support the Fitness Check of monitoring and reporting obligations arising from EU environmental legislation.

Task 2 of the study involved a review of administrative burdens of monitoring and reporting obligations from environmental policy.

The work involved a scoping review of EU reporting obligations, to examine the nature and broad extent of administrative burdens arising from different items of legislation and different reporting obligations. Given the large number of reporting obligations identified (170 ROs across 57 items of legislation) and their variable nature, this review provided an initial assessment of the broad extent and distribution of administrative burdens and the factors driving them.

Structure of the report

This report presents the methodology and findings of the assessment. It is structured as follows:

- Section 2 sets out the scope of the study and terminology employed;
- Section 3 explains the Standard Cost Model used to assess administrative burdens;
- Section 4 details the method used for this scoping assessment;
- Section 5 describes the benefits of reporting obligations and the approach to assessing them;
- Section 6 provides results of the scoping assessment; and
- Section 7 provides questions for further discussion.

A separate volume presents draft fiches presenting information about each reporting obligation and assessing its costs and benefits. These are presented for each of 57 items of environmental legislation included in the inventory of reporting obligations. These fiches are working documents intended for further discussion and development. The fiches combine information from the inventory of reporting obligations developed for this study, with further analysis of the benefits and costs of the ROs.

Each fiche is structured as follows:

- Overview: short overview of the piece of legislation and identification of the reporting obligations derived from it;
- General information about the reporting obligation, including the legal basis and process;
- Type of content;
- Timing of reporting;
- Format and process requirement;
- Relevance to third parties and the public;
- Links to other reporting obligations;
- Purpose and benefits of the reporting obligation;
- Analysis of costs, including:
- Number of entities required to report;
- Time required;
- Frequency of reporting;
- Other cost types;
- SCM equation and definition of the equation parameters;
- Existing estimates of costs;
- Significance of administrative burden;
- Identification of any current or recent trends affecting RO.

2 Scope and Definition of Reporting Obligations

The scope of this study is focussed on reporting obligations (RO) (and any associated monitoring obligations which arise directly as a result of EU reporting requirements). More specifically, it covers reporting obligations stemming from EU legislation which place a legal requirement for an EU Member State or other party to transmit information to the European Commission (including through EEA, JRC and ESTAT).

Reporting is defined as a transfer of information and data from one entity to another which may include a wide range of cases. In the context of the Fitness Check, it is a requirement for a European Member State to transmit information to the European Commission as a means to demonstrate successful implementation. The information is the result of **monitoring** this implementation, and it is the monitoring that provides the evidence base for implementation and policy making. Hence, the Fitness Check covers both reporting and monitoring as a way to better support implementation¹⁶⁹. However, since monitoring fulfils a variety of purposes, it is necessary when analysing the burdens resulting from EU reporting obligations to examine whether or not monitoring would need to take place for other purposes (e.g. to achieve compliance with specific standards or to inform action), rather than being required primarily as a result of the obligation to report to the EU.¹⁷⁰

¹⁶⁹ http://ec.europa.eu/environment/legal/reporting/fc_overview_en.htm

¹⁷⁰ It is important to note here that reporting itself plays an important role in achieving compliance, and that in the absence of reporting it would be more difficult to assess compliance with EU law, such that the risk of non-compliance would increase. However, this assessment is concerned with the added burdens of reporting and therefore assumes that there is full compliance with other provisions of the relevant legislation.

In order to assess reporting obligations, it is important to distinguish them from other information obligations (IO) resulting from EU law.

Our definition of reporting obligations includes only those information obligations that arise as a result of the need to report to the EC. A test of whether the gathering and transmission of information constitutes a reporting obligation is whether that information would be collected and provided in the absence of a requirement to report to the Commission.

Other information obligations – such as the information required for permitting, labelling, product registration, inspections, compliance-checking or action planning – are not regarded as reporting obligations.

Monitoring may be required in order to generate the information required for the reporting obligation – such reporting is known as ‘regulatory monitoring’. The costs of such monitoring are therefore also within scope, provided they are driven by a need to report to the EC rather than for other reasons such as checking compliance or informing action.

The key terminology is summarised in Table 2.1.

Table 2.1 Key terminology

Term	Acronym	Explanation
Standard Cost Model	SCM	The main aim of the model is to provide a common approach to assessing the cost of information obligation administrative burdens imposed by EU legislation.
Information obligation	IO	An information obligation is a duty to procure or prepare information and subsequently make it available to a public authority or third party. A piece of legislation may include one or more IOs. A single IO may refer to a single provision, a single article, or to a group of related articles in a given legislation. Information is to be construed in a broad sense, i.e. including labelling, reporting, registration, monitoring and assessment needed to provide the information. The EU Standard Cost Model guidelines provide 12 categories to classify an IO.
Reporting obligation	RO	A reporting obligation is a particular type of information obligation. Any given reporting requirement may incorporate a range of specific data requirements.
Regulatory monitoring	-	The process of tracking the implementation and application of EU legislation. The Fitness Check is concerned with the processes of monitoring implementation of EU environmental legislation and the role of reporting within this (i.e. “regulatory monitoring”). Monitoring of the state of the environment and emissions to it plays an important role in the implementation of EU law, and provides the evidence on which reporting is based. Monitoring serves a variety of purposes – such as achieving and demonstrating compliance

Term	Acronym	Explanation
		and informing environmental action. In most cases environmental monitoring would take place irrespective of the need to report to the EC.
Administrative costs	AC	Administrative costs are defined as the costs incurred by enterprises, the voluntary sector, public authorities and citizens in meeting legal obligations to provide information (i.e. an information obligation) on their action or production. In some cases, the information has to be transferred to public authorities or private parties. In others, it only has to be available for inspection or supply on request. Administrative costs consist of two different cost components: the business-as-usual costs and administrative burdens.
Business as Usual costs	BUC	The business-as-usual costs correspond to the costs resulting from collecting and processing information which would be done by an entity even in the absence of the EU legal obligation.
Administrative burdens	AB	The administrative burdens stem from the part of the collecting and processing of information process which is done solely because of an EU legal obligation. It is the administrative costs minus the business as usual costs.

3 Applying the Standard Cost Model

Introduction to the Standard Cost Model

The SCM is designed to assess and measure administrative costs. It does not consider the benefits of the legislation or of the information provided, although the assessment will also consider these alongside costs.

The SCM measures administrative costs on the basis of the average cost of the required administrative action undertaken by an obliged entity to meet the legal Information Obligation (Price) multiplied by the total number of actions performed per year (Quantity). The average cost per action is to be estimated by multiplying a tariff (based on average labour cost per hour including prorated overheads) and the time required per action.

Other types of cost, such as the cost of outsourcing, equipment or supplies are taken into account. The quantity is calculated as the frequency of required actions multiplied by the number of entities concerned.

It is represented by the following equation:

$$\Sigma P \times Q$$

Where:

$$P \text{ (for Price)} = \text{Tariff} \times \text{Time}$$

$$Q \text{ (for Quantity)} = \text{Number of entities} \times \text{Frequency}$$

The three main cost types that the SCM is focussed on and their distinct cost parameter requirements are:

1. *Cost per administration action* carried out by the targeted entity itself – cost parameters:
 - Number of hours spent on a specific action
 - Hourly pay of those performing the action (gross salary + overheads)
2. *Cost of equipment and supplies* acquired by the targeted entity to comply with the IPO (and solely used for that purpose) – cost parameters:
 - Acquisition price
 - Depreciation period (years of service life)
3. *Outsourcing costs* of contracted out administrative actions – cost parameters:
 - Average charge per IO per entity per year

Basics of applying the SCM

The process of satisfying a reporting obligation may require one or more groups of entities to carry out one or more actions. At each stage of this process an SCM equation can be established and data sought to calculate the administrative burden associated with it. This idea is demonstrated in Figures 3.1 and 3.2.

Figure 3.1 Stylised information flow from obliged entities to European Commission

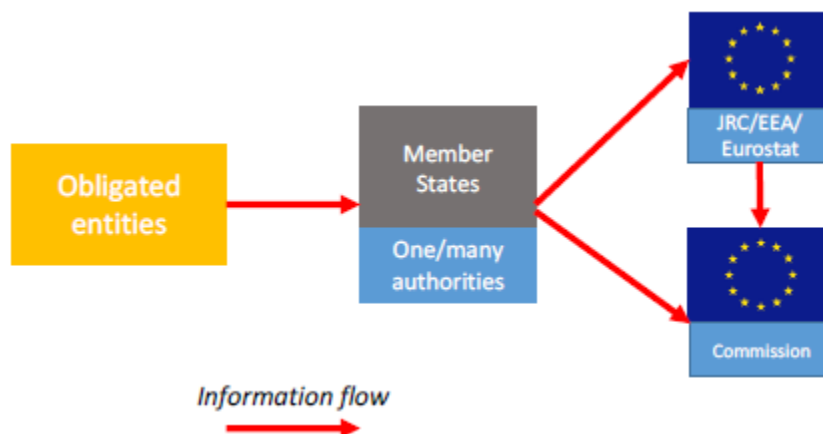
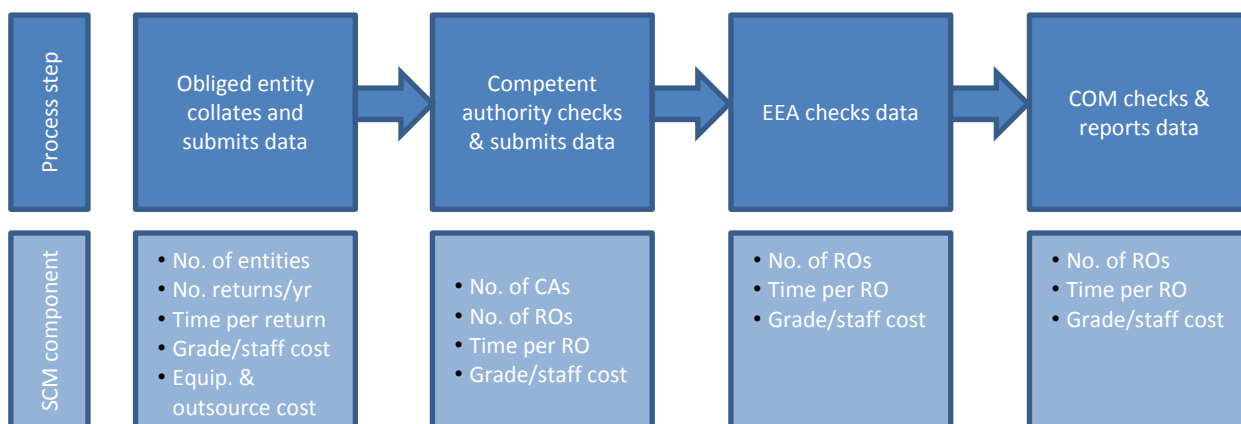


Figure 3.2 Process steps and associated SCM variables



In this regard, the process depicted in Figure 3.2 shows four basic steps. Each step can be further broken down to an increasing level of detail depending on how the individual actions are to be specified and costed. As such, whilst the SCM is relatively simplistic in its initial presentation, its application can be conducted at a high level of detail. The principal constraining factor to this is the availability of data with which to populate the equation variables.

By way of example, the first step in Figure 3.2 which requires the obliged entity to collate and submit data may require businesses from a particular sector to monitor their emissions and then analyse and report the data to the CA. One may therefore choose to present this as three actions, with three associated SCM equations.

- Action: monitor emissions
 - P [time taken to deploy monitoring equipment x tariff of staff undertaking deployment] x Q [frequency of deployment / year] + P [monitoring equipment costs] x Q [number of businesses in the sector]
- Action: analyse results
 - P [time taken to analyse data x tariff of staff undertaking the analysis] x Q [frequency of analysis / year x number of businesses in the sector]
- Action: Submit report of the results
 - P [time taken to produce and submit report x tariff of staff undertaking reporting] x Q [frequency of reporting / year x number of businesses in the sector]

Alternatively, the above actions could be presented as a single action, as follows:

- Monitor and report on emissions
 - P (time taken to monitor and report on emissions x tariff of staff undertaking work) x Q [frequency of activity / year] + P [monitoring equipment costs] x Q [number of businesses in the sector]

This example illustrates the nature of the data needs. Some of the data needs (e.g. Q : number of businesses or public authorities in the sector or country), are relevant for a given step in the RO process no matter how detailed the associated action and SCM equations are made to be. Others, most obviously the time required to carry out an action is clearly affected by the detail (specification and number) of the action(s) identified.

Full compliance assumption

A fundamental methodological assumption is that of "full compliance". The applied methodology assumes full compliance with the law. In some instances however this

assumption may not hold true, meaning that actual administrative burdens may be less than one would anticipate.

The main challenges in applying the SCM

Identifying the processes and actors involved in satisfying a RO

The detail within the legislation only provides a limited understanding of what is required to satisfy the RO and which actors must do what in order to do so. Where other information sources are not available, significant interpretation or discussion with policy makers, experts and stakeholders, may be required in order to determine the likely stages in the process.

Disentangling the RO from other obligations

In many instances the processes and actions required to satisfy a RO overlap with those of another IO or compliance requirement. Ensuring that the processes and actions driven solely by the RO are identified is important to ensure that (i) the administrative burden, rather than administrative cost, can be isolated, and (ii) to identify those processes and actions which are driven/created by the RO and hence may be amenable to change as part of the administrative burden reduction programme.

Two examples illustrate this point, the first identifying where the RO overlaps another IO, the second where the RO overlaps with action required to determine compliance actions (and hence substantive rather than administrative costs):

An RO may require MS to report on the number of permit applications. The legislation requires entities to acquire permits in order to carry out their activities regardless of the RO. Hence, whilst the permit application process is required in order to generate the data for the RO, the RO is not the driver of the permit application process and hence costs associated with permit application are considered as BAU costs, and so outside the scope of the Fitness Check.

An RO requires MS to report on the status of an environmental parameter. In order to do this, environmental monitoring needs to be carried out to generate the data on the state of that parameter. Where the parameter exceeds a certain threshold, action is required to alter its state in order to achieve compliance. Environmental monitoring is therefore required in order to determine what compliance actions are or are not required. The extent to which the environmental monitoring may be considered BAU depends on the extent to which the RO data needs are aligned with or additional to the compliance action data needs. The assessment of administrative burdens of the RO should include only those monitoring activities which are additional to those required to comply with the other main provisions of the law.

Separating EU-derived costs from internationally or nationally-derived costs

The study is focussed on legislation under the responsibility of DG Environment, however ROs stated in EU legislation may have links to international and national legislation as follows:

Nationally-derived obligations

Where MS choose to take up opportunities from the legislation to request information additional to that strictly required to be compliant with the legislation, these costs are excluded from the scope of Task 2 (where practical). However, where costs and opportunities associated with such reporting obligations are identified in subsequent tasks (e.g. Task 3 Public Consultation), they will be recorded.

The EU SCM states that "*Some EU legislative acts and proposals also mention the possibility for Member States to ask for additional information (i.e. '...Member States*

*may ... require the inclusion of other statements in the annual accounts in addition to the documents referred to in the first subparagraph ...'). Such possibilities are not to be understood as EU IOs, insofar as Member States are not obliged to ask that information. Nevertheless such possibilities will be documented as they often pave the way for Member States' additions ("gold-plating")."*¹⁷¹

In many instances MS are likely to have created national obligations that relate to environmental legislation. Whilst these may have a link with the legislation, one would not claim that they occurred as a direct result of a given EU reporting obligation. Indeed, such national obligations would be expected to fall under the 'business as usual' category and hence be excluded from a final calculation of EU reporting obligation administrative burdens. Hence such national obligations are considered outside of the scope of this study.

In many instances however, it may not be feasible to identify separately the costs stemming solely from the EU vs national legislation. As such, a judgement is necessary on the proportion of costs that may be attributed to the EU legislation.

Internationally-derived obligations

EU legislation may repeat or reiterate ROs required by international legislation. Such ROs are therefore considered to be outside the scope of the assessment as they are not driven by the presence of the EU legislation and cannot be removed/ reduced by changes to the EU legislation's RO requirements. For example, legislation on the transshipment of waste includes an RO to submit a report to the EU. This report is a copy of the report that MS are required to submit to the Basel Convention Secretariat under UNEP. The costs associated with fulfilling this RO do not therefore stem directly from the EU legislation and the Commission is not empowered to alter the requirements of the report.

Limited data availability

Based on an initial scoping level assessment of existing administrative burden studies and impact assessments, a number of limitations are clear as regards the availability of data:

- Existing assessments often do not focus on ROs but on other types of IOs.
- Existing assessments often do not provide adequate detail in order to separate out the RO from other IOs, or separate out different ROs stemming from the same legislation.
- Existing assessments are often based on transferred or low confidence data (e.g. small sample or expert opinion).
- Existing assessments often assess only a marginal change in the legislation and hence only the marginal change in the administrative burden from the RO.
- Existing assessments often assess the administrative burdens only for a subset of the obliged entities.
- For many pieces of legislation and ROs, there is often no existing assessment or discussion of administrative burden.

In order to maximise the usefulness of the data that does exist, the desk review has logged all available data for ROs in a consistent format so that it can be reviewed and, where feasible, adjusted and/or transferred in order to fill gaps and enhance assessment quality. This required a consistent template to be used for recording existing data with sufficient detail to allow its future use and manipulation, but not so

¹⁷¹ EU Better Regulation Toolbox, pp365

much detail that the review of existing data generated a prohibitively large volume of qualitative information.

A summary of some of the key information sources reviewed to date is given in the box below. These all have significant limitations, indicating substantial gaps in the evidence base.

Summary of key literature

Administrative burden and reduction programme

This programme involved a measurement phase followed by efforts to cut administrative burdens. The two studies identified below fed into the costing. Overall, the costs associated with the environmental sector for the legislation covered was estimated at 1.18 billion Euros per annum, around 1 % of the total administrative burden (which is dominated by tax/ customs and annual accounts / company law. The studies also highlighted significant cost differences between Member States (typically one quarter to a third of the cost related to differences in MS implementation)

a) Deloitte, Capgemini, Ramboll Management (2008). EU project on baseline measurement and reduction of administrative costs

The burden of environmental legislation was measured together with 11 other priority areas. Five items of environmental legislation were captured in the analysis:

- WEEE Directive 2002/96/EC
- Integrated Pollution Prevention and Control (IPPC) Council Directive 96/61/EC
- End-of life vehicles Directive 2000/53/EC:
- Shipments of Waste Regulation (EC) No 1013/2006
- Seveso II Industrial Accidents Council Directive 96/82/EC

ABs of IOs are investigated, although there is limited focus on RO. One clear example is under the IPPC Directive, relating to the RO to submit information on results of the monitoring of releases.

The analysis for each Priority Area (PA) is based on measurements conducted in six Member States, complemented with existing data from five Member States – Austria, Denmark, Germany, the Netherlands and the United Kingdom – that had previously conducted baseline measurements.

b) CEPS (2010). Measurement of administrative burdens generated by the European legislation.

The study includes two pieces of environmental legislation

- Biocidal Products Directive 98/8/EC (existing act) + COM(2009)267 (amending act)
- Ozone Depleting Substances (ODS) Regulation (EC) No 2037/2000 (existing act) + COM(2008)505 (amending act)

AB assessments are made based on data transfer from one or more MS.

EEA (2008). Costs for Monitoring and Reporting

The study estimates monitoring and reporting costs associated with the following pieces of legislation:

- GHG monitoring mechanism
- Ozone Directive
- Water Framework Directive

- Waste Statistics Directive
- Habitats Directive

Survey responses from National Focal Points were used to establish monitoring and reporting expenditures for Austria, Denmark, Germany, Ireland, Poland, Slovenia, Sweden, and the UK. These are provided as two total figures: one for monitoring and one for reporting with minimal breakdown of the constituent parts of the process and SCM variables.

Data relate to 2007 (so are now quite old) and are based on MS estimates, so are not standardised. Overall, M&R costs were found to be a small proportion of overall environmental compliance costs (<3% in most cases) but were highly variable. Costs for the WFD were found to be much higher than for other legislation. It was hard to compare the costs for monitoring with the cost for reporting; in most cases reporting costs were small compared to monitoring costs but in some cases they were estimated at up to 1/3 of the total cost. The report found that better data on both costs of monitoring and reporting as well as on expenditures are needed in order to get a more complete picture.

EC Impact Assessments for new and amended environmental legislation

A top level review of IAs has been carried out, drawing on EC's IA library and internet searches. The purpose of the review was to identify the extent to which available relevant impacts assessments assess ABs. In all 45 IAs were reviewed – IAs were not found for all of the legislation under consideration.

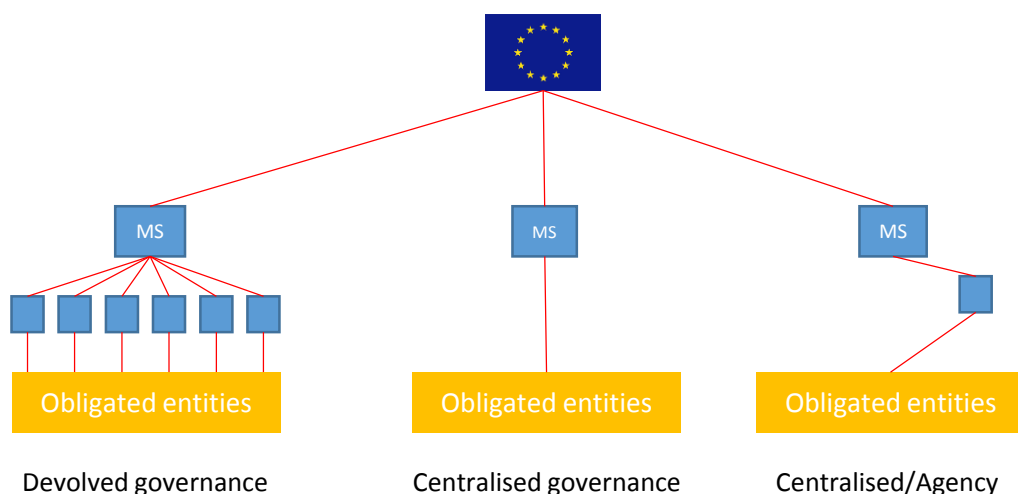
In 23 of these IA some form of quantitative estimate of ABs was made. In a majority of cases this quantitative estimate was suboptimal for the purposes of this study – it was either focussed on other IOs rather than the RO, it was based on data transfer and extrapolation from other studies, it focussed only on marginal changes in the IO/RO through a legislative amendment rather than the total AB of the IO/RO. In many cases, particularly for more complex pieces of legislation supporting studies to the IA provide the best source of information on the IO/RO (particular in relation to being able to draw on the data for data transfer).

In 17 of the IAs only qualitative assessments were made – two reasons were generally provided for this – the ABs were considered insignificant, or the ABs were considered too difficult to assess quantitatively. In only five instances was no meaningful mention of ABs found.

Different MS have different governance structures and hence different reporting process pathways

The analysis needs to capture not only the scope and specification of the data transmitted but also the technologies and systems used and institutional and governance structures. Though the legislation may impose standard requirements across the Member States, these aspects of context can lead to differences in burdens (illustrated schematically in Figure 3.3).

Figure 3.3 Information pathways are shaped by factors such as governance structures



Other methodological issues identified from previous studies

Gathering consistent primary evidence: Undertaking a survey of obliged entities can generate extensive samples (as shown through some of the Deloitte, 2008, research). However this is resource intensive, particularly where interviews are required to ensure that responses are methodologically robust and consistent (as employed in part in Deloitte, 2008). Indeed, examples can also be seen from studies where surveys have not generated usable data (because responses have been incoherent, responses have been inconsistent, or response numbers have been small). EEA (2008) used National Focal Points in a sample of MS to gather data on monitoring and reporting for specific legislation. This proved effective in generating usable data, although significant caveats were provided in the report on the comparability of MS data and hence no 'totals' or 'averages' were presented. Notably another study, CEPS (2009), in some instances relies solely on data from just one MS as the sample on which to make EU-wide calculations of ABs. This demonstrates the need to ensure that respondents to data requests are guided as much as possible with regard to the specifics of the RO / action definitions – implying direct engagement may be more fruitful rather than indirect survey methods (e.g. telephone interviews vs internet survey). It also suggests that inherent differences between MS can often make the collection of directly comparable data difficult, particular where the data is for high level / amalgamated actions as opposed to more discrete actions.

Proportionate AB estimation methods: The SCM is designed to be applied proportionately – the EU guidance states that “The degree of detail in the assessment will depend on the expected order of magnitude of the costs, their impact, and the availability of reliable and representative data.” That is, the analysis is expected to be sufficiently detailed and robust so as to give a sound indication of the order of magnitude of ABs without itself becoming overly burdensome to employ. The range of methodologies considered to be sound in previous AB studies and approved IAs range from detailed survey based assessments to high level assessments which transfer single total cost estimates for one MS or another IO and apply this based on one or more simple aggregation factors.

Proportionality and prioritisation: The proportionality rule is also relevant when studies seek to compare and contrast multiple IOs across legislation. For example, in Deloitte et al (2008), the “80:20 rule” is invoked – 20% of the IOs produce 80% of the cost. This is used as a principle to underpin the prioritisation of a subset of IOs

that warrant detailed cost estimates. Deloitte et al (2008) use a process of expert judgement, in conjunction with key informant discussion (i.e. the Commission) to determine a basic prioritisation of IOs and legislation. The proportionality rule can be further considered with regard to the process of satisfying ROs. EEA (2008) quote from SEIS documents that "...the data that does exist suggests that reporting costs are generally in the range of 5-8% of monitoring costs and well under 0.5% of total implementation costs of pieces of legislation. For example, reporting costs for specific air quality directives have been estimated as being generally well under €100.000 per year per Member State. Even monitoring costs, which are certainly far more significant than those associated with reporting, are generally less than 5% of the total implementation costs (source EEA National Focal Points)".

Conclusions regarding the application of the SCM in this study

The following broad conclusions can be drawn from the above review:

- Understanding the processes involved in satisfying the RO is clearly important in order to be able to identify which groups of entities are involved in the processes and the likely extent of the actions they are obliged to carry out.
- Understanding such processes enables a qualitative judgement to be made of the likely significance of RO administrative burdens. However sufficient detail is often not available in the legislation and other literature on the issue may not exist. As such, some level of consultation is required to confirm the steps in the process and the qualitative assessment of ABs.
- Undertaking primary quantitative research using a sample-based approach is costly and not guaranteed to produce usable results.
- Existing data is available for ABs for a number IOs and some ROs. However, there are very many gaps. The quality of the data and details of the SCM equations population varies significantly. In some instances significant effort is required to determine the relevance of the data to the RO that this study is focussed on.
- Given the scope of this study (57 pieces of legislation with 170 ROs), and the large number of data points required to address the SCM equations, a complete and detailed assessment of the ABs is clearly not feasible. The approach adopted for this study is pragmatic, making best use of available information in order to determine broad magnitude of ABs across the suite of ROs. This requires the approach to enable the assessment to focus on the key issues and not be mired in overly detailed frameworks. However the framework needs to ensure that all available information can be simply captured in a coherent fashion so as to facilitate both transfer of data from one RO to another and comparison of estimated RO costs (be they qualitative or quantitative).

4 Method for Assessment of Administrative Burdens

Overview of approach

In view of these challenges, the first stage of this work involved a scoping assessment designed to understand the nature and broad extent of the administrative burdens arising from reporting obligations, and the main drivers of these burdens.

The approach follows a series of steps, set out over three phases:

Phase 1: Analysis of individual pieces of legislation and ROs

1. Identification of the RO

2. Identification of the actions required by the target group(s) and other groups in order to satisfy the RO
3. Specification of the SCM equation(s) for the RO
4. Qualitative assessment of the equation parameters and overall administrative burden
5. Quantitative assessment based on relevant secondary data sources, where available.
6. Identification of solutions or amendments implemented to reduce ABs and their effectiveness
7. Identification of the purpose and usefulness of the RO

Phase 2: Preliminary analysis across legislation

8. Overall assessment and comparison of the extent and nature of the administrative burdens arising from different items of legislation.
9. Ranking of ROs broad scale of administrative burden, in order to prioritise further analysis¹⁷².

Phase 3: Detailed assessment of a short list of prioritised ROs

10. Refined quantitative assessment of the ABs of the short listed ROs

This report presents preliminary findings from the work. Profiles of each of the 57 items of legislation and its associated ROs, and the factors driving administrative burdens, are presented in a series of individual fiches. The summary below presents findings from the assessment and comparison across legislation.

Phase 1 – Profiling of Legislation and ROs

Phase 1 involved a rapid review of the available literature and the completion of a fiche for each piece of legislation. Each fiche presents information on the ROs and their administrative burdens for each piece of legislation. The fiches combine information from the inventory of reporting obligations developed for this study, with further analysis of the benefits and costs of the ROs.

Each fiche includes the following information about relevant ROs:

- Overview: short overview of the piece of legislation and identification of the reporting obligations derived from it;
- General information about the reporting obligation, including the legal basis and process;
- Type of content;
- Timing of reporting;
- Format and process requirement;
- Relevance to third parties and the public;
- Links to other reporting obligations;
- Purpose and benefits of the reporting obligation;
- Analysis of costs, including:

¹⁷² Ranking ROs according to the likely scale of administrative burdens is helpful in informing the need for further research to refine estimates. It does not necessarily imply the need for action to reduce burdens. Any such initiative would need to take account of the purpose and benefits of the RO, and not just the estimated burdens.

- Number of entities required to report;
- Time required;
- Frequency of reporting;
- Other cost types;
- SCM equation and definition of the equation parameters;
- Existing estimates of costs;
- Significance of administrative burden;
- Identification of any current or recent trends affecting RO.

Phase 2 – Initial Assessment of Burden

Based on the information collected in the fiches, a preliminary analysis assessed the likely overall scale of administrative burdens associated with different items of environmental legislation.

This involved:

- Estimating the average number of days required to meet each RO per year, based on the number of reporting entities (MS, other authorities, EC, operators), time taken per report, frequency of reporting.
- Estimating the overall administrative burden, using a standard average tariff of EUR 300 per day (to include salaries and overheads)¹⁷³.
- Any other costs (e.g. consultancy fees), where known to be applicable, were added to these time costs.

The analysis was designed to provide a rough “order of magnitude” assessment rather than a precise estimate of administrative burdens.

Because limited information was available, estimating time inputs required a large degree of judgement by the analysts, taking account of the level of detail of the reports required and whether information was likely to be readily available or would require effort to source and compile.

A review of previous estimates using the SCM model found that a very wide range of tariffs have been applied in different studies. Ideally, administrative burdens are assessed by estimating the time required of different types and grades of workers in different professions and locations; however, because of the broad nature of time estimates in this broad scoping assessment it was necessary to apply a broad EU wide average tariff. The estimates should therefore be taken as illustrative. Further work on the tariffs to be applied to assess administrative burdens is ongoing.

Based on this analysis, the different items of legislation were grouped in categories according to the overall magnitude of their estimated administrative burdens.

Phase 3 – Further Targeted Research and Analysis of Costs and Benefits

The third phase of the analysis involved further targeted research and analysis to gather more information and to test the existing estimates further through discussions with EC and EEA experts, Member State authorities.

This research focuses on four clusters of legislation which would benefit most from further information and analysis. These clusters include those items of legislation which:

- Appear to give rise to the largest administrative burdens; and/or
- Are subject to significant uncertainties in the current assessment.

¹⁷³ Based on mean EU labour cost data taken from the EC Administrative Burdens database

These are the areas where there is greatest scope to refine the current analysis. Given limited resources, there is limited merit in focusing further effort on the many items of legislation for which existing burdens have been found to be limited.

The four chosen clusters were:

- **Industrial Emissions** – especially the EPRT, Industrial Emissions and Medium Combustion Plant Directives;
- **Waste** – especially the Packaging Waste and WEE Directives, as well as checking whether there are others with substantial burdens;
- **Water** – especially the Water Framework and EQS Directives, and other related legislation;
- **Air Quality and Noise** – especially the Directives related to Ambient Air Quality and Noise.

The research reviewed and tested the initial assessment, and collected further information to develop the analysis, focusing on key cost parameters such as the number of reporting entities and the time taken in the reporting process.

The work involved targeted interviews with DG ENV and EEA experts, MS authorities, and where appropriate operators or industry associations. In addition, simple questionnaires were distributed to MS experts to gather further information, where appropriate, and relevant documents were reviewed.

This enabled the relevant fiches for each item of legislation to be updated further.

5 Assessing the benefits of Environmental Reporting Obligations

Introduction

The benefits of reporting obligations need to be viewed alongside their costs. It is important to recognise that regulatory monitoring and reporting are intended to provide vital information that supports the implementation, monitoring and review of environmental legislation. Without this information, it would not be possible for policy makers or the public to assess whether the legislation is being properly implemented, whether it is effective in achieving its objectives, what are the costs and benefits of implementation, or what challenges need to be addressed in improving its effectiveness and efficiency over time.

Assessment of costs alone is clearly not sufficient to inform a review of regulatory fitness. While quantification of administrative burdens can help to indicate areas where there may be greatest potential for cost savings, any assessment of potential change clearly needs to examine the benefits as well as the costs of the reporting obligations affected, and to examine the effect of proposed changes on them.

This presents challenges for evaluation, since the costs of reporting obligations are more readily quantified and monetised than the benefits. Application of the Standard Cost Model to quantify administrative burdens is relatively straightforward providing relevant data are available.

In contrast, the benefits of reporting are much more difficult to quantify, for two main reasons:

- **Environmental monitoring and reporting deliver benefits indirectly**, by enhancing the implementation of policy over time. It is also just one stage in the process of policy implementation, providing information which informs future action by policy makers and stakeholders. The effects of the reporting process itself are therefore extremely difficult to quantify; and

- **Benefits are difficult to express in monetary terms.** Even if the benefits of reporting could be quantified, for example in terms of changes in environmental quality that might result from better policy implementation, valuation would remain problematic as environmental effects are more difficult to value in monetary terms, than for instance, the costs of labour time.

For this reason, assessment of benefits needs to be made in qualitative terms, examining the purpose and benefits of reporting and considering whether current reporting obligations meet their intended purpose and what benefits they deliver.

The Purpose and Objectives of Environmental Reporting

The role of environmental reporting is to enable the collation of data that provides evidence on the implementation and impacts of EU environmental policy. This is a critical part of Better Regulation and ensures that evidence-based actions can be taken to ensure that policy is amended where necessary to ensure that it remains fit-for-purpose. Box 1 summarises the main objectives of reporting.

Box 1: Objectives of reporting

Demonstrate compliance with legal obligations

Determine if the objectives of legislation are being achieved effectively and efficiently, including, where appropriate, ensuring a level playing field of the internal market

Inform the other EU institutions as well as the public and stakeholders at EU level on the progress of implementation and the identification of gaps:

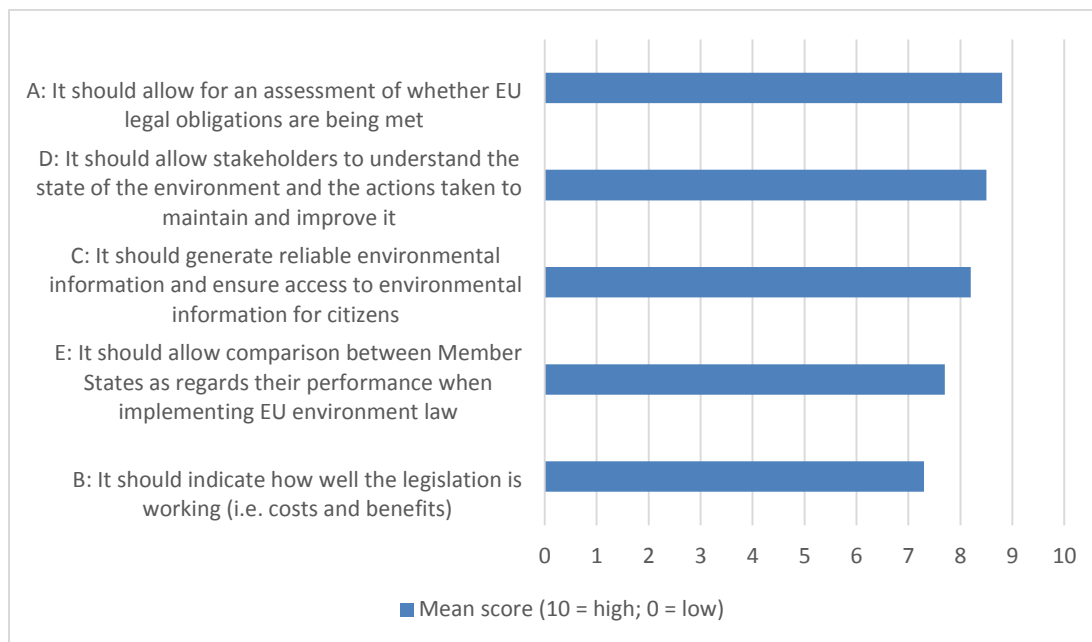
Help inform the understanding of an environmental issue and so help to improve decision making, e.g. policy evaluations or impact assessments:

Identify and spread good practices amongst Member States

Source: Based on Better Regulation Guidelines

Respondents to the public consultation highlighted the importance of monitoring and reporting in assessing whether legal obligations are being met, improving stakeholder understanding of the state of the environment, and providing environmental information for citizens (Figure 5.1).

Figure 5.1 Stakeholder opinion on the relative importance of the 'objectives'



Source: Environmental Monitoring and Reporting Fitness Check Public Consultation

Benefits of Individual Reporting Obligations

The benefits of the current system of environmental monitoring and reporting are difficult to quantify and summarise overall, and need to be considered in qualitative terms and on a case by case basis.

The fiches accompanying this assessment summarise the purpose and benefits of individual reporting obligations.

It is clear that:

- All of the reporting obligations identified aim to fulfil a purpose and to provide particular benefits;
- The purpose and benefits varies by reporting obligation. For example, many ROs seek to provide basic administrative information, such as the names and contact details of competent authorities, which, though limited in extent, is vital in informing implementation. In contrast, other reporting obligations provide much more detailed information on implementation and enforcement, the state of the environment and challenges and issues in implementation, which delivers deeper benefits and plays an important role on informing the implementation, monitoring and review of legislation. Some ROs (e.g. those relating to bathing water and air quality) provide important environmental information to the public;
- Some reporting obligations have been less beneficial than originally foreseen. This may be the case where reporting has in practice been limited or incomplete, where information has been variable or inconsistent in its nature and format, or where issues with data quality have been identified. In most of such cases, steps are being taken to address this issue, either by repealing the obligation or by improving the quality and consistency of reporting;
- Most ongoing reporting obligations are seen to provide clear benefits, though these are difficult to quantify.

Analysis of potential changes in reporting obligations needs to take account their relative costs and benefits, and to consider the scope for enhancing the benefits at no extra cost, or for reducing costs while still meeting the purpose and benefits of reporting.

6 Results of the assessment of administrative burdens

Table 6.1 groups the different items of legislation according to the broad magnitude of their administrative burdens.

The findings need to be interpreted with caution and are presented for further discussion with experts and stakeholders.

The estimates indicate that:

- There is a very wide spread of administrative burdens among different items of legislation, ranging from zero to millions of euro annually;
- Most reporting obligations place burdens on Member State authorities and the Commission. This limits the number of reporting entities and the scale of the burdens imposed;
- A few items of legislation have reporting obligations that require data to be collected from businesses, either by requiring businesses to report directly or by requiring data from competent authorities which need to be collected from businesses. In these cases the number of reporting entities, and hence the scale of the reporting burden, can increase greatly. These items of legislation include the Packaging Waste Directive and WEEE Directive;
- Reporting under the Ambient Air Quality Directive and related Directive on arsenic, cadmium, mercury, nickel and PAH in ambient air also has fairly large costs. Part of the costs under these Directives relate to initial investment and maintenance of reporting systems and processes (resulting from a recent shift to e-reporting systems): costs are expected to diminish over time, as the benefits of e-reporting decrease the administrative burden.
- Industrial emissions legislation, including the EPRTR regulation and Industrial Emissions Directive, has a relatively large overall reporting burden, especially the EPRTR which requires reporting by large numbers of individual operators, but the majority of this burden stems from internationally-derived obligations (in this case the UNECE Kiev protocol). Since the EU E-PRTR Regulation merely implements these international requirements, the costs associated with fulfilling this RO do not stem from the EU legislation and the Commission is not empowered to alter the requirements. However, there can be an added burden of EU legislation adds some burdens through added requirements that were not in the original international obligation, but the net (EU added) cost of the ROs is much lower than the overall costs of reporting;
- The Water Framework Directive also has large reporting costs, though a large proportion of these are voluntary rather than a direct result of the legislation;
- A larger number of items of legislation place significant reporting obligations on Member State authorities and may result in burdens in the range EUR 100,000 to 1 million annually across the EU28. These burdens are still significant and of concern to Member State authorities.
- The estimates include mainly the costs of time (and in some cases consultancy fees) incurred in reporting. They do not include costs of monitoring equipment or time incurred in monitoring of emissions or environmental quality. Our analysis found that none of the ROs examined gave rise to a requirement for environmental monitoring purely for reporting purposes – in most cases monitoring was found to be required to meet other obligations (e.g. checking

compliance, assessing the need for remedial action) rather than being needed primarily to meet a reporting obligation.

The analysis also considered the benefits of each RO. The fiches indicate that reporting to the EC provides a variety of benefits, including:

- Checking and verifying compliance with legislation;
- Informing citizens and stakeholders of the state of the environment and the implementation of environmental legislation;
- Enabling compilation of environmental information at EU level, thereby providing information about the state of Europe's environment, trends, pressures and responses;
- Providing up to date information about arrangements for implementation, including responsible authorities, methods of implementation, enforcement arrangements and penalties for non-compliance;
- Aiding the identification and resolution of problems in implementing EU legislation;
- Informing the monitoring and evaluation of EU environmental legislation.

The estimates are sensitive to the methodology and assumptions applied, particularly in relation to:

- **The definition of reporting obligations.** The estimated time requirements include only the gathering, collation, analysis and reporting of information resulting directly from a requirement to report to the EC. In many cases a large amount of information needs to be gathered for other requirements of the relevant legislation (e.g. permitting, compliance checking, action planning) and is then available to the authorities for reporting purposes. In these cases we have not included the time and costs involved in gathering the required information (e.g. pollution monitoring, development of plans and guidance documents) but only those involved in reporting to the EC. The costs of gathering the information reported are therefore often much greater than the costs of reporting that information.
- **Estimates of time required.** Little data was found on the time taken for reporting tasks, and therefore it was generally necessary to estimate roughly how much time might be required to prepare reports under different ROs. These estimates could be refined through interviews or surveys of individuals with direct experience of the ROs in question.
- **The tariff applied.** We have assumed an average tariff of EUR 300 per day, including staff costs and overheads, based on data on labour costs in the EC administrative burdens database. Other studies have used much lower (and sometimes higher) tariff rates. The tariff applied can significantly affect the estimates of burden. Further work to refine the tariff rates applied is being undertaken in the course of this study.

The assessment provides rough, order of magnitude estimates that require further verification and refinement. The initial analysis and the fiches were shared with stakeholders in autumn 2016, and have been updated to reflect the comments received.

Table 6.1 Broad assessment of administrative burdens by item of legislation

Type	Approximate annual administrative burden attributable to ROs	Incidence of burden	Items of legislation falling into this category (and reference number)
Regular reporting with direct obligation for large numbers of businesses/ operators as well as MS authorities	Large More than EUR 1 million	Business, MS, EC	Packaging Waste Directive (31), WEEE Directive (34)
Regular reporting by MS of very detailed and extensive information that should already be available but require significant time to compile.	Fairly Large EUR 100,000 to 1 million p.a.	MS, EC	Ambient Air Quality Directive (1)**; Arsenic, cadmium, mercury, nickel and PAH in ambient air (2)**; Environmental Noise Directive (3), Water Framework Directive (4)*, MSFD (7), Drinking Water Directive (8), Habitats Directive (10), Birds Directive (11), EPRTD Regulation (13), Industrial Emissions Directive (14); National Emissions Ceilings Directive (16), Urban WW Treatment Directive (17), Nitrates Directive (18), EMAS Regulation (19), Landfill Directive (20), Extractive Waste Directive (21), Waste Framework Directive (27), Waste Shipments Regulation (29), Batteries and Accumulators Directive (30), End of Life Vehicles Directive (33), REACH Regulation (39), INSPIRE Directive (45), Regulation on Trade in Wild Fauna and Flora (47), FLEGT Regulation (51), Timber Market Regulation (52), Animal Testing Directive (58)
Reporting by MS of detailed information	Moderate	MS, EC	EQS Directive (5), Floods Directive (6), Bathing Water Directive (9),

that should already be available	EUR 30,000 – 100,000 p.a.		Habitats Directive (9), IAS Regulation (12), Sulphur content of liquid fuels Directive (15), Seveso Directive (24), Fracking Recommendation (25), Sewage Sludge Directive (26), Mercury Regulation (36), VOCs Directive (37), CLP regulation (40), EIA Directive (43), SEA Directive (44), Access and Benefits Sharing Regulation (50), Ship Recycling Regulation (53), Medium Combustion Plant Directive (54), Asbestos Directive (56)
Regular or ad hoc reporting by MS of a limited amount of available information; or more detailed information by EC only	Small Zero – EUR 30,000 p.a.	MS, EC	VOC emissions Directive (22), Petrol vapour recovery Directive (23), Ecolabelling Regulation (28), RoHS Directive (35), POPs Regulation (38), Regulation on Export and Import of Hazardous Chemicals (41), Regulation on Trade in Seal Products (55), EEA/ EIONET Regulation (57)
No further reporting required	Zero	-	PCBs Directive (32), Environmental Liability Directive (42), Directive on Public Access to Environmental Information (46), Regulation on Imports of Whale Products (48), Regulation on Trade in Seal Skins (49)

NB: The above is based on a preliminary assessment as presented in the fiches below; further discussion and refinement is needed. Some items of legislation have been reclassified from previous draft.

The figures exclude IT and system costs at EU level, which are normally shared between different items of legislation on a thematic basis.

** For the Water Framework Directive, the actual costs of reporting and information transfer go well beyond the strict requirements of the reporting obligations, and are likely to amount to several million Euro*

*** There is a shared reporting system for the Directives on Ambient Air Quality and Arsenic, cadmium, mercury, nickel and PAH in ambient air, and costs are therefore shared between them*

Annex 3 - Reporting Obligation Fiches

Support to the Fitness Check of monitoring and reporting obligations arising from EU environmental legislation

Reporting Obligation Fiches

Date: 16 December 2016

Job Number 30300747

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The following fiches set out details of each of the reporting obligations arising from EU environmental legislation, as identified in the reporting obligations inventory. The fiches identify and seek to quantify as far as possible the factors giving rise to administrative burdens for each reporting obligation, as well as describing the purpose and benefits of each RO.

1 Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe

DIRECTIVE 2008/50/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 May 2008 on ambient air quality and cleaner air for Europe

Overview: This directive merges most existing EU air quality legislation (except for the 4th daughter directive, concerning certain heavy metals). The air quality objectives for the EU are not changed. Fine particulates (PM2.5) are included under its scope. There is provision for time extensions for meeting limit values of PM10, NO₂ and benzene, based on EC assessment. There is also provision for discounting natural sources of pollution when assessing limit value compliance. It also repeals the Decision 97/101/EC on Exchange of Information.

This Directive lays down measures aimed at the following:

- Defining and establishing objectives for ambient air quality designed to avoid, prevent or reduce harmful effects on human health and the environment as a whole;
- Assessing the ambient air quality in Member States on the basis of common methods and criteria;
- Obtaining information on ambient air quality in order to help combat air pollution and nuisance and to monitor long-term trends and improvements resulting from national and Community measures;
- Ensuring that such information on ambient air quality is made available to the public;
- Maintaining air quality where it is good and improving it in other cases;
- Promoting increased cooperation between the Member States in reducing air pollution.
- The bulk of the reporting under this directive is covered in other legislation to do with air quality (e.g. Commission Implementing Decision 2011/850/EU on reciprocal exchange of information and reporting).

Reporting is defined by Commission Implementing Decision 2011/850/EU on reciprocal exchange of information and reporting.

Two ROs were identified under the regulation in the Task 1 RO Inventory. These refer to the obligations as stated in the Directive. These are further elaborated in 13 individual data flow obligations in Commission Implementing Decision 2011/850/EU, which are itemised on the EEA's reporting obligations database (<http://rod.eionet.europa.eu/obligations>).

RO 1.1: Information on Ambient Air Quality

A-B: General info

A5. Obligation Source Type	Legislative
----------------------------	-------------

A6. Obligation and legal base	Article 27 lays down rules and obligations for relaying air quality information to the Commission.
Reporting process and information required	<p>Article 27 obliges MS to ensure that ambient air quality information is made available to the Commission. This enables assessment of compliance with limit values (Annex XVI). MS must report to the Commission no later than 9 months after the end of each year. The information required is:</p> <p>Levels assessed and, if relevant, dates and periods when exceedances were observed. Other information includes an assessment of contribution by natural sources or sources such as winter-sanding or salting of roads (Articles 20,21)</p> <p>The Commission can further demand additional information, as per Article 28(2), which itself refers to the rules of 1999/468/EC: Council Decision of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission¹⁷⁴.</p> <p>The legislation states what must be reported on e.g. PM10. The Commission Implementing Decision 2011/850/EU sets out the specific rules for the reciprocal exchange of information and reporting. Information is reported by MS via EEA's ReportNet.</p> <p>Monitoring is assumed to be required in order to enable MS to take actions to ensure compliance with the legislation, rather than purely for the purposes of reported. It is suggested that MS collect more data than is required by the Directive / is reported e.g. the UK only reports data for a small proportion of the monitoring stations that it actually has in place.¹⁷⁵</p> <p>Annex II Sections A to D cover information on the responsible authorities, zones and assessment retime and methods. Much of this information is unlikely to change year-to-year, although certain data needs to be updated e.g. the population of each assessment zone.</p> <p>Annex II Section E relates to the raw monitoring data, which is in most instances reported as an automated process and can provide near real-time data.</p> <p>Annex II Section G refers to MS assessment of compliance, requiring information on the exceedance situation for each zone, and additional information for zones in which exceedances have occurred. This is a self-assessment by MS, but must be compatible with the data provided under the previous sections.</p> <p>Most MS have some level of automation to collate data into their national databases. There is a common schema/xml, instead of old spreadsheet system for reporting to the EEA. The EEA provided a transition tool to get data from national databases into necessary format during the transition phase</p>

¹⁷⁴ <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A31999D0468>

¹⁷⁵ Interview with EEA 05.09.16

	to data harvesting. Countries now implement their own system. MS may carry out validation checks on the reported compliance data (Section G). This is likely to be more extensive in situations where non-compliance is identified.
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: State Secondary focus: Driver, Pressure, Impact, and Response
C. Type of content	
C1. Type of information reported	Numerical, Text and Geospatial
C2. Thresholds/triggers for reporting	Non-compliance / exceedance of target values or limit values triggers additional reporting requirements (i.e. additional information on the exceedances)
D. Timing of reporting	
D1. Frequency of reporting	Annual
D2. Last deadline for reporting	30 September 2015
D3. Next deadline for reporting	30 September 2016
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	2016
D6. Date of most recent Commission report	30 November 2015
D7. Deadline of MS report on which the most recent Commission report is based on	30 September 2014
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	426 The long lag time (more than one year) between MS reporting and EC reporting) is an artifact from previous reporting based on Excel files. New e-reporting routines in place now should speed this up in future.
E. Format and process requirement	
E1. Reporting partner/service provider	EEA
E2. Information provision requirement	No

to international organisation	
E3. Format for reporting	Data input
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Article 26
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	Implementing Decision 2011/850/EU
H4. Possible data overlaps with other reporting requirements	None
H5. Potential informal links with other policy areas/legislation	Potential links to NEC Directive, IED Directive, and other emission source legislation.
H6. Existing links with voluntary reporting	None
Purpose and benefits of RO	
<p>This RO aims to keep all concerned parties (public, MS and the EC) informed on the current situation and ongoing progress to do with air quality in Europe. Reporting linked to both compliance checking and public information. Reporting ensures comparable, objective and reliable information that is quality assured at MS and European level - the new system facilitates this. The reporting by MS to the Commission on exceedances serves as the basis of any enforcement action by the EU concerned with failure to meet air quality objectives.</p> <p>Reporting allows assessment of whether air quality standards are met, what the causes for non-attainment may be, and what measures have been taken. Furthermore, near real time data facilitates public information. The annual report on 'Air Quality in Europe', as prepared by EEA, is the key publication on air quality in the EU. Air quality is an issues of significant public interest. Raises the awareness, receives high media response, and helps shape the political agenda. An improved online accessibility and links between reported data and related measures would increase the usefulness substantially. The EEA is working towards this.</p> <p>Harmonisation of data ensures comparability and hence provides better evidence. It</p> <ul style="list-style-type: none"> • Ensures MS are using appropriate data when determining whether action is required to improve air quality 	

- Provides consistent data in order to determine progress against the Directive's objectives
- Provides comparable data that provides better opportunities for learning re. what works and sharing best practice across MS
- Provides comparable and aggregate data which has a use beyond the EEA/EC's needs. Air quality data is used widely by 3rd parties e.g. by researchers, NGOs, business etc.

Reporting approach provides geospatial data. This can be linked easily with other reporting streams e.g. potentially air pollution sources in the IEDs EPTR – AQ maps normally have locations of power plants in them. This allows better understanding of causes and problems. This was not so easy when data was reported in questionnaire formats. Linked geospatial analysis can now be more readily carried out i.e. on an ad-hoc basis.

Analysis of costs

Type and number of reporting entities (Q)

MS: 28. This may also require MS to collate and compile data from sub-national authorities e.g. in Germany.

EEA: 1. Production of air quality report

Time required (T)

The reporting system – and the costs associated with it – are shared with those for Directive 2004/107/EC of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air (see RO 2.1).

MS: The initial reporting of air quality data is an automated process and hence requires little time inputs. Reporting on compliance to the Commission is contingent on exceedance of limit values. The reporting period is 9 months, the volume of information may vary, and the analysis is at most moderately detailed (if contribution from natural sources is assessed).

Time required for reporting is dependent on a number of factors. The number of zones / monitoring stations on which data is to be reported (hence size of MS / size of agglomerations is relevant). However this may be counterbalanced by the degree of automation of MS processes e.g. Germany is relatively quick as well automated. The occurrence of exceedances may also affect time requirements – where exceedances occur, validation checks may be more in depth to confirm that non-compliance has actually occurred. The number of exceedances / level of compliance is therefore a relevant factor. Some additional collation costs may be required for MS with federalised governance systems, compared to more centralised systems – however this may also provide cost saving in the verification process as IT bugs may be tested within a single sub-national area prior to implementation of country-wide reporting.

MS: The EEA estimates that annually there are 4 days of meetings and 2 months of QA/QC – estimated to total 80 to 100 days input; the EC considers this is likely to be an overestimate of the time required. An average of 50 is assumed, but this needs to be tested further drawing on information from Member States..

	<p>EEA: processes estimated to take approx. 5 to 6 months. Requires 3 to 4 FTEs¹⁷⁶ (Av. 233 working days/yr x 3.5 FTE = 815 days/yr)</p> <p>This covers QA, putting the dataflow online, etc. IT does not include the actual report production¹⁷⁷.</p> <p>There has been significant investment in establishing reporting systems and processes, and the time required may be expected to decline in future.</p>
Frequency of action (F)	<p>MS: once per year</p> <p>EEA: once per year</p>
Other costs types	<p>MS: The cost of monitoring itself – and the associated equipment and labour costs involved – are not regarded as a cost resulting from the reporting obligation per se. This is because monitoring is needed to achieve wider compliance with the Directive – including the need to take action to achieve specified air quality levels and the need to report information on air quality to the public.</p> <p>Some MS do not yet have the IT systems in place to allow automated reporting of data. They generally utilise contractors to undertake data processing in order to generate data in the format required. No estimate is yet available.</p> <p>MS may have annual maintenance/investment cost for maintaining their reporting systems. No estimate yet available. Large investment costs for transition to the new system may have been required. A small number of MS may be yet to have incurred these costs.</p> <p>EEA: Large investment costs were required to adapt to the new EEA centralised Air Quality e-reporting database (approx. €1m – 3rd party software development). Approx. €300k annual investment costs. Costs are not solely related to this Directive.¹⁷⁸ These system costs may be expected to decline over time as the system becomes more established and the less time is needed to implement it.</p>
SCM equation(s)	<p>MS = $Q(28) \times T(50 \text{ days} \times \text{tariff}) + O(\text{maintenance cost}) \times F(1/\text{year})$</p> <p>In addition, MS = $Q(>28) \times O(\text{contractor costs}) \times F(1/\text{year})$ (for MS reliant on use of contractors)</p> <p>EEA = $Q(1) \times T(815\text{days} \times \text{tariff}) + O(€300\text{k}) \times F(1/\text{year})$ (+ additional costs for report production)</p>
Existing estimates of costs	<p>There are no recent estimates of administrative burdens.</p>
Significance of admin burden	<p>The burden purely to do with reporting is overall likely to be moderate.</p>

¹⁷⁶ EEA estimate (ICF and EEA meeting 26 May 2016)

¹⁷⁷ Interview with EEA 05.09.16

¹⁷⁸ EEA estimate (ICF and EEA meeting 26 May 2016)

Current or recent trends affecting RO	<p>New requirements with regard to reporting and exchange of air quality information applies as from 1 January 2014 based on CID 2011/850/EC.</p> <p>Air quality reporting falls under the INSPIRE directive, which aims to establish a standardised framework and infrastructure for reporting geospatial information at the EU level.</p> <p>Article 17 of the INSPIRE directive has MS to adopt measures for sharing of data, open to MS authorities, other MS, EU institutions and the public. Further Article 18 of INSPIRE has MS ensure appropriate structures/mechanisms are in place for coordinating, across different levels of government, contributions of all with an interest in spatial information.</p> <p>There have been significant investment costs in establishing the reporting system shared between this Directive and Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air; these costs are expected to reduce over time, and, by implementing automated reporting processes, to reduce the time and administrative burden of reporting.</p>
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RO 1.2: Air quality plans in agglomerations exceeding limit or target values

A-B: General info

A5. Obligation Source Type	Legislative
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A6. Obligation and legal base	Article 23
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Reporting process and information required	<p>If the levels of pollutants in ambient air exceed any limit value or target value for any given zones or agglomerations, Member States shall establish air quality plans for them to support achievement of the related limit/target value. Article 23 requires that these plans are communicated to the Commission.</p> <p>The provisions in Annex XV of the regulation and the rules in Annex II Section H of CID 2011/850/EC guide the content of the plans. For reporting purposes, there is allowance for MS to present information within the plan in their own style and language. MS simply transmit the plan to the Commission.</p> <p>Section K of the CID require reporting in a consistent format for individual measures. This requires a manual extraction of information from the plan into the required format.</p> <p>For federalised states this may involve the collation of plans from sub-national authorities.</p> <p>Information is reported by MS via EEA's ReportNet.</p> <p>The Commission reviews plans and provides opinion to the MS. However no Commission reporting is required.</p>
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A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: Driver, Pressure, State and Impact
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Exceedances of limit values or target values in a zone or agglomeration
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	Not applicable (NA)
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	No
E3. Format for reporting	For some aspects e.g. Section K information on 'measures'
E4. Reference / Link to reporting template	http://www.eionet.europa.eu/aqportal/plansandprogrammes

E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes (EEA's Central Data Repository)
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Article 26
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	None
H5. Potential informal links with other policy areas/legislation	None
H6. Existing links with voluntary reporting	None
Purpose and benefits of RO	
To enable the Commission to assess the adequacy of Member State response to exceedances of limit values.	
Reporting, notably the comparable reporting of measures, provides for the opportunity to learn across MS (and across cities).	
Analysis of costs	
Type and number of reporting entities (Q)	MS: up to 28. The number of MS exceeding limit values and hence required to report their plans and specific measures varies across pollutants ¹⁷⁹ .
Time required (T)	MS: time required for reporting plans is insignificant as plans only need to be collated and transmitted to the Commission. No specific formatting or processes is required. MS: time required to extract and report on specific measures may be more substantive. This is a manual process (not automated) and reporting must comply with a specific format. In both instances, the time required will be linked to: <ul style="list-style-type: none"> • The number of plans that need to be reported on. In 2015, the UK had 42 air quality plans¹⁸⁰

¹⁷⁹ See: EEA (2015). Air quality in Europe — 2015 report. EEA Report No 5/2015

¹⁸⁰ <https://www.gov.uk/government/collections/air-quality-plan-for-nitrogen-dioxide-no2-in-uk-2015>

	<ul style="list-style-type: none"> • The number of measures across all plans which need to be extracted and separately reported on. • MS governance structures may influence time required to collate plans / measures i.e. where sub-national authorities are responsible for production of plans.
Frequency of action (F)	<p>MS: a plan only needs to be reported when a new plan is published or existing plans are updated. Plans may be in place for a number of years. Even where additional measures are adopted, this does not necessarily mean that plans will be updated and hence re-reported.</p> <p>MS: information on specific measures must be reported when a new measure is adopted or a measure amended. This may be in response to Commission opinion on a plan's measures, or due to other circumstances.</p>
Other costs types	No other costs are anticipated
SCM equation(s)	<p>MS reporting of plans: Q (up to 28) \times T (1-3 days \times tariff) \times F (at least 0.25/year)</p> <p>MS reporting of measures: Q(up to 28) \times T(1-3 days \times tariff) \times F(at least 0.25/year)</p>
Existing estimates of costs	None available
Significance of admin burden	Likely to be relatively low as requires extraction of only specific information into specified formats e.g. on measures adopted, and uploading of this information and of plans to Reportnet.
Current or recent trends - affecting RO	

2 Directive 2004/107/EC of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air (Including Implementing Decision 2011/850/EU)

[Directive 2004/107/EC of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air \(Including Implementing Decision 2011/850/EU\)](#)

Overview: The 4th daughter directive of the Air Quality Framework Directive (96/62/EC - repealed by Ambient Air Quality Directive 2008/50/EC), this legislation sets obligations for all MS for monitoring of arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons, plus target values of non-exceedance for concentrations in ambient air for all apart from mercury – namely 6 ng/m³ for arsenic, 5 ng/m³ for cadmium, 20 ng/m³ for nickel and 1 ng/m³ for polycyclic aromatic hydrocarbons (PAH), represented by benzo(a)pyrene (Annex I of the directive). The rationale is that scientific evidence points to there being no known lower threshold below which these substances have no impact on human health.

In addition to establishing target values and ensuring they are met, the directive sets common methods and criteria for assessment of concentrations in ambient air, as well as atmospheric deposition for all named pollutants, including the determining of zones and agglomerations (Article 4, Annex II, III, IV, V). Lastly, it requires that adequate information on concentrations and deposition is obtained and made available to the public (Article 5(3), Article 7).

As with RO1.1, reporting is defined by Commission Implementing Decision 2011/850/EU on reciprocal exchange of information and reporting, and most of the rules described in CID 2011/850/EU affect both Directives.

The Task 1 RO inventory has identified one RO, which however is composed of multiple elements.

RO 2.1: Information on Ambient Air Quality (i.e. on As, Cd, Hg, Ni, B(a)P)

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 5 (plus Implementing Decision 2011/850/EU)</p> <p>MS are required to report to the EC exceedances of concentrations of any of the target values laid in in Annex I in any zones and aggregations, plus the size of the areas concerned, the concentrations, reasons for exceedance and contributing sources, plus the population exposed to such exceedance.</p> <p>Where exceedances occur, MS are required to identify pollution sources and demonstrate that "all necessary measures not entailing disproportionate costs" have been taken to avoid this (Article 3(3)).</p> <p>MS shall also report any measures taken pursuant to article 3 (art. 5.2).</p>
Reporting process and information required	<p>MS must report exceedances of all compounds monitored and in particular: 1) the list of zones and agglomerations where exceedances occur; 2) the areas of exceedance; 3) the concentration values assessed; 4) the reasons for exceedance and any contributing sources in particular; 5) the population exposed to such exceedance</p> <p>A streamlined reporting system was introduced by CID 2008/50/EU. The process is as described for Directive 2008/50/EC. Reporting under the two directives has been harmonised.</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	<p>Primary focus: State</p> <p>Secondary focus: Driver, Pressure, Impact and Response</p>
C. Type of content	
C1. Type of information reported	Numerical, Text and Geospatial
C2. Thresholds/triggers for reporting	Non-compliance / exceedance of target values triggers additional reporting requirements (i.e. to demonstrate the application of necessary measures)
D. Timing of reporting	
D1. Frequency of reporting	Annual
D2. Last deadline for reporting	9/30/2015

D3. Next deadline for reporting	9/30/2016
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	2016
D6. Date of most recent Commission report	30 November 2015
D7. Deadline of MS report on which the most recent Commission report is based on	9/30/2014
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	426 The long lag time (more than one year) between MS reporting and EC reporting) is an artifact from previous reporting based on Excel files. New e-reporting routines in place now should speed this up in future.
E. Format and process requirement	
E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Data input
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Article 3(5)
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	Implementing Decision 2011/850/EU

H4. Possible data overlaps with other reporting requirements	None
H5. Potential informal links with other policy areas/legislation	Potential links to IED Directive, and other emission source legislation.
H6. Existing links with voluntary reporting	None
Purpose and benefits of RO	
<p>The aim of this RO is for the Commission to assess the compliance of MS with the targets of this directive. Air quality plans are basis for enforcement action. Reporting also provides information to the public.</p> <p>The benefit is that the information that MS report would serve as the basis of any litigation efforts that the Commission may undertake given failure of MS to comply. Reporting allows assessment of whether air quality standards are met, and what measures have been taken.</p> <p>The annual report on 'Air Quality in Europe', as prepared by EEA, is the key publication on air quality in the EU. It raises awareness, receives high media response, and helps shape the political agenda. An improved online accessibility and links between reported data and related measures would increase the usefulness substantially. The EEA is working towards this.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	<p>MS – 28.</p> <p>The MS may need to collect and collate data from a larger number of authorities at sub-national level.</p> <p>EEA: See RO 1.1 (a single report is produced covering both Directives 2004/107 and 2008/50)</p>
Time required (T)	<p>MS data collation – would vary between MS based on the extent of the measurement network (i.e. number of zones & agglomerations) and instances of limit exceedance; and the existence of any data repositories or tools to facilitate between-department data and information exchange i.e. the degree of automation. Likely to be moderate</p> <p>MS reporting – given that all prior steps are completed, reporting should not take more than a week as it involves e-reporting. May entail additional time if any revisions are required by the EC.</p> <p>EEA: See RO 1.1</p>
Frequency of action (F)	<p>MS: once per year</p> <p>EEA: See RO 1.1</p>
Other costs types	<p>MS: There have been significant costs and human resources in developing and implementing the new e-reporting system in the MS. A small number of MS have yet to undertake such investment.</p> <p>The cost of monitoring itself – and the associated equipment and labour costs involved – are not regarded as a cost resulting from the reporting obligation per se. This is because monitoring is needed to achieve wider</p>

	<p>compliance with the Directive – including the need to take action to achieve specified air quality levels and the need to report information on air quality to the public.</p> <p>EEA: see RO 1.1</p>
SCM equation(s)	<p>MS: See RO 1.1</p> <p>EEA: See RO 1.1</p> <p>The estimates provided for Directive 2008/50/EC include the costs associated with this Directive. Reporting for the two directives has been harmonised.</p>
Existing estimates of costs	<p>There are no current estimates of administrative burdens</p>
Significance of admin burden	<p>Moderate, as although MS must collate and report on a large amount of data, this data would already be available, as it needs to be collected by CAs in order to ensure compliance with the substantive articles of the directive.</p>
Current or recent trends affecting RO	<p>Air quality reporting, including the 4th daughter directive, must adhere to the INSPIRE directive’s standards (to do with establishing an EU-wide infrastructure for reporting of geospatial information and standardising the way data is reported).</p> <p>Article 17 of the INSPIRE directive has MS to adopt measures for sharing of data, open to MS authorities, other MS, EU institutions and the public. Further Article 18 of INSPIRE has MS ensure appropriate structures/mechanisms are in place for coordinating, across different levels of government, contributions of all with an interest in spatial information. Both of these provisions are relevant for information exchange and provision under this RO. An integrated EU-wide system for spatial information may facilitate more rapid exchange of information, thus lessening the administrative burden. However, the mid-term assessment of INSPIRE¹⁸¹ states that a potential burden would be the increased technical know-how required for reporting entities, which may mean larger training costs and, at least initially, slower reporting.</p> <p>See also discussion under RO 1.1.</p>

3 Directive 2002/49/EC relating to the assessment and management of environmental noise

[Directive 2002/49/EC relating to the assessment and management of environmental noise](#)

Overview: This Directive aims to define an EU-wide approach through which the issue of environmental noise can be addressed; avoiding, preventing and reducing environmental noise according to priorities based on the harmful effects of exposure. Local noise issues are addressed by requiring MS to determine exposure to environmental noise, and by requiring CAs to draw up noise management action plans

¹⁸¹ <http://www.eea.europa.eu/publications/midterm-evaluation-report-on-inspire-implementation>

to reduce noise where necessary (particularly where it has effects on human health), and maintain environmental noise quality where it is good. MS must ensure that information on environmental noise and its effects is available to the public, and that CAs consult the public concerned when developing noise management action plans.

The Directive seeks to provide a basis for the development of Community measures to reduce noise emitted by major sources. It requires MS to determine noise limit values that apply within their territories (Article 5); to draw up 'strategic noise maps' every five years, for major roads, railways, airports and agglomerations, using harmonised noise indicators (Articles 7 & 10); to list major roads, railways, airports and agglomerations exceeding specific criteria of capacity (Articles 7(1)-(2) & 7(5)); to provide information on noise reduction measures which are already in place (Article 10(2)); and to draw up action plans on how to deal with environmental noise within their territory. (Articles 8(1)-(2), 8(5), 10(2) & 10(5)). MS are also required to report to the Commission on these various factors and measures.

The MS shall submit their data electronically; using the [Reportnet Central Data Repository \(CDR\)](#) to report on major noise sources, strategic noise maps and management action plans.

An overview of the data reporting obligations under the Directive is shown in the figure below from the Electronic Noise Data Reporting Mechanism Handbook:¹⁸²

Data flow	Summary description of information to be reported	Legally binding deadline	Updates by MS	END provision
DF0	Definition of reporting structure	-	-	-
DF1_5	Major roads, major railways, major airports and agglomerations designated by the Member State.	First legally binding deadline: 30 June 2005. (1st implementation step) (*). Second legally binding deadline: 31 December 2008 (2nd implementation step) (*).	Mandatory every five years for DF1 — 1st implementation step (suggested for DFS — 2nd implementation step).	Art 7-1 Art 7-2 Art 7-5
DF2	Competent bodies for strategic noise maps, action plans and data collection.	18 July 2005.	Possible at any time.	Art. 4-2
DF3	Noise limit values in force or planned and associated information.	18 July 2005.	Possible at any time.	Art. 5-4
DF4_8	Strategic noise maps related data as listed in annex VI for major roads, railways, airports and agglomerations.	First legally binding deadline: 30 December 2007. (1st implementation step). Second legally binding deadline: 30 December 2012 (2nd implementation step).	Mandatory every five years.	Art 7-1 Art. 7-2 Art. 7-5 Art. 10-2 Annex VI
DF6_9	Noise control programmes that have been carried out in the past and noise-measures in place.	First legally binding deadline: 18 January 2009. (1st implementation step). Second legally binding deadline: 18 January 2014 (2nd implementation step).	No updates.	Art. 10-2 Annex VI 1.3 & 2.3
DF7_10	Action plans related data as listed in Annex VI for major roads, railways, airports and agglomerations and any criteria used in drawing up action plans.	First legally binding deadline: 18 January 2009. (1st implementation step). Second legally binding deadline: 18 January 2014 (2nd implementation step).	Mandatory every five years.	Art. 8-1 Art. 8-2 Art. 8-5 Art. 10-2 Art. 10-5 Annex VI + Art. 8-3

Six reporting obligations have been identified under this regulation in the Task 1 Reporting Obligation Inventory.

RO 3.1: Information on competent authorities (DF2)

A-B: General info

A5. Obligation Source Legislative
Type

A6. Obligation and legal base
Article 4

¹⁸² <http://www.eea.europa.eu/publications/noise-handbook>

	Member States shall inform the Commission on their designated competent authorities and bodies who are responsible for implementing this directive. The legal basis for this RO is Article 4.
Reporting process and information required	No later than 18 July 2005 Member States had to provide information for the Commission on those designated authorities and bodies which are responsible for: (a) making and, where relevant, approving noise maps and action plans for agglomerations, major roads, major railways and major airports; (b) collecting noise maps and action plans. This information needs to be made public as well. Updates can be made at any time.
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: State Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Major roads which have more than 3 million vehicle passages a year, railways which have more than 30 000 train passages per year, major airports which have more than 50000 movements per year and the agglomerations with more than 100 000 inhabitants within their territories
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	7/18/2005
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA

D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA Member states are in almost all cases in delay.
E. Format and process requirement	
E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Article 9
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: To have a comprehensive list of the relevant competent authorities. Inform the Parliament and the Council on the implementation of the Directive.	
Benefits: Up to date list of authorities. Policy makers know where responsibilities lie. Citizens and Commission can understand who to contact.	
Analysis of costs	

Type and number of reporting entities (Q)	MS: 28
Time required (T)	MS: Very limited time required ¹⁸³ – the details of the CAs should already be available and it is likely that reporting would require one day or less per MS.
Frequency of action (F)	MS: One-off (updates need to be made)
Other costs types	This information should be made available to the public as well.
SCM equation(s)	MS: $Q(28) \times T(<1 \text{ day} \times \text{tariff}) \times F(\text{infrequent})$
Existing estimates of costs	None identified.
Significance of admin burden	Likely to be low. According to the latest implementation report written by the EC ¹⁸⁴ most Member States designated the competent authorities on time but no information is provided on the administrative burden caused by this.
Current or recent trends affecting RO	In order to support the data flows required to be submitted by the Member State the Electronic Noise Data Reporting Mechanisms was set up. For more information see: http://www.eea.europa.eu/publications/noise-handbook

¹⁸³ EEA interview 02.09.16

¹⁸⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0321&from=EN>

RO 3.2: Information on limit values (DF3)

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 5(4) Member States shall communicate information on noise limit values. The legal basis for this RO is Article 5(4).
Reporting process and information required	No later than 18 July 2005, Member States shall communicate information to the Commission on any relevant limit values in force within their territories or under preparation, expressed in terms of Lden and Lnight and where appropriate, Lday and Levening, for road-traffic noise, rail-traffic noise, aircraft noise around airports and noise on industrial activity sites, together with explanations about the implementation of the limit values. Update can be made any time.
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: State Secondary focus: Response
C. Type of content	
C1. Type of information reported	Numerical
C2. Thresholds/triggers for reporting	Major roads which have more than 3 million vehicle passages a year, railways which have more than 30 000 train passages per year, major airports which have more than 50000 movements per year and the agglomerations with more than 100 000 inhabitants within their territories
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	7/18/2005
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA

D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA Member states are in almost all cases in delay.
E. Format and process requirement	
E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	

Purpose: To provide an overview of the current situation on the limit values that apply within the MS. Inform the Parliament and the Council on the implementation of the Directive.	
Benefits: Policy makers have a picture of how citizens are protected. Facilitates global assessment by WHO and policy makers.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28
Time required (T)	MS: Very limited ¹⁸⁵ , since the MS should already have this information in implementing the Directive.
Frequency of action (F)	MS: One-off (updates can be made)
Other costs types	
SCM equation(s)	MS: $Q(28) \times T(<1 \text{ day} \times \text{tariff}) \times F(\text{one-off})$
Existing estimates of costs	None identified.
Significance of admin burden	Limited, and likely to be less significant than other reporting obligations under the Directive.
Current or recent trends affecting RO	In order to support the data flows required to be submitted by the Member State the Electronic Noise Data Reporting Mechanisms was set up. For more information see: http://www.eea.europa.eu/publications/noise-handbook

¹⁸⁵ EEA Interview 02.09.16

RO 3.3: List of major roads, railways, airports and agglomerations (DF1_5)

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 7(1) and 7(2) Member States shall provide a list of major roads, railways, airports and agglomerations linked to specific criteria. The legal base of this RO is Articles 7(1), 7(2) and 7(5).
Reporting process and information required	No later than 30 June 2005, and thereafter every five years, Member States shall inform the Commission of the following: <ul style="list-style-type: none"> a. major roads which have more than three million vehicle passages a year, b. major railways which have more than 30000 train passages per year, and c. major airports which have more than 50000 movements per year and the agglomerations with more than 100 000 inhabitants within their territories.
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Pressure Secondary focus: State
C. Type of content	
C1. Type of information reported	Geospatial
C2. Thresholds/triggers for reporting	Major roads which have more than 3 million vehicle passages a year, railways which have more than 30 000 train passages per year, major airports which have more than 50000 movements per year and the agglomerations with more than 100 000 inhabitants within their territories
D. Timing of reporting	
D1. Frequency of reporting	Every 5yrs
D2. Last deadline for reporting	6/30/2015
D3. Next deadline for reporting	6/30/2020
D4. MS information published in a Commission report	No

D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA Member states are in almost all cases in delay.
E. Format and process requirement	
E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 - H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	

H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: This information is needed to fulfil the subsequent reporting obligations. It informs the Parliament and the Council on the implementation of the Directive.	
Benefits: Policy makers can know the scope of noise pressures. Facilitates global assessment by WHO and policy makers.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28 EC: 1
Time required (T)	MS: Very limited ¹⁸⁶ . The required information is likely to be available to the competent authorities and it only needs to be compiled. It is therefore estimated that this reporting obligation would require few days per each Member State. EC: ?
Frequency of action (F)	MS: Every 5 years. EC: ?
Other costs types	
SCM equation(s)	MS: $Q(28) \times T(5 \text{ days} \times \text{tariff}) \times (1/5\text{yrs})$ EC: ?
Existing estimates of costs	None identified.
Significance of admin burden	According to the latest EC Implementation Report ¹⁸⁷ the cyclical reporting obligations "in some cases, create an additional administrative burden without generating the necessary added value for EU action". The burden itself is likely to be moderate – each report is likely to take a few days to prepare but the information should be readily available to the MS authorities.
Current or recent trends affecting RO	In order to support the data flows required to be submitted by the Member State the Electronic Noise Data Reporting Mechanisms was set up. For more information see: http://www.eea.europa.eu/publications/noise-handbook

RO 3.4: Noise reduction measures already in place (DF6_9)

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 10(2) and Annex VI 1.3

¹⁸⁶ Interview with EEA 02.09.16

¹⁸⁷ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0321&from=EN>

	Member States required to provide information on their noise reduction measures which are already in place. The legal base of this RO is Article 10(2).
Reporting process and information required	Member States, by 18 January 2014, shall provide information on their noise control programmes that have been carried out in the past and noise-measures which are in place and cover the following: <ul style="list-style-type: none"> • Per agglomeration \geq 100,000 inhabitants • For overall major roads \geq 3 million vehicles per year • For overall major railways \geq 30,000 trains per year • For major airports \geq 50,000 air traffic movements per year
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Pressure Secondary focus: State
C. Type of content	
C1. Type of information reported	Geospatial
C2. Thresholds/triggers for reporting	Major roads which have more than 3 million vehicle passages a year, railways which have more than 30 000 train passages per year, major airports which have more than 50000 movements per year and the agglomerations with more than 100 000 inhabitants within their territories
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	1/18/2014
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting	NA

and EC reporting (no. of days) (+ comment if applicable)	Member states are in almost all cases in delay.
E. Format and process requirement	
E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
To provide an overview of measures that are already in place. Inform the Parliament and the Council on the implementation of the Directive.	
Policy makers are informed about measures already in place. Facilitates global assessment by WHO and policy makers.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28

Time required (T)	<p>MS: The time required to compile the requested information will depend on the number of noise reduction measures, as well as on the governance structure of the respective MS. In the case of federal states it would take more time to compile the information first at the national level and then send it to the Commission.</p> <p>For non-federal states it is estimated this would require few days to do, while it would be slightly more (tens of days) for federal states.</p> <p>MS: One-off, completed</p>
Frequency of action (F)	One-off - completed
Other costs types	
SCM equation(s)	n/a: already completed
Existing estimates of costs	None identified.
Significance of admin burden	Moderate – required a significant amount of information that may need to be compiled from different bodies – but only as a one-off requirement, now in the past.
Current or recent trends affecting RO	In order to support the data flows required to be submitted by the Member State the Electronic Noise Data Reporting Mechanisms was set up. For more information see: http://www.eea.europa.eu/publications/noise-handbook

RO 3.5: Strategic noise maps (DF 4_8)

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 7(1) and 7(2) and 7(5) and 10(2)
Reporting process and information required	<p>Member States shall ensure that no later than 30 June 2007 strategic noise maps showing the situation in the preceding calendar year have been made and, where relevant, approved by the competent authorities.</p> <p>The strategic noise maps shall cover the following:</p> <ul style="list-style-type: none"> • Per agglomeration $\geq 100,000$ inhabitants • For overall major roads ≥ 3 million vehicles per year • For overall major railways $\geq 30,000$ trains per year • For major airports $\geq 50,000$ air traffic movements per year <p>Article 10(2) specifically indicates that “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.”</p>

	<p>Some Member States have implemented the END on a centralised basis, whereas others have implemented on a decentralised basis. This means that the number of noise maps (and action plans) varies widely. In EU countries where a centralised approach has been adopted, there are considerably fewer noise maps (and sometimes also action plans), but for instance a single noise map may cover a very large area and the maps may be used for a number of different action plans¹⁸⁸.</p> <p>The basis output is a map (normally GIS Shape files) and a spreadsheet dataset of the number of population exposed to different levels of noise. All submitted via ReportNet</p> <p>The CA responsible varies across MS and also typically within a MS between agglomerations, roads, railways and airports¹⁸⁹.</p> <p>EEA undertakes basic quality checking e.g. sense check of data (e.g. that reported in the correct units), but does not check the application of the underlying modelling methods.</p> <p>Data from maps is place on noise integrated viewer (at www.eoinet.europea.eu). Updated every few months</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: State Secondary focus: Pressure and Impact
C. Type of content	
C1. Type of information reported	Geospatial and spreadsheet data
C2. Thresholds/triggers for reporting	Major roads which have more than 3 million vehicle passages a year, railways which have more than 30 000 train passages per year, major airports which have more than 50000 movements per year and the agglomerations with more than 100 000 inhabitants within their territories
D. Timing of reporting	
D1. Frequency of reporting	Every 5yrs
D2. Last deadline for reporting	12/30/2012
D3. Next deadline for reporting	Sunday, December 31, 2017
D4. MS information published in a Commission report	Yes

¹⁸⁸ CSES, ACCON and AECOM (2015a). Evaluation of Directive 2002/49/EC relating to the assessment and management of environmental noise. Workshop working paper 1. The second implementation review of the END – emerging findings. September 23rd 2015, Brussels

¹⁸⁹ CSES, ACCON and AECOM (2015a)

D5. Next deadline for Commission reporting based on the data	Planned 2017
D6. Date of most recent Commission report	01 June 2011
D7. Deadline of MS report on which the most recent Commission report is based on	12/31/2007
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	1248 Member states are in almost all cases in delay.
E. Format and process requirement	
E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Article 9
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	H1: None H3: Inspire
H4. Possible data overlaps with other reporting requirements	Modelling of transport to input to assessments is also done for air quality, noise and other reasons. Overlaps are also caused by MS administrative structures that compartmentalise these things. Industrial noise is linked to

	the Industrial Emissions Directive – the same data received twice. ¹⁹⁰
H5. Potential informal links with other policy areas/legislation	END as a receptor-based legislation linked with point-source emitter legislation.
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Inform the Council and Parliament on the implementation of the Directive.</p> <p>The END evaluation suggests noise maps were seen as useful by different target audiences, such as:</p> <ul style="list-style-type: none"> • Policy makers, especially at city / town and in larger municipalities (although the maps were seen as not very useful at all in small municipalities). • Local community groups and NGOs interested in information and data about local environmental noise issues, disaggregated by source. • Private sector actors such as investors, developers, planners and architects <p>Informs policy makers about noise pressures. The 2011 EC implementation report¹⁹¹ stated: "In general, the efforts of Member States on reporting enabled the Commission and the EEA to produce an information base that did not previously exist at EU level." The 2015 evaluation notes that "considerable progress has been made towards the development of a common approach to noise assessment methods in Europe through the CNOSSOS-EU process, which commenced in 2009. This should in principle lead to harmonised data." (Expected by the fourth round of data mapping in 2022).</p> <p>Harmonised data means "the adverse health effects of environmental noise can more easily be compared. The benefits of measures to mitigate and reduce noise can then be more easily demonstrated. This should then in turn help those working in the environmental noise field to secure budget for expenditure measures. However, because such cost-benefit data is not yet readily available the utility of the data for policy making purposes is not yet optimal".</p> <p>Facilitates global assessment by WHO and policy makers.</p> <p>Missing incomplete data submissions are resulting in significant gaps in the EU level dataset. This undermines the baseline-setting for EU policy makers responsible for noise at source legislation¹⁹²</p> <p>Whilst source-specific strategic noise maps are useful for policy makers and planners in those particular areas, from a citizen engagement perspective, the lack of aggregated data on the cumulative level of environmental noise exposure in a particular areas undermines the practical utility of the noise maps. The small number of downloads of maps was of concern in some countries (e.g. Netherlands, Denmark), given the costs of their production¹⁹³</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28

¹⁹⁰ EEA interview

¹⁹¹ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0321&from=EN>

¹⁹² CSES, ACCON and AECOM (2015b). Evaluation of Directive 2002/49/EC relating to the assessment and management of environmental noise. Workshop working paper 2. The Evaluation of the END – emerging findings. September 23rd 2015, Brussels

¹⁹³ CSES, ACCON and AECOM (2015b).

	<p>This may include more than one organisation per MS. Different authorities may be responsible for different aspects e.g. roads: transport authorities; agglomerations: local authorities. And this varies further depending on the governance and regulatory structure of each MS. In Germany, for example, the German Environment Agency (on behalf of the Federal Environment Ministry) examines and summarises the results reported to it by the municipalities (in charge of producing the noise maps within agglomerations) and the Environmental Protection Agencies of the Federal States (in charge of producing the noise maps outside the agglomerations) at national level. These results are then uploaded on EEA's Reportnet and the EC is officially notified by the Federal Environment Ministry. Overall, about 190 authorities are involved in this reporting process¹⁹⁴.</p> <p>EEA: 1 EC: 1</p>
<p>Time required (T)</p>	<p>The noise maps themselves are assumed to be required to comply with the noise management requirements of the Directive, rather than solely for reporting purposes.</p> <p>The RO requires information from strategic noise maps to be reported to the Commission. It is assumed that this information is available to the authorities. However it is noted that some level of collation may be required depending on the governance and regulatory set-up of each MS. The time dedicated to summarising and reporting on the SNM was, for example, estimated to two months (for one full time equivalent) within the German Environment Agency¹⁹⁵.</p> <p>Some time is required to extract the necessary data on population exposure levels</p> <p>EEA: 1FTE EC: Drafting of the implementation report takes around 4 months</p>
<p>Frequency of action (F)</p>	<p>MS: Every 5 years.</p> <p>Although flexibility is provided on the frequency with which each individual map needs to be reported: a new noise map is not required if there is not expected to have been a change¹⁹⁶ e.g. Stuttgart Airport did not produce a new noise map for the second reporting period as there was nearly the same number of movements and mix of aircrafts operating at the airport as at the time of the first reporting period¹⁹⁷.</p>

¹⁹⁴ Responses to Member States consultations, German Environment Agency, responses received on 11 November 2016.

¹⁹⁵ Responses to Member States consultations, German Environment Agency, responses received on 11 November 2016.

¹⁹⁶ CSES, ACCON and AECOM (2015b).

¹⁹⁷ CSES, ACCON and AECOM (2015c). Evaluation of Directive 2002/49/EC relating to the assessment and management of environmental noise. Workshop working paper 3. Cost-benefit analysis. September 23rd 2015, Brussels

	<p>EC: Formally every 5 years</p> <p>EEA: publically available data updated every few months</p>
Other costs types	<p>EEA: The EEA estimates that its systems for reporting related to noise involve annual running costs of EUR 100-200,000</p> <p>EC: Use consultants to help prepare the 5-yearly implementation report.</p>
SCM equation(s)	<p>MS: $Q(28) \times T(?) \times F(0.2/1yr)$</p> <p>EEA: $Q(1) \times T(?) + (\text{€}100\text{-}200k) \times F(1/yr)$</p> <p>EC: $Q(1) \times T(4 \text{ months} \times \text{tariff}) + O(\text{consultant costs}) \times F(0.2/yr)$</p>
Existing estimates of costs	<p>END reporting costs for Stuttgart Airport, Germany were estimated at €285/year¹⁹⁸. This reflects all reporting costs to the responsible authority (which is not stated but is assumed to be Stuttgart Airport authority). These represent principally the costs of reporting the SNP and the SAP.</p>
Significance of admin burden	<p>According to the 2011 EC Implementation Report¹⁹⁹ the cyclical reporting obligations “in some cases, create an additional administrative burden without generating the necessary added value for EU action”</p> <p>The reporting obligation is assumed to create a small to moderate administrative burden, requiring reporting of data assumed to be held by the authorities for mapping purposes.</p> <p>END refit public consultation response from two competent authorities expressed concern that CNOSSOS-EU (the harmonised approach) goes beyond the minimum requirements implied by strategic noise mapping because it requires more detailed mapping than they think is necessary.²⁰⁰</p> <p>Challenges related to noise mapping include a lack of human and financial resources, and a lack of adequate data, complex competency arrangements and associated lack of coordination, among others²⁰¹</p>
Current or recent trends affecting RO	<p>According to Article 10(3) “The Commission shall set up a database of information on strategic noise maps in order to facilitate the compilation of the report referred to in Article 11 and other technical and informative work.”</p> <p>In order to support the data flows required to be submitted by the Member State the Electronic Noise Data Reporting Mechanisms (Reportnet) was set up. (For more information see: http://www.eea.europa.eu/publications/noise-handbook).</p>

¹⁹⁸ The stated figure in the source report is €4,452 as a present value of 25 years of costs, based on a discount rate of 4%.

¹⁹⁹ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0321&from=EN>

²⁰⁰ CSES, ACCON and AECOM (2015b).

²⁰¹ CSES, ACCON and AECOM (2015a)

This reporting mechanism for Strategic Noise Maps (set up by the EEA in close conjunction with the EC) was generally regarded²⁰² as being efficient and effective.

The number of agglomerations, airports, road and rail to be reported on has increased significantly between reporting rounds 1 and 2 due to a decrease in the thresholds, and hence so have the number of maps maps²⁰³.

Harmonised data methods: the implementation of CNOSSOS-EU at national level will only be voluntary in Round 3 and not become mandatory until Round 4

RO 3.6 Summary of action plans (DF7_10)

A-B: General info

A5. Obligation Source Type Legislative

A6. Obligation and legal base Article 8(1) and 8(2) and 8(5) and 10(2) and 10(5)
 Member States shall draw up action plans on how to deal with environmental noise within their territory and provide summaries to the EC. The legal basis of this RO is Articles 8(1), 8(2), 8(5), 10(2) and 10(5).

Article 10(2) specifically indicates that "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."

Reporting process and information required Member States shall ensure that no later than 18 July 2008 the competent authorities have drawn up action plans designed to manage, within their territories, noise issues and effects, including noise reduction if necessary for:

- Per agglomeration ≥ 100,000 inhabitants
- For overall major roads ≥ 3 million vehicles per year
- For overall major railways ≥ 30,000 trains per year
- For major airports ≥ 50,000 air traffic movements per year

According to Annex VI of the Directive each summary should not exceed 10 pages.

Some Member States have implemented the END on a centralised basis, whereas others have implemented on a decentralised basis. This means that the number of action plans produced (and hence reported on) varies widely. In EU countries where a centralised approach has been

²⁰² According to:

- Reporting obligations Public Consultation
- CSES, ACCON and AECOM (2015b).

²⁰³ CSES, ACCON and AECOM (2015a)

	<p>adopted, there are considerably fewer noise maps (and sometimes also action plans)²⁰⁴.</p> <p>The CA responsible varies across MS and also typically within a MS between agglomerations, roads, railways and airports²⁰⁵.</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Response
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Major roads which have more than 3 million vehicle passages a year, railways which have more than 30 000 train passages per year, major airports which have more than 50000 movements per year and the agglomerations with more than 100 000 inhabitants within their territories
D. Timing of reporting	
D1. Frequency of reporting	Every 5yrs
D2. Last deadline for reporting	1/18/2014
D3. Next deadline for reporting	1/18/2019
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	Planned 2017
D6. Date of most recent Commission report	01 June 2011
D7. Deadline of MS report on which the most recent Commission report is based on	1/18/2010
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	499 Member states are in almost all cases in delay.
E. Format and process requirement	

²⁰⁴ CSES, ACCON and AECOM (2015a)

²⁰⁵ CSES, ACCON and AECOM (2015a)

E1. Reporting partner/service provider	EEA/EC
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Article 8 and Article 9
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	H1: None H3: Inspire
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Inform the Parliament and the Council on the implementation of the Directive.</p> <p>Policy makers are informed about progress in implementing the Directive. According to the latest implementation report by the EC²⁰⁶ "In general, the efforts of Member States on reporting enabled the Commission and the EEA to produce an information base that did not previously exist at EU level." Facilitates global assessment by WHO and policy-makers.</p> <p>The main challenge is that not all Member States have provided timely reporting data to the EEA. There are consequently gaps in the availability of data and information. One of the challenges is that it is felt that one year is too short a time to development action plans (particularly insufficient time for consultation). There is one year between the submission of noise maps and action plans. There was support in</p>	

²⁰⁶ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0321&from=EN>

15 Member States for reviewing the 12 month period between the requirement to submit and report on Strategic Noise Maps and the requirement to produce NAPs.²⁰⁷

The timespan of 12 months between Strategic Noise Maps and Noise Action Plans is considered too short.

Analysis of costs

Type and number of reporting entities (Q)

MS: 28

However this figure could be higher - different authorities may be responsible for different aspects e.g. roads: transport authorities; agglomerations: local authorities. And this varies further depending on the governance and regulatory structure of each MS.

EC: 1

Time required (T)

MS: The time required to fulfil this reporting obligation would depend on the number of agglomerations, roads, railways and airports. .

Some MS have adopted strategic plans and others more operational plans. . This results in wide variance as regards the number of NAPs per country from one per source (e.g. UK has only one per administration) to hundreds of action plans (e.g. France), and thousands (e.g. Germany, because action planning is carried out not just at the level of agglomerations, but also by local authorities within agglomerations who each produce their own action plan – this can add significant complexity to the reporting and the EC’s review work). It was estimated that, in Germany around 2,700 authorities (municipalities creating summaries of noise action plans, regional authorities (district councils), authorities of the Federal States and federal authorities) are involved in the reporting process²⁰⁸. NAPs are carried out on a highly localised level in a limited number of countries.²⁰⁹

There is no data available on the number of action plans produced under the second reporting period (or expected). It is noted that there may be more than one action plan per noise map²¹⁰ – it is likely to be well in excess of the 1,194 noise maps submitted so far by MS.

No new information needs to be gathered, but rather compiled. The time required will depend on whether new summaries need to be provided of action plans, or whether the action plans already have existing summaries in a form suitable for uploading. The time dedicated to summarising and reporting on the SNM was, for example, estimated to three months (for one full time equivalent) within the German Environment Agency²¹¹.

²⁰⁷ CSES, ACCON and AECOM (2015b)

²⁰⁸ Responses to Member States consultations, German Environment Agency, responses received on 11 November 2016.

²⁰⁹ CSES, ACCON and AECOM (2015b)

²¹⁰ CSES, ACCON and AECOM (2015a)

²¹¹ Responses to Member States consultations, German Environment Agency, responses received on 11 November 2016.

	<p>If it is assumed that these summaries are already available, the reporting process is likely to take a few days per Member State.</p> <p>However some MS indicated (e.g. Denmark, France, the Netherlands and other countries), that they did not have sufficient enforcement powers to compel local authorities to provide the necessary reporting information and data to enable them to report to the EEA/ Commission on time even if those administrative bodies had been designated within the national implementation system as competent authorities. This may increase the time required for collation significantly in some cases.</p> <p>EC: see RO3.5</p>
Frequency of action (F)	<p>MS: Every 5 years.</p> <p>Action plan should be revised every 5 years. In reality, all MS have continuous reporting. No MS has really met the deadlines. It is in effect continuous, reporting information when it is ready i.e. some plans may be ready one year, others the next. MS often complete the same action plan again and again – draft, final, revised, etc.</p> <p>EC: see RO3.5.</p>
Other costs types	
SCM equation(s)	<p>MS: $Q(28) \times T(5 \text{ days} \times \text{tariff}) \times F (0.2/1\text{yr})$</p> <p>EC: see RO3.5 (EC produces 1 implementation report using all MS reported data + other data i.e. the costs are shared between this RO and the other ROs)</p>
Existing estimates of costs	<p>END reporting costs for Stuttgart Airport, Germany were estimated at €285/year. This reflects all reporting costs to the responsible authority (which is not stated but is assumed to be Stuttgart Airport authority). These represent principally the costs of reporting the noise map and action plan.</p>
Significance of admin burden	<p>According to the latest EC Implementation Report²¹² the cyclical reporting obligations “in some cases, create an additional administrative burden without generating the necessary added value for EU action”</p> <p>If it is assumed that this reporting obligation just requires the transfer of existing action plan summaries, the administrative burden is likely to be small. However administrative challenges in the collation may increase costs somewhat.</p>
Current or recent trends affecting RO	<p>In order to support the data flows required to be submitted by the Member State the Electronic Noise Data Reporting Mechanisms (Reportnet) was set up. For more information see: http://www.eea.europa.eu/publications/noise-handbook. This reporting mechanism for Strategic Noise</p>

²¹² <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0321&from=EN>

Maps (set up by the EEA in close conjunction with the EC) was generally regarded²¹³ as being efficient and effective.

As for noise maps, the transition to the definitive END thresholds in Round 2 has led to a significant increase in the number of action plans created and hence reported on²¹⁴.

Increased automation and data harvesting (as for air quality) might help to improve efficiency.

4 Directive 2000/60/EC establishing a framework for Community action in the field of water policy (including Directive 2008/105/EC as amended by 2013/39/EU - surface water EQS and Directive 2006/118/EC - groundwater)

Directive 2000/60/EC establishing a framework for Community action in the field of water policy (including Directive 2008/105/EC as amended by 2013/39/EU - surface water EQS and Directive 2006/118/EC - groundwater)

Overview: The Directive requires that surface waters (rivers, lakes, transitional and coastal waters) and ground waters are managed within the context of River Basin Management Plans. All waters are to be characterized according to their biological, chemical and hydromorphological characteristics. These together are to be compared with an assessment of waters unmodified by human activity and classified into different categories of ecological and chemical status. All waters are required to meet 'good status' or potential, except where specific derogations are applied.

The means to achieve this is through the use of the River Basin Management Plans, which integrate existing EU measures to protect the water environment and identify all remaining human pressures that may result in a failure to achieve 'good status'. Member States are required to establish a programme of measures in each river basin appropriate to these pressures.

Directive 2000/60/EC is also a 'framework' measure in that it provides for additional measures to be adopted by the Community at a later date, including the establishment of environmental quality standards for specified priority substances.

Six ROs have been identified under the Directive in the Task 1 RO Inventory:

RO 4.1: River Basin Districts and Competent Authorities

A-B: General info

A5. Obligation Source Type	Legislative
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A6. Obligation and legal base	Article 3 - MS must identify the individual river basins lying within their national territory and assign them to individual river basin districts. MS must identify the appropriate competent authority for the application of the Directive's rules within each river basin district within their territory. MS must also identify an existing national or international body as competent authority for the purposes of the Directive.
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²¹³ According to:

- Reporting obligations Public Consultation
- CSES, ACCON and AECOM (2015b).

²¹⁴ CSES, ACCON and AECOM (2015a).

Reporting process and information required	<p>MS were to identify their competent authorities by 22 December 2003, and provide the Commission with a list of their competent authorities and of the competent authorities of all the international bodies in which they participate by 22 June 2004 at the latest. The information to be provided on each competent authority is set out in Annex I: (i) Name and address of the competent authority; (ii) Geographical coverage of the river basin district; (iii) Legal status of competent authority; (iv) Responsibilities; (v) Membership; and (vi) International relationships.</p> <p>MS must inform the Commission of any changes to the list of their competent authorities within three months of the change coming into effect, and when reporting River Basin management Plans.</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	<p>Primary focus: Response</p> <p>Secondary focus: None</p>
C. Type of content	
C1. Type of information reported	Geospatial
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	6/22/2004
D3. Next deadline for reporting	Member States shall inform the Commission of any changes to the information provided within three months of the change coming into effect. Otherwise River Basin Districts and competent authorities are part of the River Basin Management Plan reporting
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	<i>NA to be considered in relation to 2010 and 2016 reporting</i>
D6. Date of most recent Commission report	22 March 2010
D7. Deadline of MS report on which the most recent Commission report is based on	6/22/2004; 11/14/2012
D8-D9. Time elapsed between MS reporting	1003

and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	EEA*
E2. Information provision requirement to international organisation	
E3. Format for reporting	Yes in 2010 and 2016
E4. Reference / Link to reporting template	
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: To provide the Commission with a list of river basins and competent authorities in the MS, relevant to implementation of the Directive.	
Benefits: Availability of an up-to-date list of competent authorities in the MS	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28 EC: 1 [The Directive does not specify what the Commission must do with the information submitted by the MS]

Time required (T)	MS: In theory, the actual reporting should take very little time – perhaps 1 day. More time would certainly be required to identify the various river basin districts and competent authorities, but it is assumed that the MS would have to do this anyway to meet the requirements of the Directive and it is therefore not part of the RO itself. EC: No information found
Frequency of action (F)	MS: One-off in the first instance; ad-hoc as and when information changes EC: not specified in the Directive
Other costs types	The full extent of reporting and information transfer goes well beyond legal reporting obligations, and hence the full costs of reporting greatly exceed the estimates in these fiches.
SCM equation(s)	MS: $Q(28) \times T(1\text{day} \times \text{tariff}) \times F(1, \text{one-off})$ EC: unspecified
Existing estimates of costs	None identified
Significance of admin burden	The administrative burden of the reporting itself should in principle be relatively insignificant, since the actual reporting should take very little time once the river basins and competent authorities have been identified.
Current or recent trends affecting RO	None identified

RO 4.2: Characterisation of River Basin Districts

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 5 - Each MS must ensure that for each river basin district (or for the part of an international river basin district falling within its territory) they undertake an analysis of its characteristics, a review of the impact of human activity on the status of waters, and an economic analysis of water use, and that it is completed by 22 March 2005 (and reviewed and updated if necessary updated by 22 December 2013 and every six years after that).
Reporting process and information required	MS must undertake the analyses, according to the technical specifications in Annexes II and III. Article 15 states MS must submit to the Commission summary reports, including the analyses required under Article 5 that were undertaken for the purposes of the first river basin management plan, within three months of their completion. The Commission produced a Communication and Commission Staff Working Document providing “background information on the first stage in the implementation of the Water Framework Directive 2000/60/EC” on 22 March 2007.

A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: State Secondary focus: Pressure and Impact
C. Type of content	
C1. Type of information reported	Geospatial
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	One-off (in principle; although in practice, characterization of RBMPs also takes place as part of the regular reporting cycle for RBMPs)
D2. Last deadline for reporting	3/22/2005
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	22 March 2007
D7. Deadline of MS report on which the most recent Commission report is based on	3/22/2005
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	730
E. Format and process requirement	
E1. Reporting partner/service provider	EEA*
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	

E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: To provide the Commission with an analysis of the characteristics, a review of the impact of human activity on the status of waters, and an economic analysis of water use, of river basins in the EU.	
Benefits: A list of river basins in the EU and their characteristics.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 174 river basin management plans expected (see COM(2012)670) EC: 1
Time required (T)	MS: In theory, the actual reporting should not take a long time – perhaps 1 day per river basin district. However, Member States comment that significantly greater input is necessary in order to comply with reporting formats (work which can include, for example, extracting information from national databases which use a different format; as well as the process of discussing in advance with the Commission the requirements for reporting and data presentation), so we have assessed this as 5 days. This information is required to inform other actions under the WFD, including the Programme of Measures in Article 11, and is not just required for reporting purposes; so identifying with any precision the additional time requirement associated with the reporting obligation is impossible. EC: uncertain

Frequency of action (F)	MS: One-off and completed. There is no new reporting on this, as the review and/or update is done in the framework of the River Basin Management Plans and reported there. EC: not specified in the Directive
Other costs types	None found
SCM equation(s)	MS: $Q(174 \text{ river basins}) \times T(5 \text{ day} \times \text{tariff}) \times F(5, \text{one-off}) + F(\text{up to } 0.17/\text{yr if updates needed})$ EC: $Q(1) \times T(? \times \text{tariff}) \times F(1)$
Existing estimates of costs	No information found
Significance of administrative burden	Overall, the administrative burden is likely to be small. The administrative burden of the reporting per MS depends on the number of river basins, number of water bodies, of water typologies, hydro ecoregions, of pressures of QE, substances, etc, within each MS's territory; in total the Commission expects 174 river basin management plans will eventually be published. The actual reporting should draw on information required for other actions under the WFD, so the main demands are likely to be dependent on formatting requirements – which can be significant in terms of their time implications for MS.
Current or recent trends affecting RO	None identified

RO 4.3: Monitoring Programmes

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 8 - MS must establish programmes to monitor water status in order to establish a coherent and comprehensive overview of water status within each river basin district. The Directive specifies the different requirements for the programmes for surface waters (volume and level or rate of flow to the extent relevant for ecological and chemical status and ecological potential, and the ecological and chemical status and ecological potential), for groundwaters (monitoring of the chemical and quantitative status), and for protected areas (supplementary info for specifications contained in Community legislation under which the protected area was established).
Reporting process and information required	MS must make the programmes operational by 22 March 2007. The monitoring must be in accordance with the requirements of Annex V of the Directive, and must follow any technical specifications and standardised methods for analysis and monitoring of water status that are laid down through the comitology procedure. Article 15(2) states MS must submit to the Commission summary reports, including monitoring programmes designed under Article 8 that were undertaken for the

	<p>purposes of the first river basin management plan, within three months of their completion.</p> <p>Article 18(3) requires the EC to report on progress in implementation based on the summary reports that Member States submit under Article 15(2), to be submitted to the European Parliament and the Member States, at the latest two years after the dates referred to in Articles 5 and 8 (analysis of river basin districts, monitoring programmes). The Commission produced a Report on 1 April 2009 on the progress of implementation of the WFD related to Article 8 on monitoring of water status</p> <p>MS: 28</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: State
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Significant changes to the monitoring programmes
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	3/22/2007
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	01 April 2009
D7. Deadline of MS report on which the most recent Commission report is based on	3/22/2007
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	741
E. Format and process requirement	

E1. Reporting partner/service provider	EEA*
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: To provide the Commission with a set of monitoring programmes for surface waters, groundwater and protected areas.	
Benefits: Access to a series of monitoring programmes for EU water bodies.	
Analysis of costs	
Type and number of reporting entities (Q)	EC: 1
Time required (T)	MS: The administrative burden of the reporting itself should in principle be relatively small – perhaps 1 day per programme – since the actual reporting should take little time once the monitoring programmes are established. The establishment of the monitoring programmes themselves is required to meet other obligations under the WFD and is not regarded therefore as a reporting obligation.

	EC: uncertain
Frequency of action (F)	MS: one-off (completed) EC: one-off (completed)
Other costs types	None identified
SCM equation(s)	MS: $Q(28) \times T(1\text{day}) \times \text{no of monitoring programmes} \times \text{no of RBDs} \times F(1)$ \ EC: $Q(1) \times T(? \text{ days}) \times F(1)$
Existing estimates of costs	No information found
Significance of admin burden	Minor and in the past. The administrative burden of the reporting itself depended on the number of monitoring programmes a MS was required to establish. The actual reporting should take relatively little time once the monitoring programmes are in place.
Current or recent trends affecting RO	None identified

RO 4.4: Programmes of Measures

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 15(3) requires MS to submit an interim report to the Commission within 3 years of the publication of each RBMP or update, describing progress in the implementation of the planned programme of measures.</p> <p>According to article 18(4) the Commission shall produce an interim report describing progress in implementation on the basis of the interim reports of the Member States as mentioned in Article 15(3) (RBMPs and progress in programmes of measures).</p>
Reporting process and information required	<p>For the MS, the interim reports are usually based on regional-state data (e.g. Germany, France, and Belgium) that are submitted to the federal competent authority (e.g. Federal Institute of Hydrology in Germany).</p> <p>An example of such a country report can be found at: https://www.umweltbundesamt.de/sites/default/files/medien/378/publikationen/water_framework_direktive_2012_broschuere_wrrl_en_bf.pdf</p> <p>An example of regional reports can be found at: http://www.artois-picardie.eaufrance.fr/IMG/pdf/rapport_intermediaire_etat_avancement_pdm_2012.pdf</p> <p>On the basis of the MS reports, the EC produces summaries for each country. The primary data is readily available and summarised by consultants. An example of summary can</p>

	be found here: http://ec.europa.eu/environment/water/water-framework/pdf/4th_report/country/FR.pdf
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Response
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 6yrs
D2. Last deadline for reporting	12/22/2012
D3. Next deadline for reporting	12/22/2018
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	2021
D6. Date of most recent Commission report	09 March 2015
D7. Deadline of MS report on which the most recent Commission report is based on	12/22/2012
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	807
E. Format and process requirement	
E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Data input

E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Article 14
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	None significant expected. The Commission has worked extensively in recent years to avoid overlap and exploit synergies (with other water legislation and with EEA State of Environment reporting).
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	EEA State of the Environment reporting.
Purpose and benefits of RO	
<p>The MS reporting allows the Commission to assess progress in implementation of the MS Programmes of Measures.</p> <p>The format and contents of the reporting as used in 2012 did not enable a quantitative assessment of the progress in implementing measures. The Commission report summarised the findings of the whole first implementation cycle, beyond purely the programme of measures. In this sense it is an important reference. Reporting of quantitative indicators of progress on implementing the measures would be useful - this has been included in the 2016 reporting requirements for progress on implementation of Programmes of Measures.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28 EC: 1
Time required (T)	<p>MS: MS reports represent long reports, often more than 30 pages long. Time estimated: 100 days (although will vary significantly depending on the number of river basin districts).</p> <p>EC: The unit suggests 20 days staff time, not including the time required for Commission adoption of a communication, plus 50 days consultant time.</p>

Frequency of action (F)	MS: Every 6 years ("within three years of the publication of each river basin management plan or update under Article 13"). EC: Every 6 years
Other costs types	Consultancy costs involved to develop the country summaries for the EC.
SCM equation(s)	MS [28 x T(100days x tariff) x F(0.17report/yr)] EC [T(70 days x tariff) x F(0.17report/yr)]
Existing estimates of costs	No information identified.
Significance of admin burden	Relatively high burden associated with this RO: highly time-consuming and technical work involved to describe the implementation and progress of the programmes of measures at national level. The RO also involves reporting at RBD level with an equivalent burden on the competent authorities.
Current or recent trends affecting RO	No information identified.

RO 4.5: River Basin Management Plans

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 13 (and Article 15) MS must produce a river basin management plan (RBMP) for each river basin district lying entirely within their territory, and coordinate with other MS as appropriate for international river basin districts.
Reporting process and information required	Each RBMP produced by the MS must include the information detailed in Annex VII of the Directive (including description of the characteristics of the river basin district, a summary of pressures and impact of human activity on the status of waters, identification and mapping of protected areas, a map of monitoring networks, a list of the environmental objectives established under Article 4, a summary of the economic analysis of water use, a summary of the programme or programmes of measures adopted under Article 11, a register of any more detailed programmes and management plans, etc.). They may also be supplemented by the production of more detailed programmes and management plans for sub-basin, sector, issue, or water type, to deal with particular aspects of water management. RBMPs had to be reported by 22 March 2010 and must be reviewed and updated by 22 March 2016 and every six years after that. These are the dates of reporting to the Commission, but the plans have to be adopted and published (see article 13.6) 3 months earlier, so that is normally when they are "published".

	According to article 18, the EC has to produce an overall report on the implementation of the Directive at the latest 12 years after its entry into force and every six years thereafter, reviewing progress in implementation, the status of surface water and groundwater in the EU, a survey of the river basin management plans submitted in accordance with Article 15, including suggestions for the improvement of future plans, a summary of the response to each of the reports or recommendations to the Commission made by Member States pursuant to Article 12 (issues that cannot be dealt with at MS level), a summary of any proposals, control measures and strategies developed under Article 16 (strategies against pollution of water), and a summary of the responses to comments made by the European Parliament and the Council on previous implementation reports.
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: Driver, Pressure, State and Impact
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 6yrs
D2. Last deadline for reporting	3/22/2010
D3. Next deadline for reporting	3/22/2016
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	2018
D6. Date of most recent Commission report	14 November 2012
D7. Deadline of MS report on which the most recent Commission report is based on	3/22/2010
D8-D9. Time elapsed between MS reporting and EC reporting (no. of	968

days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	EEA*
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Data input
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Article 14
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	Strong links to reporting under the Floods Directive and the Marine Strategy Framework Directive, but reporting follows separate data flows.
H4. Possible data overlaps with other reporting requirements	None significant expected. Commission has worked extensively in recent years to avoid overlap and exploit synergies (with other water legislation and with EEA State of Environment reporting).
H5. Potential informal links with other policy areas/legislation	Habitats and Birds Directives, Marine Strategy Framework Directive, Urban Waste Water, Bathing Water, Nitrates Directive, Drinking Water Directive.
H6. Existing links with voluntary reporting	EEA State of the Environment reporting.
Purpose and benefits of RO	
<p>The MS reporting allows the Commission to assess progress in implementation of the Water Framework Directive. Legal compliance, policy effectiveness and provision of data and information at EU level (development of WISE).</p> <p>The reporting covers the whole of implementation and it is the essential source of information on WFD. The Commission report identified the main implementation gaps and set out the expectations for the second River Basin Management Plans. It enable the Commission to prioritise enforcement action and focus the bilateral meetings on implementation that were held in 2013-2014.</p>	
Analysis of costs	

Type and number of reporting entities (Q)	MS: 28 174 river basin management plans expected (see COM(2012)670) EC: 1
Time required (T)	MS: The time required per MS depends on the number of river basins within each MS's territory; in total the Commission expects 174 river basin management plans will eventually be published. Reports of RBMPs and their implementation are provided at RBD level and contain detailed data on implementation. It is estimated that they may take an average of 100 days per MS to prepare; some Member States suggest that the time requirement is significantly greater. However, distinguishing between the requirement to produce a plan, and the requirement to report it in the specific format, is not straightforward. EC: The Commission's report on RBMPs is a detailed publication in two volumes and could take in the order of 300 days to prepare. Consultancy costs associated are of the order of €1m (80% of a €1.3m contract).
Frequency of action (F)	MS: every 6 years EC: every 6 years
Other costs types	The Commission report is an assessment of the RBMPs, and external consultants are used extensively in that assessment.
SCM equation(s)	MS: $Q(28) \times T(100\text{days} \times \text{tariff}) \times F(0.17/\text{yr})$ EC: $Q(1) \times T(300\text{days}) \times F(0.17/\text{yr}) + \text{consultancy costs} (\text{€}1.0\text{m}/6 \text{ years})$
Existing estimates of costs	In France it was estimated that this involved 10 person-years of work in 2010 and 18 person-years in 2016
Significance of admin burden	The administrative burden for MS is likely to be moderate, requiring regular (6 yearly) compilation and reporting of detailed information by each MS. The administrative burden of the RO per MS depends on the number of river basins within each MS territory; in total the Commission expects 174 river basin management plans will eventually be published. The Commission reports are detailed and time consuming to compile.
Current or recent trends affecting RO	The reporting guidance has been extensively reviewed following the 2010 reporting of the first RBMPs. Expectation is that the data and information gathered through the 2016 reporting would be much more efficient and useful.

RO 4.6: Issues which cannot be dealt with at Member State level

A-B: General info

A5. Obligation Source Type	Legislative
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A6. Obligation and legal base	Article 12 - If a MS identifies an issue that impacts on the management of its water that cannot be resolved by that MS, it may report the issue to the Commission and any other MS concerned and may make recommendations to resolve it.
Reporting process and information required	The MS may report an issue to the Commission and any other MS concerned and may make recommendations to resolve it. The Commission must respond to any report or recommendations from MS within six months. The Commission must respond to any report or recommendations from MS within six months.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Impact Secondary focus: State and Response
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	If a Member State identifies an issue which has an impact on the management of its water but cannot be resolved by that Member State
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA

E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	No
E3. Format for reporting	
E4. Reference / Link to reporting template	
E5. References / link to additional reporting guidance(s)	
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: To allow MS to report any problematic issues that they are unable to deal with at the individual MS level.	
Benefits: From the MS point of view, the benefits would be to receive a response (presumably including some advice) from the Commission on how to resolve the identified problem.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28 EC: 1

Time required (T)	MS: No MS has used this provision as yet. It is not clear what form the 'reporting' might take, so it is not possible to estimate the amount of time required. EC: unclear – see above. The time required would be highly variable, depending on the type of issue raised.
Frequency of action (F)	MS: ad hoc EC: each time an issue is reported by a MS
Other costs types	No information found
SCM equation(s)	MS: it is not possible to provide an equation due to lack of information found EC: it is not possible to provide an equation due to lack of information found
Existing estimates of costs	No information found
Significance of admin burden	It is not possible to estimate the likely significance of the burden, since no MS has used the provision to date, and it is not clear what form the 'reporting' might take.
Current or recent trends affecting RO	No information found

5 Directive 2008/105/EC of the European Parliament and of the Council on environmental quality standards in the field of water policy (consolidated version)

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02008L0105-20130913&from=EN>

Overview: The Directive on Environmental Quality Standards (EQSD), also known as the Priority Substances Directive, sets environmental quality standards (EQS) for the substances in surface waters (river, lake, transitional and coastal) and confirms their designation as priority or priority hazardous substances, the latter being a subset of particular concern.

The EQSD establishes:

- limits on concentrations of the priority substances in surface waters of 33 priority substances and 8 other pollutants (Annex I);
- the list of 33 priority substances in Annex II as Annex X of the Water Framework Directive (WFD);
- the possibility of applying EQS for sediment and biota, instead of those for water;
- the possibility of designating mixing zones adjacent to discharge points where concentrations of the substances in Annex I might be expected to exceed their EQS;
- a requirement for Member States to establish an inventory of emissions, discharges and losses of the substances in Annex I;
- an obligation to review the list of priority substances(1) by 13 January 2011.

It amended and subsequently repealed 5 old directives (Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC) and amended Directive 2000/60/EC (WFD).

RO 5.1: MS to report to EC on the result of monitoring of substances included in the Watch List

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 8b</p> <p>Member States shall report to the Commission the results of the high-quality monitoring of potentially polluting substances in the aquatic environment identified in the EC watch list at selected representative monitoring stations over at least a 12-month period.</p> <p>Each Member State shall select at least one monitoring station, plus one station if it has more than one million inhabitants, plus the number of stations equal to its geographical area in km² divided by 60 000 (rounded to the nearest integer), plus the number of stations equal to its population divided by five million (rounded to the nearest integer). In selecting the representative monitoring stations, the monitoring frequency and timing for each substance, Member States shall take into account the use patterns and possible occurrence of the substance. The frequency of monitoring shall be no less than once per year. Where a Member State provides sufficient, comparable, representative and recent monitoring data for a particular substance from existing monitoring programmes or studies, it may decide not to undertake additional monitoring under the watch list mechanism for that substance, provided also that the substance was monitored using a methodology that satisfies the requirements of the technical guidelines developed by the Commission in accordance with Article 8b(5).</p>
Reporting process and information required	MS: The report shall include information on the representativeness of the monitoring stations and monitoring strategy. For the purpose of the reporting, MS must monitor each substance in the watch list set out by the EC within six months of its inclusion in the list.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: State
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Annual
D2. Last deadline for reporting	NA

D3. Next deadline for reporting	2/14/2017 12/14/2016
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	EEA*
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	Directive 2000/60/EC

H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: Gather monitoring data on chemical pollutants belonging to the watch list. Support future prioritisation exercises to develop the strategies against pollution of water (in line with Article 16(2) of Water Framework Directive 2000/60/EC) with a view to improve the protection of the aquatic environment and of human health via the environment.	
Benefits: better protection of the environment and human health	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28. Monitoring and assessment of the environmental state of European waters are performed by numerous regional, RBD and national authorities. Therefore MS reports will need to consolidate information from competent authorities at other geographical levels.
Time required (T)	<p>MS: The time dedicated to reporting and monitoring will depend on existing water quality monitoring programmes. According to article 8b(3), MS providing sufficient, comparable, representative and recent monitoring data for a particular substance from existing monitoring programmes or studies, should not undertake additional monitoring under the watch list mechanism for that substance, provided also that the substance was monitored using a methodology that satisfies the requirements of the technical guidelines developed by the EC in accordance with Article 8b(5). Unit estimates 2 days per MS on average; although larger Member States see this as a significant underestimate We include 4 days below.</p> <p>Where a MS has already a monitoring programme in place respecting above criteria, the time will be that required to collate the necessary evidence and report to the Commission. The need to collate data from numerous monitoring stations could increase the time required.</p> <p>In those MS required to establish new monitoring stations and procedures, time requirements (as well as costs of establishing and implementing monitoring systems) could be substantial.</p>
Frequency of action (F)	<p>The frequency of monitoring shall be no less than once per year.</p> <p>Frequency for the first watch list:</p> <ul style="list-style-type: none"> • Within 15 months of 14 September 2015 or within 21 months of the establishment of the watch list; • Every 12 months thereafter while the substance is kept on the list.

	<p>For each substance included in subsequent lists:</p> <ul style="list-style-type: none"> • Within 21 months of the inclusion of the substance in the watch list • Every 12 months thereafter while the substance is kept on the list. <p>There are no specific reporting obligations on the Commission; the information is used directly for policymaking and decision-making purposes.</p>
Other costs types	Installation and monitoring costs of the stations.
SCM equation(s)	$Q(28) \times T(4 \text{ days} \times \text{tariff}) \times F(1 \text{ reports} / \text{year})] + \text{additional costs and time to implement additional monitoring requirements}$
Existing estimates of costs	None identified.
Significance of admin burden	All MS have water quality monitoring stations already in place (see the Water quality map developed by EEA ²¹⁵). The administrative burden depends on the extent to which MS are required to monitor substances that were not previously monitored, or to increase the monitoring of these substances, as well as the time taken to collate and report the monitoring data. These burdens could be substantial for some MS.
Current or recent trends affecting RO	In 2007 the Commission launched WISE (Water Information System for Europe) – an instrument to collect and exchange data and information at EU level and for the monitoring of pollutants released to surface waters or within the aquatic environment.

²¹⁵ <http://www.eea.europa.eu/data-and-maps/explore-interactive-maps/overview-of-soe-monitoring-stations>

RO 5.2: MS to communicate inventories of emissions, discharges and losses

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 5</p> <p>MS to communicate inventories and reference periods of emissions, discharges, and losses of all priority substances and pollutants for each river basin district or part of a river basin district lying within their territory, including their concentration in sediment and biota.</p> <p>However, there is no separate reporting obligation on this. It is reported as part of the River Basin Management Plans (Water Framework Directive). The obligation to review the inventories of emissions, discharges and losses is part of the WFD Art. 15 analysis of pressures and impacts, which has no specific reporting obligation, as it is reported as part of the Management Plans.</p>
Reporting process and information required	<p>MS: Data on concentrations of priority substances and pollutants; reference periods. MS are required to report on these substances in accordance with reporting requirements under Article 15(1) of Directive 2000/60/EC, which appears to require interim reports within 3 years of the publication of each RBMP or updates thereof.</p> <p>EC: No reporting obligation.</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: State
C. Type of content	
C1. Type of information reported	Numerical + text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	3/22/2010
D3. Next deadline for reporting	03/22/2016
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA

D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	EEA*
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Yes – specific in Water Framework Directive legislation
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	(See Water Framework Directive ROs)
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	Directive 2000/60/EC
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	Yes with Wise-1 Emissions to water
Purpose and benefits of RO	
Purpose: Transparency, accountability.	
Benefits: Accessibility, monitoring of implementation and progress.	

Analysis of costs	
Type and number of reporting entities (Q)	MS: 28
Time required (T)	MS: This information is required to be added to the reports and RBMPs under Article 15(1) of Directive 2000/60/EC. This will require additional time. However, the purpose of developing the inventories is to inform progress towards compliance with the reduction or cessation objectives laid down in Article 4(1)(a)(iv) of Directive 2000/60/EC, subject to Article 4(4) and (5) of that Directive. Therefore, the time taken to develop the inventories themselves is arguably not attributable to the reporting obligation. The additional time taken to include relevant data from these inventories within WFD reporting processes is likely to be more limited (perhaps averaging in the order of 20 days per MS).
Frequency of action (F)	MS: Every 6 years
Other costs types	None identified.
SCM equation(s)	MS: $Q(28) \times T(20 \text{ days} \times \text{tariff}) \times F(0.167 \text{ reports / year})$
Existing estimates of costs	None identified.
Significance of admin burden	MS: Development of the inventories is necessary to inform the delivery of actions to improve the status of water-bodies under the WFD. The additional burden of reporting at EU level under this obligation is therefore expected to be relatively minor.
Current or recent trends affecting RO	None identified.

6 Directive 2007/60/EC of the European Parliament and of the Council on the assessment and management of flood risks

Link to the Directive: [Directive 2007/60/EC of the European Parliament and of the Council on the assessment and management of flood risks](#)

Overview: The Floods Directive seeks to establish a framework for the assessment and management of flood risks, aiming at the reduction of the adverse consequences for human health, the environment, cultural heritage and economic activity associated with floods in the Community; and covers fluvial, pluvial, coastal and groundwater floods as well as floods from artificial water-bearing infrastructure and may exclude floods from sewerage systems.

The Directive requires MS to assess if all water courses and coast lines are at risk from flooding through a Preliminary Flood Risk Assessment, to produce Flood Hazard and Flood Risks maps covering the flood extent, assets and humans at risk in these areas; and to design a Flood Risk Management Plans with adequate and coordinated measures to reduce this flood risk. The Directive also reinforces the rights of interested parties to access this information and to have a say in the planning process for these different documents.

Member States may appoint competent authorities and units of management for the implementation of this Directive, as provided for under Article 3 of the [Water](#)

[Framework Directive](#). They must in that case communicate to the EC the information regarding these administrative arrangements, as well as any subsequent change.

Various supporting resources and guidelines are available for the reporting of the [preliminary risk assessment](#), [maps](#) and [management plans](#).

Four reporting obligations have been identified under this regulation in the Reporting Obligation Inventory.

RO 6.1: Preliminary Flood Risk Assessment and Areas of Potential Significant Flood Risk

A-B: General info

A5. Obligation Source Type	Legislative
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A6. Obligation and legal base	Article 4, 5 Member States shall undertake a preliminary flood risk assessment of their river basins (or units of management) and associated coastal zones and make it available to the Commission. The legal basis of the risk assessments are Articles 4 and 5, while the reporting obligation is required by Article 15 of the Directive.
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Reporting process and information required	By 22 December 2011, Member States shall undertake the preliminary flood risk assessment, which shall include at least the following: <ul style="list-style-type: none"> • maps of the river basin district at the appropriate scale including the borders of the river basins, sub-basins and, where existing, coastal areas, showing topography and land use; • a description of the floods which have occurred in the past and which had significant adverse impacts on human health, the environment, cultural heritage and economic activity and for which the likelihood of similar future events is still relevant, including their flood extent and conveyance routes and an assessment of the adverse impacts they have entailed; • a description of the significant floods which have occurred in the past, where significant adverse consequences of similar future events might be envisaged; • and, depending on the specific needs of Member States, it shall include: <ul style="list-style-type: none"> - an assessment of the potential adverse consequences of future floods for human health, the environment, cultural heritage and economic activity, taking into account as far as possible issues such as the topography, the position of watercourses and their general hydrological and geo- morphological characteristics, including floodplains as natural retention areas, the effectiveness of existing man-made flood defence infrastructures, the position of populated areas, areas of economic activity and long-term
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	<p>developments including impacts of climate change on the occurrence of floods.</p> <p>According to Article 15 "Member States shall make available the preliminary flood risk assessment, the flood hazard maps, the flood risk maps and flood risk management plans referred to in Articles 4, 6 and 7, as well as their review and, where applicable, their updates to the Commission within three months after the dates indicated respectively in Articles 4(4), 6(8), 7(5) and 14."</p> <p>The EC will first report on the Floods Directive by 31 December 2018 and will provide information on all first three reporting obligations.</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Impact Secondary focus: State
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 6yrs
D2. Last deadline for reporting	3/22/2012
D3. Next deadline for reporting	3/22/2019
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	12/22/2018
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	

E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Data input
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Article10
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Purpose: The risk assessment aims to identify those areas where there is a potential risk of flooding and thus it outlines the areas where further action is needed, while the reporting obligation's purpose is to assess the progress in the implementation of the directive. The Preliminary Flood Risk assessment is important to define the scope of application of the Directive.</p> <p>Benefits: Reporting of the preliminary risk assessment helps to inform the Commission about the implementation of the Directive and the priority areas for further action. Also information from the reporting is depicted on EEA's digital maps, and helps to inform practitioners and the general public. The Commission report will be used to improve implementation in the second cycle, and will serve as a baseline.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28 (But within each MS the number of reports depend on the number of river basins.)

	EC: 1
Time required (T)	<p>MS: The time requirement to develop the preliminary flood risk assessment depends on the size of the river basin district, as well as on the information that is already available for the specific Member States; nevertheless the time required to communicate the risk assessments is minor, especially if the reporting is facilitated by an electronic platform (see below). Unit estimates 1 day on average per Member State.</p> <p>EC: The EC's reporting obligation is expected to be time consuming assuming that it will need to synthesize the information provided by the Member States. Estimated at 300 days by the unit; although this should reduce in future rounds of reporting due to the automation of the process.</p>
Frequency of action (F)	<p>MS: Every 6 years</p> <p>EC: Every 6 years</p>
Other costs types	None identified
SCM equation(s)	<p>MS: $Q(28) \times T(1) \times F(1/6yr)$</p> <p>EC: $Q(1) \times T(300) F(1/6yr)$</p>
Existing estimates of costs	<p>The impact assessment of the Directive²¹⁶ indicates that in general the costs of the reporting obligations under the Floods Directive will greatly depend on the size of the river basin districts. In practice it will also depend on the number of areas at risk of significant flooding in the future.</p> <p>According to the impact assessment "The costs of preliminary flood risk assessment would depend on the information already available, as is the case for example in the Loire, Danube, Rhine or Oder basins." They will also depend on the format this information is in – and of its quality (there might be gaps that need to be filled) prior to reporting.</p>
Significance of admin burden	Likely to be small. The act of reporting itself requires transmission of risk assessments and spatial information with the digital coordinates of the areas at risk. This information needs to be collected as part of the core provisions of the Directive.
Current or recent trends affecting RO	<p>In order to facilitate the electronic reporting the WISE (Water Information System for Europe) was set up. Furthermore the CIRCABC platform was set up to facilitate broader information exchange linked to the Floods Directive and the Water Framework Directive.</p> <p>The impact assessment states that the JRC will provide flood risk maps for all Member States at a scale of 1:1000000 and 1:250000 free of charge, which will thus reduce the administrative costs of this reporting obligation. However, this has not yet been achieved and each MS is currently using different assumptions.</p>

²¹⁶ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52006SC0066>

RO 6.2: Flood Hazard Maps and Flood Risk Maps

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 6 - For those river basin areas where the preliminary flood risk assessment showed a potential flood risk Member States shall map the potential flood risks. The legal basis of developing the maps is Article 6, while the reporting is required by Article 15.
Reporting process and information required	<p>By 22 December 2013, Member States shall complete their flood hazard and flood risk maps. Flood hazard maps shall cover geographic areas with various probabilities of flooding and shall provide information on the flood extent, water depth or water level and flow velocity or relevant water flow. Flood risk maps shall provide information on potential adverse consequences expressed in terms of the indicative number of inhabitants potentially affected, type of economic activity of the area potentially affected, installations listed under the IPPC Directive which might accidental pollution in case of flooding and any other useful information.</p> <p>According to Article 15 "Member States shall make available the preliminary flood risk assessment, the flood hazard maps, the flood risk maps and flood risk management plans referred to in Articles 4, 6 and 7, as well as their review and, where applicable, their updates to the Commission within three months after the dates indicated respectively in Articles 4(4), 6(8), 7(5) and 14."</p> <p>The EC will first report formally on the Floods Directive by 31 December 2018 and will provide information on all first three reporting obligations. A staff working document has already reported on implementation.</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Impact Secondary focus: Response
C. Type of content	
C1. Type of information reported	Geospatial
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 6yrs
D2. Last deadline for reporting	3/22/2014
D3. Next deadline for reporting	3/22/2020

D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	12/22/2018
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	
E3. Format for reporting	Data input
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Article 10
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	Water Framework Directive
H4. Possible data overlaps with other reporting requirements	

H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Purpose: As noted on the Commission's website²¹⁷ the development of such plans aims to increase public awareness, support the process of prioritising, justifying and targeting investments and developing sustainable policies and strategies, and support the flow risk management plans, spatial planning and emergency planning.</p> <p>The reporting itself helps to assess progress in implementation of the floods directive. The Flood maps are the essential building block of the Flood Risk Management Plans. The Commission's report will be used to improve implementation in the second cycle, and will serve as a baseline. The maps will have implications for civil protection insurance and spatial planning purposes.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28 EC: 1
Time required (T)	<p>MS: The time required is assumed to be limited; it is assumed that the preparation of flood risk hazard maps is required for risk assessment purposes and is not itself a reporting obligation. The time taken to share those maps with the Commission is expected to be limited. 1 day maximum</p> <p>EC: The EC's reporting obligation is expected to be time consuming assuming that it will need to synthesize the information provided by the Member States. The unit estimates 300 days' work are required.</p>
Frequency of action (F)	MS: Every 6 years EC: Every 6 years
Other costs types	None identified
SCM equation(s)	MS: $Q(28) \times T(1) \times F(1/6yr)$ EC: $Q(1) \times T(300) \times F(1/6yr)$
Existing estimates of costs	<p>The impact assessment of the Directive²¹⁸ indicates that in general the costs of the reporting obligations under the Floods Directive will greatly depend on the size of the river basin districts. In practice it will also depend on the number of areas at risk of significant flooding in the future.</p> <p>According to the impact assessment: "The costs of producing flood risk maps would depend on the decisions made by the Member States on scale, level of detail and presentation (paper, electronic, etc.). Maps for the whole of the Rhine cost around €270,000 – however, they were based on the large amount of background information already available and provided by the countries. For the</p>

²¹⁷ http://ec.europa.eu/environment/water/flood_risk/com.htm

²¹⁸ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52006SC0066>

	<p>Loire, costs are estimated at €3 million. In England and Wales advanced and multi-purpose flood maps are on the internet, available to each citizen by entering a post code, and the costs are estimated at €55 million, while for Scotland cost is estimated at €2.4 million. Generally the average cost of producing flood risk maps can be estimated at between €100 and €350 per km² of river basin.”</p> <p>However, the Commission points out that, even for smaller countries such as Ireland and Greece, the maps can cost tens of millions of euros to develop.</p> <p>However, a clear distinction needs to be made between the costs of compiling flood risk maps themselves (as required by the Directive) and the much smaller costs of reporting this information to the Commission.</p>
Significance of admin burden	Insignificant, if the costs of developing the maps themselves are excluded.
Current or recent trends affecting RO	In order to facilitate the electronic reporting the WISE (Water Information System for Europe) was set up. Furthermore the CIRCABC platform was set up to facilitate broader information exchange linked to the Floods Directive and the Water Framework Directive.

RO 6.3: Flood Risk Management Plans

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 7, 8, 10</p> <p>For those river basins where the preliminary flood risk assessment showed a potential flood risk Member States shall prepare flood risk management plans. The legal obligation for the management plans are Articles 7, 8 and 10, while the reporting is required by Article 15.</p>
Reporting process and information required	<p>By 22 December 2015, Member States shall complete and publish these flood risk management plans. Each plan shall identify an objective for the management of flood risks and include measures to achieve these objectives.</p> <p>Furthermore, flood risk management plans shall take into account costs and benefits, flood extent and flood conveyance routes and areas which have the potential to retain flood water, the environmental objectives of Article 4 of Water Framework Directive, soil and water management, spatial planning, land use, nature conservation, navigation and port infrastructure. Flood risk management plans shall address all aspects of flood risk management focusing on prevention, protection, preparedness, including flood forecasts and early warning systems and taking into account the characteristics of the particular river basin or sub-basin. Flood risk management plans may also include the promotion of sustainable land use practices, improvement of water retention as well as the controlled flooding of certain areas in the case of a flood event.</p>

	<p>According to Article 15 "Member States shall make available the preliminary flood risk assessment, the flood hazard maps, the flood risk maps and flood risk management plans referred to in Articles 4, 6 and 7, as well as their review and, where applicable, their updates to the Commission within three months after the dates indicated respectively in Articles 4(4), 6(8), 7(5) and 14."</p> <p>The EC will first report on the Floods Directive by 31 December 2018 and will provide information on all first three reporting obligations.</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Response
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 6yrs
D2. Last deadline for reporting	3/22/2016
D3. Next deadline for reporting	3/22/2022
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	12/22/2018
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	EEA

E2. Information provision requirement to international organisation	No
E3. Format for reporting	Data input
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Article 10
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	Water Framework Directive
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	Health, insurance, cultural heritage, civil protection, sustainable development goals, Sendai Framework for Action, climate change adaptation
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Purpose: Reporting aims to assess progress in implementation of the floods directive. The Flood Risk Management Plans are the main tool to implement the Directive. The purpose of the Flood Risk Management Plans is to have a comprehensive plan for each river basin where there is a potential flood risk expected, in order to reduce the risk of flooding and inform management actions.</p> <p>Reporting will help to improve implementation in the second cycle, serving as a baseline. Plans are expected also to serve as models for other Commission risk based policies, e.g. the Civil Protection Mechanism.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28 EC: 1
Time required (T)	MS: The time required to develop a FRMP will greatly depend on how detailed are the plans, while the reporting obligation should only require a limited amount of time. However, unit suggests that extracting relevant information

	<p>from Flood Risk Management Plans for the report to the Commission will take around 10-15 days per Member State (on average).</p> <p>EC: The EC's reporting obligation is expected to be much more time consuming assuming that it will need to synthesise the information provided by the Member States. It is difficult to estimate likely impact, given that the forthcoming round will be the first, but on the basis of discussion with the unit and comparison with other Commission reporting requirements in this field, we estimate 250 days.</p>
Frequency of action (F)	<p>MS: Every 6 years</p> <p>EC: Every 6 years</p>
Other costs types	
SCM equation(s)	<p>MS: $Q(28) \times T(12.5) F(1/6yr)$</p> <p>EC: $Q(1) \times T(250) \times F(1/6yr)$</p>
Existing estimates of costs	<p>The impact assessment of the Directive²¹⁹ indicates that in general the costs of the reporting obligations under the Floods Directive will greatly depend on the size of the river basin districts.</p> <p>According to the impact assessment: "The administrative costs of flood risk management plans depend on the objectives and measures defined by the Member States. Preparatory and operational steps towards flood risk management already available in a range of river basins and regions will reduce related costs, as will efforts by the European Commission's Joint Research Centre, in particular by comparing and modelling different scenarios and arriving at the solution with the best cost-benefit ratio." This has not yet been completed, although other modelling relevant to the FD is taking place.</p> <p>The impact assessment also provides cost estimates on the implementation of the FRMP.</p>
Significance of admin burden	Not significant, assuming the costs of developing the plans themselves are excluded.
Current or recent trends affecting RO	In order to facilitate the electronic reporting the WISE (Water Information System for Europe) was set up. Furthermore the CIRCABC platform was set up to facilitate broader information exchange linked to the Floods Directive and the Water Framework Directive.

RO 6.4: Units of Management and Competent Authorities

A-B: General info

A5. Obligation Source Type	Legislative
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²¹⁹ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52006SC0066>

A6. Obligation and legal base	Article 3 If Member States decide to designate a competent authority that is different from the one established under the Water Framework Directive or it decides to assign a competent authority to a specific coastal unit or individual river basin it shall notify the Commission. The legal base of this reporting obligation is Article 3.
Reporting process and information required	By 26 May 2010, Member States shall communicate the information on competent authorities, as listed in Annex 1 of the Water Framework Directive.
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Response
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	5/26/2010
D3. Next deadline for reporting	Member States shall inform the Commission of any changes to the information provided within three months of the change coming into effect. Otherwise Flood Risk Management Plans contain information on units of management and competent
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	

E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Data input
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: To have a comprehensive overview of the respective competent authorities. Benefits: Having up to date information.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28
Time required (T)	MS: In many cases the same competent authorities are in charge as for the Water Framework Directive, so that this reporting obligation does not require additional time. Some MS have separate CAs for the two Directives, and are required to report this information, although this is unlikely to require a significant amount of time.

Frequency of action (F)	MS: One-off (if there are any changes in the information provided the MS needs to notify the Commission within three months of the change coming into effect)
Other costs types	None identified
SCM equation(s)	MS: $Q(28) \times T(?) \times F(\text{one-off})$
Existing estimates of costs	None identified.
Significance of admin burden	Minor – see comment on time required to complete this obligation
Current or recent trends affecting RO	None identified

7 Marine Strategy Framework Directive

[Directive 2008/56/EC of the European Parliament and of the Council establishing a framework for community action in the field of marine environmental policy.](#)

Overview: The Marine Strategy Framework Directive (MSFD) aims to achieve Good Environmental Status (GES) of the EU's marine waters by 2020 and to protect the resource base upon which marine-related economic and social activities depend. The Directive enshrines in a legislative framework the ecosystem approach to the management of human activities having an impact on the marine environment, integrating the concepts of environmental protection and sustainable use.

In order to achieve GES by 2020, each Member State is required to develop a strategy (Marine Strategy) for its marine waters, consisting of preparation (initial assessment, determination of good environmental status, establishment of environmental targets and monitoring programmes) and a programmes of measures (POM). At each of these steps MS are obliged to report the completed details to the Commission. The Directive follows an adaptive management approach and hence the Marine Strategies must be kept up-to-date and reviewed every 6 years.

MSFD reporting is handled in an extension to the Water Information System for Europe (WISE) known as WISE-Marine, which facilitates reporting by Member States and access and visualisation of the information (such as via the WISE interactive map viewer). Reporting is based upon the electronic submission of information described in a XML schema.

Schemas state the scope and format of the information to be provided. The contents of the schemas are derived from the direct requirements of the MSFD and the interpretation of the requirements of the MSFD described in Reporting Sheets. Reporting Sheets are developed in collaboration with Member States to agree a common reporting format which is suitable for the relevant reporting requirement of the Directive.

WISE, a common reporting platform, aims to harmonise and simplify required reporting in order to reduce administrative burdens.

Seven ROs have been identified.

RO 7.1: Information on the subdivision of marine regions and subregions

A-B: General info

A5. Obligation Source Type	Legislative
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<p>A6. Obligation and legal base</p>	<p>Article 4</p> <p>In preparation of their marine strategies, Article 4 requires Member States to take due account of the fact that marine waters covered by their sovereignty or jurisdiction are part of EU marine regions and subregions.</p> <p>MS reporting (under other Articles) must be organised according to these marine regions and subregions and MS must delimit these boundaries in agreement with other relevant MS to ensure they are coherent across national boundaries. Additionally, Member States have the option of establishing subdivisions coherent with the subregions (Article 4(2)).</p> <p>If Member States elect to define such subdivisions, these needed to be reported to the Commission.</p>
<p>Reporting process and information required</p>	<p>Member States provide a range of 'baseline' geographic boundary data to delineate the areas for which they have developed and will implement their marine strategies. Specifically, MS were required to report two sets of information:</p> <ol style="list-style-type: none"> 11. An outline of the approach taken to delimiting relevant geographic boundaries of marine regions and subregions (e.g. legal basis or rationale) 12. Spatial data relating to MS marine waters, and related boundaries for regions, subregions and subdivisions should be provided as a GIS polygon dataset (ESRI shapefile or GML12 format. The GIS files of the region and subregion boundaries were available from the EEA for MS to incorporate into their GIS files. Metadata is required where EEA reference grid data is not used. The data files and associated metadata standards should follow, where possible, the standards developed under the INSPIRE Directive (2007/2/EC1) <p>On behalf of, and in consultation with Member States via WG DIKE, the European Environment Agency (EEA) led a process to define boundaries for each of the MSFD marine regions and subregions.</p> <p>These spatial data layers are required as part of the development of other aspects of the strategy and would therefore already require MS to identify and obtain the relevant GIS files. The reporting obligation requires MS to submit these files, along with the relevant justifications.</p>
<p>A7. Inclusion in EIONET database</p>	<p>No</p>
<p>B1-B5. DPSIR Coverage</p>	<p>Primary source: State</p>
<p>C. Type of content</p>	
<p>C1. Type of information reported</p>	<p>Geospatial</p>
<p>C2. Thresholds/triggers for reporting</p>	
<p>D. Timing of reporting</p>	

D1. Frequency of reporting	One-off
D2. Last deadline for reporting	6/15/2010
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Format guidelines on reporting issued by COM
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	

H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	NA
H5. Potential informal links with other policy areas/legislation	NA
H6. Existing links with voluntary reporting	NA
Purpose and benefits of RO	
Defines geographical areas of other MSFD reports (including reporting areas in 2012 reports). This is essential geographical information to which all other MSFD reporting is assigned. Helps to enable consistency, comparability and aggregation of spatial data reported under other MSFD Articles, and with INSPIRE.	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: 23 MS have a coast
Time required (T)	MS jurisdictional boundaries are likely to be available and marine region and subregion boundaries are available from the EEA. Time required to obtain and the relevant spatial data layers is required for other aspects of Marine Strategy development. The RO requires their submission to the EC. Time requirements are likely to be limited in such instances. Estimated time: two days.
Frequency of action (F)	All MS have already reported this information to the Commission. MS are only likely to have to report again if (i) there are changes to their jurisdictional boundaries, or (ii) if there are changes to the region and subregion areas. The occurrence of this is considered likely to be infrequent. It is assumed that this may occur once every other review cycle (i.e. once every 12 years)
Other costs types	None
SCM equation(s)	$MS\ CAs = Q(23MS) \times T(\text{est. } 2\ \text{day} \times \text{tariff}) \times (0.0833\ \text{report/yr})$
Existing estimates of costs	None available
Significance of admin burden	Low
Current or recent trends affecting RO	None

RO 7.2: Information on the competent authorities

A-B: General info

A5. Obligation Source Type	Legislative
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<p>A6. Obligation and legal base</p>	<p>Article 7</p> <p>Member States shall provide the Commission with:</p> <ul style="list-style-type: none"> • A list of the competent authorities designated for each marine region or subregion concerned. • A list of their competent authorities as regards those relevant international bodies in which they participate. • A list of their competent authorities designated for cooperation and coordination as referred to in Article 6. <p>Member States shall inform the Commission of any changes to the information within six months of such a change coming into effect.</p>
<p>Reporting process and information required</p>	<p>MS must upload a series of information items for each CA.</p> <p>(1) Name and address of the competent authority or authorities — the official name and address of the competent authority or authorities identified.</p> <p>(2) Legal status of the competent authority or authorities — a brief description of the legal status of the competent authority, or authorities.</p> <p>(3) Responsibilities — a brief description of the legal and administrative responsibilities of the competent authority or authorities, and of its role in relation to the marine waters concerned.</p> <p>(4) Membership — when the competent authority or authorities acts as a coordinating body for other competent authorities, a list of these is required together with a summary of the institutional relationships established in order to ensure coordination.</p> <p>(5) Regional or subregional coordination — a summary is required of the mechanisms established in order to ensure coordination between the Member States whose marine waters fall within the same marine region or subregion.</p>
<p>A7. Inclusion in EIONET database</p>	<p>Yes</p>
<p>B1-B5. DPSIR Coverage</p>	<p>Primary focus: Response</p>
<p>C. Type of content</p>	
<p>C1. Type of information reported</p>	<p>Text</p>
<p>C2. Thresholds/triggers for reporting</p>	
<p>D. Timing of reporting</p>	
<p>D1. Frequency of reporting</p>	<p>One-off</p>
<p>D2. Last deadline for reporting</p>	<p>1/15/2011</p>
<p>D3. Next deadline for reporting</p>	<p>MS update as required</p>

D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	Maritime Spatial Planning Directive
H4. Possible data overlaps with other reporting requirements	

H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Defines Competent Authorities for implementation of Directive. This is essential administrative information to aid oversight of MSFD implementation	
Analysis of costs	
Type and number of reporting entities (Q)	The reporting entity is the MS CA (hence 23 MS with a coast across EU).
Time required (T)	The time required to update the information reported is likely to be minimal. The qualitative sections may require some drafting, but would be expected to be drawn from existing information. The time required depends on the extent of the changes that are being reported on. Estimated at T = 2 days.
Frequency of action (F)	Only when MS change the information already reported on. It is assumed that such institutional changes are infrequent across MS. It is assumed that some level of change worthy of an update occurs for each MS in line with the 6-yearly reporting cycle. F = 6
Other costs types	None expected
SCM equation(s)	$MS\ CAs = Q(23MS) \times T(\text{est. } 2 \text{ days} \times \text{tariff}) \times (0.17 \text{ report/yr})$
Existing estimates of costs	None available
Significance of admin burden	Low
Current or recent trends affecting RO	None

RO 7.3: Preparation of initial assessment, determination of good environmental status, setting of environmental targets and associated indicators

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 8, 9, 10 Articles 8, 9 and 10 require MS to undertake research and analysis to inform the preparation of their Marine Strategies and require MS to make an initial assessment, determine characteristics for GES and establish environmental targets and indicators for their marine waters, to guide progress towards achieving GES in their marine environment.

	<p>MS are obliged to report the outcomes of these activities to the Commission. MS are obliged to report to the Commission any changes in this information e.g. as part of the 6-yearly review.</p> <p>The Commission is obliged to assess the information provided by MS and inform them on whether, in its opinion, the elements notified under Articles 9, 10 and 11 are consistent with the directive and provide guidance on any modifications it considers necessary.</p>
Reporting process and information required	<p>The directive does not specify a format for the reports. The Commission developed and agreed informally with Member States a set of standardised reporting sheets, as well as associated reporting tools and guidance.</p> <p>Both MS format reports and completed reporting sheets are to be submitted via the European Environment Agency's ReportNet system for inclusion in WISE- Marine²²⁰.</p> <p>The guidelines for reporting using the common reporting sheets is detailed and extensive. In particular, given the use of spatial datasets, there is a need for substantive technical input and associated metadata. It is likely that the formats agreed for the reporting template will be in line with how some MS may record datasets, but not all. Hence some technical development may have been necessary to facilitate their use.</p> <p>However, all MS have completed this task for the first set of Marine Strategies. As such their systems are assumed to now be set up to be compliant with the formats.</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	<p>Primary focus: State</p> <p>Secondary focus: Driver, Pressure and Impact</p>
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 6yrs
D2. Last deadline for reporting	10/15/2012
D3. Next deadline for reporting	10/15/2018

²²⁰ the marine module of the Water Information System for Europe (WISE), which itself is a component of the Shared Environmental Information System (SEIS).

D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	2019
D6. Date of most recent Commission report	20 February 2014
D7. Deadline of MS report on which the most recent Commission report is based on	10/15/2012
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	493 COM report requires check of regional consistency and hence is dependent on all MS submitting reports before COM can fully evaluate
E. Format and process requirement	
E1. Reporting partner/service provider	EEA*
E2. Information provision requirement to international organisation	Regional Sea Conventions (from 2018 updates only)
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	no
F2. Public information provision	Article 19
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	Water Framework Directive, Bathing Water, CFP, Birds and Habitats Directives + Marine Spatial Planning Directive
H4. Possible data overlaps with other reporting requirements	Water Framework Directive, Bathing Water, CFP, Birds and Habitats Directives + Marine Spatial Planning Directive

H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Assessment of current environmental status, pressures and impacts, uses and costs of degradation, determination of good environmental status and setting of targets to achieve GES. This is essential information for the implementation of the Directive.</p> <p>The electronic reporting through WISE-Marine has the aim of presenting the information in these reports in a common format and structure across Member States. The common format will facilitate the Commission's assessment (Article 12), of whether MS' Initial Assessments, determination of GES and environmental targets and indicators, constitute an appropriate framework to meet the requirements of the Directive (which must be carried out by the Commission within 6 months). The common format will assist the use of the reported information for European-scale state of the environment reporting.</p> <p>The Commission's first implementation report sets direction of implementation process especially need for improved definitions of GES and enhanced regional coordination.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS CA: 23 European Commission: 1
Time required (T)	<p>MS: Preparing data in the relevant formats for the first Marine Strategies may have required substantial time. Subsequent reports, at the point of Marine Strategy review, will be less burdensome assuming no changes to the reporting formats, but may depend on number of subregions, complexity of data, and extent of changes to the original plans for Articles 8, 9 and 10. A significant volume of data does however need to be transferred through the reporting system.</p> <p>T = 20 days per subregion (estimated)</p> <p>Commission: Using outputs from the reviews by external consultants (see other cost types below), the Commission will respond to each MS – time required unknown.</p>
Frequency of action (F)	<p>MS are obliged to review their assessments, determination of GES, targets and indicators every 6 years.</p> <p>MS: $F = 1/6$ time per year</p> <p>Commission: (as above) $F = 1/6$ times per year</p>
Other costs types	European Commission: The detailed technical checking and assessment of Member States' reports and submissions was carried out by external consultants for the first strategies. It is assumed the same will apply for second round (i.e. at the 6 yearly review) ²²¹ .

²²¹ European Commission (2014). COMMISSION STAFF WORKING DOCUMENT. Annex. Accompanying the document Commission Report to the Council and the European Parliament. The first phase of implementation

	European Commission: The detailed technical checking and assessment of Member States' reports and submissions was carried out by external consultants for the first strategies. It is assumed the same will apply for second round (i.e. at the 6 yearly review) ²²² .
SCM equation(s)	MS CAs = Q(23) x T(est. 20 days x no.subregions x tariff) x F(0.17 report/yr) Commission = Q(1) x T(?) + O(est.€200k) x F(0.17 report/yr)
Existing estimates of costs	None available
Significance of admin burden	Moderate; the process of strategy development is not itself regarded as a reporting obligation, but reporting requires transfer of significant amount of information to the Commission.
Current or recent trends affecting RO	Clearer data on progress towards achieving GES and targets is needed.

RO 7.4: Monitoring programmes

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Legislative Article 11 Member States shall establish and implement coordinated monitoring programmes for the ongoing assessment of the environmental status of their marine waters that are compatible within marine regions or subregions and report these to the Commission within 3 months of their establishment. The Commission is obliged to assess the information provided by MS and report on whether, in its opinion, the elements notified under Articles 9, 10 and 11 are consistent with this directive and provide guidance on any modifications it considers necessary.
Reporting process and information required	The Directive provides no particular guidance on the format and content of the reports. However, a common structure, content and format for reporting was discussed and agreed with Member States. The reports need to be presented according to each of the (sub)regions relevant for the Member State

of the Marine Strategy Framework Directive (2008/56/EC) - The European Commission's assessment and guidance.

²²² European Commission (2014). COMMISSION STAFF WORKING DOCUMENT. Annex. Accompanying the document Commission Report to the Council and the European Parliament. The first phase of implementation of the Marine Strategy Framework Directive (2008/56/EC) - The European Commission's assessment and guidance.

Each Member State has the right to submit any information it considers appropriate as part of its formal notification under Article 11(3). This could include, for example, submission of documents ('text-based reports') to address all or part of the required Article 11 report; these may have also been used for stakeholder consultation and governmental approval processes. MS are also required to submit monitoring information using a standardised set of reporting sheets, which cover:²²³

- general description section consists of four questions which aim to give an overview of the monitoring programmes being implemented by the Member State
- information on the adequacy of the programme for assessment against GES and progress with targets, (optional) links to (existing) measures and to existing monitoring programmes for other policies
- more detailed information on the specific aspect or features being addressed and the methods, spatial resolution and temporal periodicity of the monitoring

The reporting of monitoring programmes (MSFD, Art 11) have followed a slightly different reporting procedure to previous reporting already undertaken. Relevant information is to be reported directly in web forms as part of the Reportnet procedure and hence no database was developed to support this reporting.

The reports are to be provided per (sub) region. Because Member States may use the same/similar monitoring programmes across several regions or subregions, the web-form application has been set up to allow a programme report to be duplicated for a second (sub)region and subsequently adjusted if necessary to reflect more minor (sub)regional differences to be expressed

A7. Inclusion in EIONET database **Yes**

B1-B5. DPSIR Coverage **Primary focus: State**
Secondary focus: Pressure, Impact, Response

C. Type of content

C1. Type of information reported **Text**

C2. Thresholds/triggers for reporting

D. Timing of reporting

D1. Frequency of reporting **Every 6yrs**

D2. Last deadline for reporting **10/15/2014**

²²³ European Commission. 2014. Reporting on monitoring programmes for MSFD Article 11. DG Environment, Brussels. pp49

D3. Next deadline for reporting	10/15/2020
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	2016
D6. Date of most recent Commission report	In progress: before or after summer 2016
D7. Deadline of MS report on which the most recent Commission report is based on	10/15/2014
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA COM report requires check of regional consistency and hence is dependent on all MS submitting reports before COM can fully evaluate
E. Format and process requirement	
E1. Reporting partner/service provider	EEA*
E2. Information provision requirement to international organisation	Regional Sea Convention (from 2020 updates only)
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Article 19
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	Water Framework Directive, Bathing Water, CFP, Birds and Habitats Directives + Marine Spatial Planning Directive

H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Reporting to the Commission on MSFD monitoring programmes is a formal requirement of the directive (Art. 11(3)). According to the Recommendation, a key aim of this reporting is to provide sufficient information for the Commission to undertake its Article 12 assessment effectively. This will enable the Commission to verify that the monitoring programmes comply with the requirements of the Directive, particularly whether they will enable environmental status and progress with targets to be assessed, cover all relevant aspects (e.g. of MSFD Annex III), and are sufficiently coordinated, coherent and consistent with the monitoring programmes of neighbouring states in the same marine region/sub-region. This information is essential in informing implementation. The Commission's first implementation report on monitoring sets direction of implementation, especially the need for improved monitoring and enhanced regional coordination.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: 23 Commission: See RO 7.3
Time required (T)	<p>MS CAs: A majority of the information required should be available to each MS through its internal monitoring programme development documentation and processes. Time required is likely to be dependent on the extent of existing information, the complexity and variability of the monitoring actions that feed into the monitoring programme, the number of monitoring programmes, and the extent of changes made to the original monitoring programme. Time required may be between 10 days per monitoring programme.</p> <p>(Monitoring itself is carried to meet the objectives of the directive and hence the time/costs of this are not included here)</p>
Frequency of action (F)	<p>MS are obliged to review their monitoring programmes every 6 years.</p> <p>MS: $F = 1/6$ time per year</p> <p>Commission: See RO 7.3</p>
Other costs types	None anticipated
SCM equation(s)	<p>MS CAs: $Q(23) \times T(10 \times \text{no. monitoring programmes} \times \text{tariff}) \times F(0.17 \text{ report/yr})$</p> <p>Commission: See RO 7.3</p>
Existing estimates of costs	None available

Significance of admin burden	Low-moderate
Current or recent trends affecting RO	Steps have been taken to streamline and simplify the reporting obligations of Member States, as well as to draw on existing reporting under relevant legislation, based on the principle of "report once, use many times".

RO 7.5: Programmes of measures

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 13</p> <p>Member States shall, in respect of each marine region or subregion concerned, identify the measures which need to be taken in order to achieve or maintain GES. Member States shall notify the Commission and any other Member State concerned of their programmes of measures, within three months of their establishment.</p> <p>On the basis of POM information reported by MS, the Commission shall assess for each MS whether the programmes notified constitute an appropriate framework to meet the requirements of this Directive, and may ask the Member State concerned to provide any additional information that is available and necessary.</p>
Reporting process and information required	<p>As part of the design of their Marine Strategies, MS are obliged to submit three sets of information as regards their POMs:</p> <p>The reporting package for the Member State Programme of Measures, including exceptions, consists of the following²²⁴:</p> <p>Summary Report on the Programme of Measures, which provides a text-based overview of the PoM(s) (e.g. on general approaches to their preparation) and more specific details on the measures and any exceptions. Reference to measures reported under the WFD in 2016, and on existing measures under other policies, can be kept to a minimum. This report should be made available at a suitable national web site for access by stakeholders and other states, and be uploaded to ReportNet.</p> <p>Reporting Sheet which includes mainly categorical information which will facilitate the assessment by the Commission of adequacy, consistency and coherence between Member States and across the marine (sub)regions and enable the preparation of statistical information on the PoMs. The report is to be uploaded to ReportNet as xml files.</p>

²²⁴ European Commission. 2015. Reporting on Programmes of Measures (Art. 13) and on exceptions (Art. 14) for the Marine Strategy Framework Directive. DG Environment, Brussels. Pp34

	<p>Extended WFD reporting, to cover the MSFD needs, for land-based measures reported under WFD but which also contribute to achieving or maintaining the MSFD environmental targets and GES in the marine environment. A coordinated approach between the MSFD and WFD implementation processes in each Member State will be necessary to make the relevant links between the two reporting processes. This information is reported via the WFD reporting process due in March 2016.</p> <p>As has been done for MSFD reports on Article 8, 9 and 10 (in 2012) and Article 11 (in 2014), the reports need to be clearly presented according to each of the (sub)regions relevant for the Member State</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Response
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 6yrs
D2. Last deadline for reporting	3/31/2016
D3. Next deadline for reporting	3/31/2021
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	2017
D6. Date of most recent Commission report	In progress
D7. Deadline of MS report on which the most recent Commission report is based on	3/13/2016
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	
NA	
E. Format and process requirement	

E1. Reporting partner/service provider	EEA*
E2. Information provision requirement to international organisation	Regional Sea Conventions (from 2012 updates only)
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Article 19
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	Water Framework Directive
H4. Possible data overlaps with other reporting requirements	Water Framework Directive
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Reporting ensures sufficient information is provided to Commission to undertake its Article 12 assessment effectively. This enables the Commission to verify that the POMs comply with the requirements of the Directive.	
Analysis of costs	
Type and number of reporting entities (Q)	MS CA: 23 Commission: 1
Time required (T)	<u>MS</u> : A majority of the information required should have be available to each MS through internal POM documentation/processes. Time required is therefore likely to be dependent on the extent of existing information, extent of redrafting required, and the number of subregions. Estimated at 20 days per subregion.

	<u>Commission</u> : Using outputs from the reviews by external consultants (see other cost types below), the Commission will respond to each MS – time required unknown.
Frequency of action (F)	MS are obliged to review their assessments, determination of GES, targets and indicators every 6 years. <u>MS</u> : F = 1/6 time per year <u>Commission</u> : (as above) F = 1/6 times per year
Other costs types	<u>MS</u> : none expected <u>Commission</u> : it is assumed that external consultants may be used for checking and assessing MS reports (as indicated for Articles 9, 10 and 11 above)
SCM equation(s)	<u>MS CAs</u> = Q(23) x T(20 days x no.subregions x tariff) x F(0.17 report/yr) <u>Commission</u> = Q(1) x T(?) + O(est.€200k) x F(0.17 report/yr)
Existing estimates of costs	None available
Significance of admin burden	Moderate to high
Current or recent trends affecting RO	In order to not repeat reporting efforts already undertaken through the Water Framework Directive (WFD) in 2016, and to ensure consistency, comparability and coordinated action with WFD implementation, the proposed approach for reporting of the MSFD PoMs is built upon the existing WFD reporting framework. This approach reduces the reporting requirements for MSFD.

RO 7.6: Interim Report on programmes of measures

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 18 Member States shall, within three years of the publication of each programme of measures or update thereof in accordance with Article 19(2), submit to the Commission a brief interim report describing progress in the implementation of that programme Article 20 requires Commission to publish a first evaluation report on the implementation of this Directive within two years of receiving all programmes of measures and, in any case, by 2019 at the latest. The Commission shall publish further reports every six years thereafter. It shall submit the reports to the European Parliament and to the Council.
Reporting process and information required	No guidance is yet available on the content of the interim reports. It may be assumed that it will include data with regard the state of the marine environment, including in

	<p>relation to the GES indicators and monitoring data (as described for other ROs), as well as any relevant explanations and justifications as they relate to implementation of the POM and changes in the GES/monitoring indicators</p> <p>The Commission reports shall include the following:</p> <p>(a) a review of progress in the implementation of this Directive;</p> <p>(b) a review of the status of the marine environment in the Community, undertaken in coordination with the European Environment Agency and the relevant regional marine and fisheries organisations and conventions;</p> <p>(c) a survey of the marine strategies, together with suggestions for their improvement;</p> <p>(d) a summary of the information received from Member States pursuant to Articles 12 and 16 and of the assessments made by the Commission, in accordance with Article 16, in relation to information received from Member States pursuant to Article 15;</p> <p>(e) a summary of the response to each of the reports submitted to the Commission by Member States pursuant to Article 18;</p> <p>(f) a summary of the responses to comments made by the European Parliament and the Council on previous marine strategies;</p> <p>(g) a summary of the contribution made by other relevant Community policies to the attainment of the objectives of this Directive</p> <p>Therefore, the Commission reports can be assumed to be based on information already in the Commission's possession (i.e. MS reports and Commission response to MS)</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Response
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 6yrs
D2. Last deadline for reporting	
D3. Next deadline for reporting	12/31/2018

D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	EEA*
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	
H4. Possible data overlaps with other reporting requirements	

H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
To provide interim information on progress in implementing the POM and achieving GES.	
EC reports will monitor progress towards achievement of the MSFD objectives, as well as the extent and quality of MS implementation.	
Analysis of costs	
Type and number of reporting entities (Q)	MS CA: 23 MS have a coast EC (1)
Time required (T)	MS CA: unknown; assume 30 days per MS given requirement for a brief report but complexity of underlying data Commission – implementation reports require detailed data and analysis – could take 200 days
Frequency of action (F)	MS are obliged to review their assessments, determination of GES, targets and indicators every 6 years. Interim reports will fit with this cycle. MS: F = 1/6 time per year
Other costs types	None expected
SCM equation(s)	MS CAs = Q(23) x T(30 days x tariff) x F(0.17 report/yr) EC = Q(1) x T (200days x tariff) * F (0.17 report/yr)
Existing estimates of costs	None available
Significance of admin burden	Moderate (no guidance available on which to base the estimate; the Directive requires for a 'brief' report; however there is a relatively high volume of data that may be used for reporting)
Current or recent trends affecting RO	None available

8 Council Directive 98/83/EC on the quality of water intended for human consumption

[Council Directive 98/83/EC on the quality of water intended for human consumption](#)

Overview: Directive 98/83/EC covers water intended for human consumption with limitations relating to mineral waters and waters used in bottling and medicines. The general objective is that drinking water should be free from microorganisms, parasites and substances which constitute a danger to human health, including the requirement to meet the standards defined in the Annexes. Member States are required to set values according to the Annexes and set values for additional parameters where national (or sub-national) demands so require in order to meet the general requirement of the Directive.

The Directive lays down 53 water quality standards and contains five Annexes. Annex I establishes microbiological parameters for drinking water and bottled water, lists chemical parameters, and lists indicator parameters for monitoring purposes. Annex II provides the details of the parameters to be monitored. Annex III provides information on the reference methods to be used in monitoring. Annex IV provides an analysis of the deadlines for transposition in comparison with previous Directives and Acts. Annex V provides a correlation table of Articles, comparing Directive 80/778/EEC with Directive 98/83/EC.

The Directive specifies the point at which compliance would be assessed (e.g. for water from distribution networks this should be from the taps normally used for human consumption).

The Directive also specifies remedial actions that should be taken in event of non-compliance with standards, including informing consumers and the prohibition of supply, where appropriate. Provision is made for derogations, but no derogation should constitute a potential danger to human health, and they should be limited to three years, at the end of which a progress review should be conducted. A second derogation may be applied, and exceptionally a third. The Directive also outlines a review procedure for the parameters and methods contained in the Annexes. Member States are required to publish a report every three years on the quality of water intended for human consumption, as a minimum covering supplies of 1000 m³/day and above or serving more than 5000 persons.

One RO has been identified under the Directive in the Task 1 RO Inventory:

RO 8.1: Report on quality of water for human consumption

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 13</p> <p>MS are required to publish a report every three years on the quality of water intended for human consumption. Reports must be published within one calendar year of the end of the reporting period, and must be submitted electronically to the Commission within two months of their publication.</p>
Reporting process and information required	<p>Each MS must publish a report every three years on the quality of water intended for human consumption, to inform consumers. Each report shall at least include all individual supplies of water exceeding on average 1,000 m³ a day or serving more than 5,000 persons. The reports should include: monitoring information on water supply zones; summary information on drinking water quality in water supply zones at a national level; and information on non-compliant water in water supply zones. Formats/templates for reporting for each of these types of information are provided.</p> <p>The guidance document states that “The amount of data to be submitted by Member States (MS) to the European Commission shall be the minimum necessary to demonstrate compliance with the Drinking Water Directive” and that “They shall aggregate regional or federal reports into a national report”.</p>

	<p>It has been assumed (though not certain) that the information required in the reports should be gathered by the MS during their efforts to ensure they achieve compliance with the requirements of the Directive; in theory therefore the reports are a summary of this information rather than the delivery of new information specifically for the reports. However, it is possible that data and information would need to be compiled from different sources to enable the MS to report, which could add to the time and costs.</p> <p>Together with their first report MS had to produce a report to be forwarded to the Commission on measures taken or planned to fulfil their obligations under Article 6(3) and Annex I, Part B, note 10.</p> <p>The EC must publish a synthesis report every 3 years on the quality of water intended for human consumption in the Community.</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: State Secondary focus: Impact and Response
C. Type of content	
C1. Type of information reported	Numerical
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 3yrs
D2. Last deadline for reporting	2/28/2015
D3. Next deadline for reporting	2/28/2018
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	2016
D6. Date of most recent Commission report	16 June 2014
D7. Deadline of MS report on which the most recent Commission report is based on	2/28/2012
D8-D9. Time elapsed between MS reporting	839 reference year 2008, 2009,2010

and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Data input
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	
F2. Public information provision	Article 13(2) information on the quality of water intended for human consumption has to be available to consumers.
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	Potentially the WFD directive when the monitoring of the WSZ is done at the abstraction point and this abstraction point is used as a monitoring station for the WFD
H4. Possible data overlaps with other reporting requirements	No
H5. Potential informal links with other policy areas/legislation	Nitrate directive, WFD, Groundwater Directive, Environmental Quality Standards Directive
H6. Existing links with voluntary reporting	EEA has decided unilaterally not to take care any more of this reporting. We don't know who will take care of it in the future. Decision has to be taken at high level to find a solution for the next reporting exercise
Purpose and benefits of RO	
Purpose: To provide information to demonstrate that each Member State is in compliance with the Directive	
Benefits: The reporting allows the Commission to monitor the Directive's implementation, and to summarise headline information on water supply zones (WSZ) and drinking water quality. The quality of drinking water is highly important as regards health aspects. There is a need to know MS situation in order to be sure that high quality of drinking water is provided to European citizens.	

<p>Information about compliance enables the Commission to take action to improve enforcement. The EU report gives also different statistics about the directive. It is essentially a written report with its annex and not so easy to manipulate.</p>	
<p>Analysis of costs</p>	
Type and number of reporting entities (Q)	<p>MS: 28 EC: 1</p>
Time required (T)	<p>MS: estimate 40 days per MS, depending on number water supply zones in the MS EC: May be a number of days or weeks – estimated to be 20 days</p>
Frequency of action (F)	<p>MS: must report to Commission every 3 years. Along with the first report, additional information was required on measures taken or planned to fulfil obligations under Article 6(3) and Annex I, Part B, note 10. EC: must publish a synthesis report every 3 years (within 9 months of receiving MS reports) on the quality of water intended for human consumption in the Community.</p>
Other costs types	<p>None found</p>
SCM equation(s)	<p>MS: $Q(28) \times T(40\text{days} \times \text{tariff}) \times F(0.33\text{report/yr})$ EC: $Q(1) \times T(20\text{days} \times \text{tariff}) \times F(0.33\text{report/yr})$</p>
Existing estimates of costs	<p>None found</p>
Significance of admin burden	<p>The likely significance of the admin burden is somewhat unclear, since no information has been found on the time and associated costs. It is assumed that the specific admin burden of the RO may be moderate, with the burden being more significant for MS with a larger number of water supply zones.</p>
Current or recent trends affecting RO	<p>Some changes to the reporting templates have been made since 2010. These are outlined in the guidance document, and include the removal of some data requirements that were no longer needed, although it appears that a larger number of new data requirements were added. This has presumably added to some extent to the amount of time spent by the MS on reporting.</p> <p>The latest Commission report points out a few issues with reporting. Monitoring approaches differ between MS and even between different water supply zones within individual MS, so there are different levels and availability of monitoring data. The report suggests that there is a need to review and better streamline the current monitoring approaches. It also suggests that adding a reporting obligation for small supplies would allow better mapping of drinking water quality in small supply zones, contributing to increased availability of information for the public and stakeholders. The report also notes that the current parameter list, parametric values and monitoring and analysis requirements may need to be adapted in light of risks related to emerging pollutants and scientific and</p>

technological progress. The Commission suggests that the current reporting set-up does not provide the Commission with adequate and timely information to perform a thorough synthesis of drinking water quality developments in the EU.

If new reporting obligations or changes in the parameters to be monitored are introduced, this could add to the burden of reporting (although an assessment of the size of the burden would need to be carried out to identify whether this would be a significant additional burden).

9 Directive 2006/7/EC concerning the management of bathing water quality

[Directive 2006/7/EC concerning the management of bathing water quality](#)

Overview: The Directive concerns the quality of bathing water, with the exception of water intended for therapeutic purposes and water used in swimming pools. Its purpose is to preserve, protect and improve the quality of the environment and to protect human health.

Member States must monitor the bathing waters throughout each year and assess the bathing waters at the end of every season. Bathing waters are classified according to their level of quality: poor, sufficient, good or excellent, linked to clear numerical quality standards for bacteriological quality. The category "sufficient" is the minimum quality threshold that all Member States should attain by the end of the 2015 season at the latest. Where water is classified as "poor", Member States should take certain management measures, e.g. banning bathing or posting a notice advising against it, providing information to the public, and suitable corrective measures. Member States should also prepare a description of bathing waters and the potential impacts and threats to water quality, both as an information for citizens and as a management tool for the responsible authorities, through the so-called bathing water profile. Three reporting obligations are identified in the inventory.

RO 9.1: Monitoring and classification of bathing waters

A-B: General info

A5. Obligation Source Type	Legislative
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A6. Obligation and legal base	Article 13.1
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Member States shall provide the Commission with the results of the monitoring and with the bathing water quality assessment for each bathing water, as well as with a description of significant management measures taken.

The Commission shall publish an annual summary report on bathing water quality in the Community, including bathing water classifications, conformity with this Directive and significant management measures undertaken

Reporting process and information required	A series of data tables are made available by the EEA on EIONET. MS download the tables, populate them with the relevant information and upload them via Reportnet. The attributes required are reported for a bathing water or a group of bathing waters
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	<p>The requested data should be readily available to MS, as it will be generated whilst satisfying other obligations of the directive that require MS to monitor and assess their bathing waters.</p> <p>Where monitoring and assessment is undertaken at a regional / devolved level there will be a need for the MS CA to collate this information from the relevant organisations. It is expected that this would be collated in the required format.</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: State Secondary focus: Impact and Response
C. Type of content	
C1. Type of information reported	Numerical
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Annual
D2. Last deadline for reporting	12/31/2015
D3. Next deadline for reporting	12/31/2016
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	4/30/2016
D6. Date of most recent Commission report	25 May 2016
D7. Deadline of MS report on which the most recent Commission report is based on	12/31/2015
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	146
E. Format and process requirement	
E1. Reporting partner/service provider	EEA

E2. Information provision requirement to international organisation	No
E3. Format for reporting	Data input
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Article 12
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	WFD protected areas
H4. Possible data overlaps with other reporting requirements	No
H5. Potential informal links with other policy areas/legislation	UWWTD, WFD, MSFD, shellfish areas , nitrate directive, ...
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Demonstrates progress towards meeting the directive's objectives and monitor MS actions to achieve the objectives; provides information to the public about bathing water quality. This information is relevant to all European citizens that wish to know the location of bathing water areas and their water quality. This is also relevant to identify the need to take action to comply with quality objectives.	
Analysis of costs	
Type and number of reporting entities (Q)	MS CA: 28 EC: 1
Time required (T)	MS CAs: The time required will depend on the quality of the MS data management systems and the number of bathing waters on which data is to be reported. Data held by MS is likely to be in a compatible format with the reporting tables, as these mirror the specific monitoring requirements of the directive.

	<p>Reporting in many MS may therefore amount to no more than a few days to collate, check and upload data tables. Where data management is poor and structures inconsistent with reporting requirements time required could be significant, but this is considered unlikely in the majority of instances.</p> <p>EC: 2015 report was 36 pages, including summary statistics for MS and some discussion pieces and MS illustrative examples. Estimated at 25 days.</p>
Frequency of action (F)	<p>MS CAs: Annual.</p> <p>EC: Annual</p>
Other costs types	None identified
SCM equation(s)	<p>MS CAs: $Q(28) \times T(\text{est. 6 days} \times \text{tariff}) \times F(1)$</p> <p>EC: $Q(1) \times T(25 \times \text{tariff}) \times F(1)$</p>
Existing estimates of costs	None available
Significance of admin burden	Low-moderate
Current or recent trends affecting RO	None

RO 9.2: Identification of bathing areas

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 13.2</p> <p>Member States shall notify the Commission annually before the start of the bathing season of all waters identified as bathing waters, including the reason for any change compared to the preceding year.</p>
Reporting process and information required	A data table is made available by the EEA on EIONET. MS download the table, populate it with the relevant information and upload them via Reportnet. The table requires information on a series of attributes for each bathing water. MS are only required to provide this information when there are changes to the bathing water areas (or their relevant attributes)
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Response
C. Type of content	
C1. Type of information reported	Geospatial
C2. Thresholds/triggers for reporting	

D. Timing of reporting	
D1. Frequency of reporting	Annual
D2. Last deadline for reporting	
D3. Next deadline for reporting	
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	5/30/2016
D6. Date of most recent Commission report	25 May 2016
D7. Deadline of MS report on which the most recent Commission report is based on	12/31/2015
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	146
E. Format and process requirement	
E1. Reporting partner/service provider	EEA*
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Data input
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No

F2. Public information provision	Article 12
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	WFD protected areas
H4. Possible data overlaps with other reporting requirements	No
H5. Potential informal links with other policy areas/legislation	UWWTD, WFD, MSFD, shellfish areas, nitrate directive, ...
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
The RO helps to provide information on the location of bathing water areas, including provision of information to citizens on access to bathing water areas. This information is relevant to all European citizens who wish to know the location of bathing water areas.	
Analysis of costs	
Type and number of reporting entities (Q)	MS CA (28)
Time required (T)	MS are only required to report changes. Minor changes to a small number of bathing waters may require around 1 day of time. Major changes e.g. wholesale changes in the bathing water classifications may require in excess of 1 week, but this is unlikely to be the norm.
Frequency of action (F)	Only required when changes occur. Minor changes assumed to occur every year.
Other costs types	None anticipated
SCM equation(s)	MS CA: $Q(28) \times T(<1 \text{ day} \times \text{tariff}) \times F(1)$
Existing estimates of costs	None available
Significance of admin burden	Low
Current or recent trends affecting RO	None identified

RO 9.3: Written observations on Commission report

A-B: General info

A5. Obligation Source Type Legislative

A6. Obligation and legal base Article 14

	The Commission shall, by 2008, submit a report to the European Parliament and to the Council. Member States shall, by the end of 2014, submit written observations to the Commission on that report.
Reporting process and information required	None – action complete – no obligation within the directive for further action.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: State
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	12/31/2014
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	
D6. Date of most recent Commission report	
D7. Deadline of MS report on which the most recent Commission report is based on	
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	No

E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
The reporting helped to inform the review of the Directive.	
Analysis of costs	
Type and number of reporting entities (Q)	EC (1)
Time required (T)	NA
Frequency of action (F)	One off
Other costs types	None identified
SCM equation(s)	EC: $Q(1) \times T(?) \times F(\text{one-off})$
Existing estimates of costs	None available
Significance of admin burden	Moderate, completed

Current or recent trends NA
affecting RO

10 Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora [The Habitats Directive]

[Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora](#)

Overview: Adopted in 1992, the Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora aims to promote the maintenance of biodiversity, taking account of economic, social, cultural and regional requirements. It forms the cornerstone of Europe's nature conservation policy with the Birds Directive and establishes the EU wide Natura 2000 ecological network of protected areas, safeguarded against potentially damaging developments. It protects over 1000 animals and plant species and over 200 types of habitat.

RO 10.1: Implementation Report

A-B: General info

A5. Obligation Source Type Legislative

A6. Obligation and legal base Article 17

Article 17 of the Directive requires that, every six years, Member States shall draw up a report on the implementation of the measures taken under the Directive. The report should include information concerning the conservation measures adopted for Special Areas of Conservation (under Article 6 (1)) and an evaluation of the impact of those measures on the conservation status of the natural habitat types of Annex I and the species in Annex II, and the main results of the surveillance of protected habitats and species required by Article 11. The report shall be forwarded to the Commission and made accessible to the public. The Commission shall prepare a composite report based on the MS reports within two years, including an evaluation of the progress achieved and contribution of Natura 2000 to the achievement of the Directives' objectives.

Reporting process and information required

Each national report includes detailed information including: number of SCIs and SACs; numbers, trends and conservation status of habitats and species; pressures and threats; Natura 2000 coverage; data quality and completeness.

It is assumed that this information should be available to the authorities through implementation of other articles of the Directive. However, there may be significant efforts in collating this information for reporting purposes, particularly in countries with devolved administrations.

A7. Inclusion in EIONET database Yes

B1-B5. DPSIR Coverage Primary focus: State

Secondary focus: Driver, Pressure, Impact and Response

C. Type of content	
C1. Type of information reported	Numerical
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 6yrs
D2. Last deadline for reporting	6/30/2013
D3. Next deadline for reporting	6/30/2019
D4. MS information published in a Commission report	yes
D5. Next deadline for Commission reporting based on the data	2020/21
D6. Date of most recent Commission report	20 May 2015
D7. Deadline of MS report on which the most recent Commission report is based on	6/30/2013
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	689. There are several reasons for what seems a long period between national reports and the EU report: First of all a range of MS reports are usually delayed; secondly in this particular case, MS reports are not only summarised but a separate EU analysis is undertaken, including a public consultation.
E. Format and process requirement	
E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Data input
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes

E6. Electronic reporting required/facilitated		Yes
F. Relevance to 3rd parties and the public		
F1. Reporting requirements on 3rd parties		
F2. Public information provision	Article 17(1)	
H. Links to other reporting requirements		
H1 – H3. Links to reporting requirements in other legislation	H1: None	H3: MSFD reporting, descriptor 1
H4. Possible data overlaps with other reporting requirements		
H5. Potential informal links with other policy areas/legislation	Agriculture, forestry, fisheries, water sector	
H6. Existing links with voluntary reporting		
Purpose and benefits of RO		
<p>The RO plays an essential role in monitoring the implementation and effectiveness of the Directive, providing overall information about the measures taken to protect habitats and species across the EU and the effects on their conservation status.</p> <p>This reporting results in a highly useful numerical and geospatial data-set, that is not only useful for its primary purpose but for many other policy purposes and objectives as well.</p> <p>The evaluation to support the Fitness Check found that there have been considerable improvements in the monitoring of habitats and species, but that a significant proportion of assessments of conservation status were uncertain in the 2007-2012 reporting period. In addition, relatively few data stem from well-designed monitoring programmes, as only 17% of habitat area and species population size assessments for 2007-2012 were based on complete surveys or statistically robust estimates from sampling schemes (EEA, 2015a). Also, the data used to assess conservation status should have been collected during the reporting period using standardised methods consistently across all Member States. However, in reality, Member States have used data collected for diverse purposes and over varying time periods, and in many cases assessments rely on expert opinion rather than suitable data.</p> <p>The COM report together with the technical report of EEA is meaningful summary of the state of nature in the EU and an analysis that remains valid for 6 years.</p>		
Analysis of costs		
Type and number of reporting entities (Q)	<p>28 Member State authorities report to the EC. Because responsibility for implementation is devolved to regional authorities in some MS (e.g. Germany, Belgium, Spain, UK), this may require collation of data from a larger number of authorities.</p> <p>EC provides 1 composite report – the latest State of Nature report 2015 covered the Birds and Habitats Directives together</p>	

Time required (T)	<p>MS - Reports require detailed information to be compiled and are likely to involve significant time to complete – assumed to be approximately 50 days per MS per report.</p> <p>EC – a substantial effort is required to collate, aggregate, summarise and analyse the data provided by MS – assumed to be in the order of 200 days.</p>
Frequency of action (F)	<p>MS: Every 6 years</p> <p>EC: Every 6 years</p>
Other costs types	<p>The Directive requires MS to undertake adequate research and monitoring in order to inform conservation actions. The costs of monitoring are therefore assumed not to be attributable to this RO.</p> <p>The EEA estimates that it devotes 2FTE staff and an annual budget of EUR 200-400k (expenses for meetings and data) to deal with reporting related to nature directives. This is consistent – reporting is over 6 years but they are continuously working on it.</p>
SCM equation(s)	<p>MS CAs: $Q(28) \times T(50\text{days} \times \text{tariff}) \times F(0.167/\text{yr})$</p> <p>EC: $Q(1) \times T(200\text{days} \times \text{tariff}) \times F(0.167\text{report}/\text{yr})$</p> <p>EEA: $Q(1) \times \text{annual budget}$</p>
Existing estimates of costs	NA
Significance of admin burden	<p>The overall burden is likely to be moderate – this RO requires regular reporting of a substantial amount of information by the MS and Commission but most of this effort falls on the authorities rather than other entities.</p> <p>Stakeholders providing evidence to the Fitness Check of the EU Nature Directives argued that there is a lack of coordination between different EU directives in terms of reporting. For example, ECNC reported that, although similar, slightly different data have to be reported under different obligations, notably the HD, WFD and the MSFD. It was argued that the combined weight of these often-overlapping reporting obligations causes increased administrative burdens, and that there could be benefits from practical steps to increase synergies and minimise administrative burdens. The critical question in gathering reporting data is identifying the information that can inform and improve management practices so as to ensure progress towards the Nature Directives’ objectives and the EU 2020 Biodiversity Strategy targets. Practical steps include measures to streamline reporting requirements, improve the consistency and interpretation of data gathered, and steps to improve the sharing of data to generate a better understanding of the impacts of conservation measures taken.</p>
Current or recent trends affecting RO	The Birds and Habitats Directives are currently subject to a Fitness Check which is examining whether they remain fit for purpose and identifying opportunities for more cost effective implementation and reduction of administrative burdens.

In their evidence for the evaluation to support the Fitness Check, most NGOs, (at national level, e.g. Bulgaria, Netherlands, Ireland, and at an EU level, EEB) refer to the fact that the reporting obligations and other procedures under both Nature Directives have been streamlined and harmonised through the agreement by the Ornithological Committee for a new reporting scheme on a six-year basis, synchronising the timing for reporting under Article 12 of the Birds Directive and Article 17 of the Habitats Directive, in order to avoid duplication or extra burden. While each Directive establishes its own reporting framework, the DG Environment has acted in order to avoid duplication or extra burden.

The fitness check evaluation also found that the FCS concept and production of detailed guidance on reporting under the Habitats Directive has worked well in terms of creating a consistent yet practical monitoring and reporting system followed by all Member States. The implementation of the reporting provisions under the Birds Directive was not based on a harmonised system and did not result in standardised information on the status of birds. However, this inconsistency has been largely rectified and reporting timetables aligned, enabling simultaneous assessment of progress, as documented in the 2015 State of Nature Report.

RO 10.2: National Report on Derogations

A-B: General info

A5. Obligation Source Type	Legislative
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A6. Obligation and legal base	Article 16(2) Art 16 allows derogations from species protection measures specified in Articles 12, 13, 14 and 15 for a variety of environmental, economic and social reasons, and as long as this does not adversely affect the favourable conservation status of those species. Art 16 (2) requires that Member States shall forward to the Commission every two years a report on the derogations applied. The Commission shall give its opinion on these derogations within a maximum time limit of 12 months following receipt of the report, and provide an account to the Habitats Committee.
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Reporting process and information required	MS are required to submit details of the numbers and types of derogations, reasons for these derogations and species affected. The last EU composite report on the website was for 2007/8 - in total 5,790 derogations were issued by Member States authorities within the biennial period, an average of 214 derogations per Member State (or 107 /MS/year). However, these numbers are incomplete and reports were missing from some MS (e.g. France in 2007-08). Moreover the report itself specifies that one derogation might include multiple licenses. The number of individuals licensed and/or actually taken could vary even more.
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A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Pressure Secondary focus: Impact and Response
C. Type of content	
C1. Type of information reported	Numerical
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 2yrs
D2. Last deadline for reporting	9/30/2015
D3. Next deadline for reporting	Every 2yrs
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	case-by-case
D6. Date of most recent Commission report	11 May 2015
D7. Deadline of MS report on which the most recent Commission report is based on	9/30/2013
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	588
E. Format and process requirement	
E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Data input
E4. Reference / Link to reporting template	Yes

E5. References / link to additional reporting guidance(s)	
E6. Electronic reporting required/facilitated Yes	
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	Common reporting with Bern Convention
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>The rules under Articles 12 to 15 of the Directive are designed to protect habitats and species and secure their favourable conservation status. Derogations are allowed from these rules for reasons of public interest where no other satisfactory solution is available. Reporting of derogations helps to maintain transparency in the implementation of the Directive and allows scrutiny of whether such derogations are justified. Reporting helps in ensuring derogations to the strict species protection regime are applied in accordance with the rules laid down in the directive</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS (28). These national reports require compilation of sub-national data in MS with devolved administrations (e.g. UK, Germany, Belgium, Spain)
	EC(1)
Time required (T)	<p>MS are required to report detailed information. This should already be recorded as part of the process of issuing and managing derogations, but needs to be compiled for reporting purposes. This will take longer in those MS where derogations are issued by multiple devolved administrations and other entities (e.g. in the UK this includes the Marine Management Organisation). The number of derogations also varies widely by MS. An average of 20 days per MS per two year period is assumed.</p> <p>The EC checks and compiles data provided by MS. Summary reports are provided on the DG ENV webpages</p>

	for each year up to 2008 but since then only an overview table listing the reports available, and links to them, is provided. However, other work to compile information is undertaken by the Commission's contractor. A precise estimate is not available, but this is assumed to take something in the region of 20 days.
Frequency of action (F)	MS: Once per two years EC: One per two years
Other costs types	None identified.
SCM equation(s)	MS CAs: $Q(28) \times T(20\text{days} \times \text{tariff}) \times F(1/2 \text{ years})$ EC: $Q(1) \times T(20\text{days} \times \text{tariff}) \times F(1\text{report}/2\text{yrs})$
Existing estimates of costs	None available.
Significance of admin burden	The overall burden is likely to be moderate, requiring biennial reporting by MS of detailed information which should already be available.
Current or recent trends affecting RO	<p>The Birds and Habitats Directives are currently subject to a Fitness Check which is examining whether they remain fit for purpose and identifying opportunities for more cost effective implementation and reduction of administrative burdens. Some of the submissions to the Fitness Check by MS have expressed concern about the administrative burdens relating to reporting requirements, although it is not clear whether steps will be taken to review reporting obligations.</p> <p>Steps have been taken to reduce the burden with the preparation of the new Habides+ reporting tool prepared taking into account in details the feedback provided by national authorities. Moreover the deadline for submitting the reports is end of September of the year following the biennial period covered by the report, providing a considerable amount of time for preparation of reports.</p>

RO 10.3: Information on compensation measures

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 6(4)</p> <p>Article 6(4) allows a plan or project to be permitted that impacts adversely on a Natura 2000 site, in the absence of alternative solutions, and if necessary for imperative reasons of overriding public interest. The Member State is required to take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. The MS is required to inform the Commission of the compensatory measures adopted. If a priority habitat or species is affected by a plan or project the Commission is requested to give an opinion.</p>

Reporting process and information required	Compensation measures should be designed to ensure adequate compensation for any adverse impacts on the Natura 2000 network from the plan or project. Once formulated they need to be communicated to the European Commission (a standard form for doing so is available).
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: Driver, Pressure and Impact
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Whenever compensation measures are adopted
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	01 March 2012
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	No

E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No - could be yes, as MS authorities (usually) depend on information from project developers on these notifications - not sure
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Compensation plans are reported for the Commission, which considers their adequacy (and gives an opinion if the species or habitat affected is a priority one). This process is designed to ensure that there is no adverse impact on the Natura 2000 network. Reporting helps in ensuring the procedures and objectives of Art.6(4) are respected, i.e. compensation measures are taken in case of negative impact on a Natura 2000 site due to overriding public interest.</p> <p>Because of case-by-case reporting, little standardised and mostly free text due to the subject of the notification, and reports submitted in national language, the use of the reports themselves is rather restricted</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS (28)
Time required (T)	MS – time requirements will be limited as plans for compensation will need to have been defined as part of the requirements under Art 6 of the Directive. The additional time required to report to these plans to the EC should be limited – assumed to be 2 days per case.

Frequency of action (F)	Ad hoc. Applies to a limited number of cases – approximately 20 per year across the EU for the Habitats and Birds Directives.
Other costs types	None identified – it is assumed here that the costs of developing compensation plans and measures are not included as costs of the RO
SCM equation(s)	MS CAs: Q, F (20 per year) x T(2days x tariff)
Existing estimates of costs	None found
Significance of admin burden	While the administrative burden of the Article 6 procedure is likely to be substantial, reporting compensation plans to the EC is likely to lead to a limited additional burden
Current or recent trends affecting RO	The Birds and Habitats Directives are currently subject to a Fitness Check which is examining whether they remain fit for purpose and identifying opportunities for more cost effective implementation and reduction of administrative burdens. It is not clear whether steps will be taken to review Art 6(4) requirements.

RO 10.4: Information on Natura 2000 sites

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 4</p> <p>Article 4 requires Member States to propose a list of sites for inclusion in the Natura 2000 network, on account of their importance for habitats and/or species listed in Annex I and II of the Habitats Directive. Where appropriate, Member States shall propose adaptation of the list in the light of the results of the surveillance referred to in Article 11. The list was required to be transmitted to the Commission, within three years of the notification of the Directive. The Commission shall establish, in agreement with each Member State, a draft list of sites of Community importance drawn from the Member States' lists identifying those which host one or more priority natural habitat types or priority species. This list was to be established within six years of the notification of the Directive.</p>
Reporting process and information required	<p>Article 4 requires the provision of information from MS to the Commission, and is a key part of the process of designation of Natura 2000 sites, contributing to the core objectives of the Directive – i.e. the process of designation, which is a joint undertaking between Member States and the Commission. The reporting requirement involves information on all sites that could be designated as Natura 2000, and remains in force, i.e. if a MS designates a new area, it must communicate this addition.</p> <p>The information on each Natura 2000 site as collected by the Natura 2000 Standard Data Form (the format required</p>

	under Art.4.1, 2nd paragraph) provides the documentation of the network (published among others through the online Natura 2000 viewer) and therefore needs to be regularly updated.
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: State Secondary focus: Driver, Pressure, Impact and Response
C. Type of content	
C1. Type of information reported	Geospatial
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA - MS can send in a new database whenever they like, but the deadline for sites to be taken on board in the yearly Union list is October of each year
D3. Next deadline for reporting	NA - MS can send in a new database whenever they like, but the deadline for sites to be taken on board in the yearly Union list is October of each year
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	The Commission has to act on revised databases by updating the Union list decisions
D6. Date of most recent Commission report	Make a link to the decisions on the Union lists - last ones are from 26 November 2015
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	

E3. Format for reporting	Data input
E4. Reference / Link to reporting template	Better refer to the Natura 2000 reference portal: http://bd.eionet.europa.eu/activities/Natura_2000/reference_portal
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Yes - obviously the site information has to be made publicly available - otherwise the provisions cannot be respected. MS have such an obligation and the EU as well - Union lists, Natura 2000 viewer
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	Directive 2009/147/EC (Codified version) replacing Directive 79/409/EEC on the conservation of wild birds MSFD, WFD - both have elements of protected areas
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	agriculture, forestry, fisheries, water-sector,
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>The purpose of the RO is to keep the information on the Natura 2000 sites and on species and habitats for which the sites are proposed reasonably up-to-date. Updated information on Natura 2000 sites is not 'reporting' in the strict sense; the information on the sites is not only a basis for legal protection of the sites but also is important information for the general public and a wide range of stakeholders.</p> <p>The information represents a highly important geospatial and numerical dataset about the definition and the features occurring in each single site. The dataset is heavily used for a wide range of policy objectives.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28
Time required (T)	Unknown – it is assumed that once the Natura 2000 network of sites has been set-up completely, the time required for the annual update of the information should be very low.

Frequency of action (F)	There is no predetermined frequency for the RO, but most Member States report once per year an update of their information on Natura 2000 site.
Other costs types	None identified.
SCM equation(s)	MS: $Q(28) \times T(2 \text{ days} \times \text{tariff}) \times F(1)$
Existing estimates of costs	None found.
Significance of admin burden	The overall burden is likely to be moderate, requiring reporting by MS of detailed information which should already be available.
Current or recent trends affecting RO	A review of the reporting format in 2011 (Commission Implementing Decision C(2011) 4892) has led to a temporary increase of the reporting burden between 2012 and 2015. From 2016, onwards the annual reporting burden should be back to the normal level for most Member States.

11 Directive 2009/147/EC (Codified version) replacing Directive 79/409/EEC) on the conservation of wild birds [The Birds Directive]

[Directive 2009/147/EC \(Codified version\) replacing Directive 79/409/EEC\) on the conservation of wild birds](#)

Overview: The Birds Directive was adopted in April 1979 and is the oldest piece of EU legislation on the environment and one of its cornerstones. Amended in 2009, it became the Directive 2009/147/EC. It provides comprehensive protection to all wild bird species naturally occurring in the Union. Habitat loss and degradation are the most serious threats to the conservation of wild birds. The Directive therefore places great emphasis on the protection of habitats for endangered and migratory species. It establishes a network of Special Protection Areas (SPAs) including all the most suitable territories for these species. Since 1994, all SPAs are included in the Natura 2000 ecological network, set up under the Habitats Directive 92/43/EEC.

RO 11.1 Implementation Report

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 12 Article 12 requires Member States to forward to the Commission every three years a report on the implementation of national provisions taken under the Directive. The Commission shall prepare every three years a composite report based on this information. In 2011 it was agreed between MS and Commission to focus on the status of bird populations and to align the content and timing with the Habitats Directive, which would allow for a reassessment of bird populations every 6 years.
Reporting process and information required	Since 2011, each national report includes detailed information including: general information on implementation (SPAs, management plans, research work); information per species on populations and trends;

	<p>implementation of international species action plans; pressures and threats; SPA coverage and conservation measures; data quality and completeness.</p> <p>It is assumed that this information should be available to the authorities through implementation of other articles of the Directive. However, there may be significant efforts in collating this information for reporting purposes, particularly in countries with devolved administrations.</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	<p>Primary focus: State</p> <p>Secondary focus: Driver, Pressure, Impact and Response</p>
C. Type of content	
C1. Type of information reported	Numerical
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 6yrs
D2. Last deadline for reporting	12/31/2013
D3. Next deadline for reporting	2019
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	2020/21
D6. Date of most recent Commission report	20 May 2015
D7. Deadline of MS report on which the most recent Commission report is based on	12/31/2013
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	505. There are several reasons for what seems a long period between national reports and the EU report: First of all a range of MS reports are usually delayed; secondly in this particular case, MS reports are not only summarized but a separate EU analysis is undertaken, including a public consultation.
E. Format and process requirement	
E1. Reporting partner/service provider	EEA

E2. Information provision requirement to international organisation	No
E3. Format for reporting	Data input
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None MSFD reporting, descriptor 1
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	Agriculture, forestry, fisheries, water sector
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>The RO plays an essential role in monitoring the implementation and effectiveness of the Directive, providing overall information about the measures taken to protect wild birds across the EU and the effects on overall population levels. This reporting results in a highly useful numerical and geospatial data-set, that is not only useful for its primary purpose but for many other policy purposes and objectives as well. The COM report together with the technical report of EEA is meaningful summary of the state of nature in the EU and an analysis that remains valid for 6 years.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	28 Member State authorities report to the EC. Because responsibility for implementation is devolved to regional authorities in some MS (e.g. Germany, Belgium, Spain, UK), this may require collation of data from a larger number of authorities.

	EC provides 1 composite report – the latest State of Nature report 2015 covered the Birds and Habitats Directives together
Time required (T)	<p>MS - Reports require detailed information to be compiled and are likely to involve significant time to complete – assumed to be approximately 50 days per MS.</p> <p>EC – a substantial effort is required to collate, aggregate and summarise the data provided by MS – assumed to be in the order of 100 days.</p>
Frequency of action (F)	<p>MS – 1 report every 6 years, in line with the Habitats Directive</p> <p>EC – 1 report every 6 years</p>
Other costs types	<p>The Directive requires MS to undertake adequate research and monitoring in order to inform conservation actions. The costs of monitoring bird populations are therefore not attributable to this RO.</p> <p>The EEA estimates that it devotes 2FTE staff and an annual budget of EUR 200-400k (expenses for meetings and data) to deal with reporting related to nature directives. This is consistent – reporting is over 6 years but they are continuously working on it.</p>
SCM equation(s)	<p>MS CAs: $Q(28) \times T(50\text{days} \times \text{tariff}) \times F(0.167/\text{yr})$</p> <p>EC: $Q(1) \times T(100\text{days} \times \text{tariff}) \times F(0.167\text{report}/\text{yr})$</p> <p>EEA: $Q(1) \times \text{annual budget}$</p>
Existing estimates of costs	None available
Significance of admin burden	The overall burden is likely to be moderate – this RO requires regular reporting of a substantial amount of information by the MS and Commission but most of this effort falls on the authorities rather than other entities.
Current or recent trends affecting RO	<p>In 2011, the Commission in agreement with Member States revised the reporting procedure and frequency in order to focus the reporting obligations on data that inform about the status and trend of bird populations, thereby streamlining the reporting under Art.12 of the Birds Directive with the reporting on conservation status under Art.17 of the Habitats Directive.</p> <p>The Birds and Habitats Directives are currently subject to a Fitness Check which is examining whether they remain fit for purpose and identifying opportunities for more cost effective implementation and reduction of administrative burdens.</p> <p>In their evidence for the evaluation to support the Fitness Check, most NGOs, (at national level, e.g. Bulgaria, Netherlands, Ireland, and at an EU level, EEB) refer to the fact that the reporting obligations and other procedures under both Nature Directives have been streamlined and harmonised through the agreement by the Ornithological Committee for a new reporting scheme on a six-year basis, synchronising the timing for reporting under Article 12 of</p>

the Birds Directive and Article 17 of the Habitats Directive, in order to avoid duplication or extra burden. While each Directive establishes its own reporting framework, the DG Environment has acted in order to avoid duplication or extra burden. This is confirmed by EU level private sector organisations (e.g. Cembureau) which refer to the fact that reporting requirements and timings have been harmonized for both Directives, even if each Directive established its own reporting framework.

The implementation of the reporting provisions under the Birds Directive was not based on a harmonised system and did not result in standardised information on the status of birds. However, this inconsistency has been largely rectified and reporting timetables aligned, enabling simultaneous assessment of progress, as documented in the 2015 State of Nature Report.

RO 11.2: National Report on Derogations

A-B: General info

A5. Obligation Source Type Legislative

A6. Obligation and legal base Article 9(3)
 Article 9 allows Member States to derogate from the species protection provisions of Articles 5 to 8, where there is no other satisfactory solution, for various reasons of public interest. Art 9(3) requires Member States to send a report of these derogations to the Commission each year.

Reporting process and information required MS are required to submit details of the numbers and types of derogations, reasons for these derogations and species affected. The last EU composite report on the website was for 2008 - in total 4,615 derogations were issued at EU level in 2008, an average of 171 derogations per country. However, as noted in the case of derogations under the Habitats Directive, there are gaps in these data for some MS, while a simple count of the number of derogations issued does not give a full picture of their scope and extent.

A7. Inclusion in EIONET database Yes

B1-B5. DPSIR Coverage Primary focus: Pressure
 Secondary focus: Impact and Response

C. Type of content

C1. Type of information reported Numerical

C2. Thresholds/triggers for reporting

D. Timing of reporting

D1. Frequency of reporting Annual

D2. Last deadline for reporting	9/30/2015
D3. Next deadline for reporting	9/30/2016
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	case-by-case
D6. Date of most recent Commission report	11 May 2015
D7. Deadline of MS report on which the most recent Commission report is based on	9/30/2014
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	223
E. Format and process requirement	
E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Data input
E4. Reference / Link to reporting template	
E5. References / link to additional reporting guidance(s)	
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	

H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	common reporting with Bern Convention
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>The rules under Articles 5 to 8 of the Directive are designed to protect wild birds and ensure their favourable conservation status. Derogations are allowed from these rules for reasons of public interest where no other satisfactory solution is available. Reporting of derogations helps to maintain transparency in the implementation of the Directive and allows scrutiny of whether such derogations are justified and applied in accordance with the rules laid down in the Directive. However, some MS question the benefits of this RO (see above).</p> <p>This reporting covers a very particular provision and the use of the dataset is rather restricted.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	<p>MS (28). These national reports require compilation of sub-national data in MS with devolved administrations (e.g. UK, Germany, Belgium, Spain), and in some MS require compilation of data from a wider range of responsible agencies.</p> <p>EC (1)</p>
Time required (T)	<p>MS are required to report detailed information. This should already be recorded as part of the process of issuing and managing derogations, but needs to be compiled for reporting purposes. This will take longer in those MS where derogations are issued by multiple devolved administrations or other agencies. The number of derogations also varies widely by MS. An average of 20 days per MS per year is assumed.</p> <p>The EC checks and compiles data provided by MS. Summary reports are provided on the DG ENV webpages for each year up to 2008 but since then only an overview table listing the reports available, and links to them, is provided. However, other work to compile information is undertaken by the Commission's contractor. A precise estimate is not available, but this is assumed to take something in the region of 20 days.</p>
Frequency of action (F)	<p>MS (annual)</p> <p>EC (annual)</p>
Other costs types	None identified.
SCM equation(s)	<p>MS CAs: $Q(28) \times T(20\text{days} \times \text{tariff}) \times F(1/\text{yr})$</p> <p>EC: $Q(1) \times T(20\text{days} \times \text{tariff}) \times F(1\text{report}/\text{yr})$</p>

Existing estimates of costs	NA
Significance of administrative burden	<p>The overall burden is likely to be moderate, requiring annual reporting by MS of detailed information which should already be available.</p> <p>However, some MS express concern that this RO creates burdens for MS authorities with little perceived benefit. For example, in its submission of evidence to the current Fitness Check of the Nature Directives the Czech Ministry of the Environment argued that annual reporting of derogations under Article 9 of the Directive gives rise to large administrative burdens, which the Ministry argues have no clear benefit. The Ministry argued that reporting of all issued derogations is unnecessary to meet the objectives of the Directives, and that only derogation which could have impacts on species conservation status should be reported, e.g. derogations concerning bird killing, taking birds from nature permanently, or disturbing birds in a way that would have negative effect on population, destruction of breeding sites and resting places. The Bulgarian Ministry of Environment and Water argued that the requirement for annual reporting under Article 9 of the Birds Directive presents an unnecessary administrative burden. It further argued that no clear added value is provided from reporting each year instead of every two years as required under Article 16 of the Habitats Directive. The burden on Member State administration could be significantly reduced if the reporting requirements were equal for both Directives and required in alternate years. It should be noted that reporting plays an important role in monitoring implementation of the provisions related to derogations, and that in this respect annual reporting has some benefits in terms of providing regular and timely data.</p>
Current or recent trends affecting RO	<p>The Birds and Habitats Directives are currently subject to a Fitness Check which is examining whether they remain fit for purpose and identifying opportunities for more cost effective implementation and reduction of administrative burdens. Some of the submissions to the Fitness Check by MS have expressed concern about the administrative burdens relating to this reporting requirement, including whether annual reports are necessary, although it is not clear whether steps will be taken to review reporting obligations.</p> <p>Steps have been taken to reduce the burden with the preparation of the new Habides+ reporting tool prepared taking into account in details the feedback provided by national authorities.</p> <p>Moreover the deadline for submitting the reports is end of September of the year following the biennial period covered by the report, providing a considerable amount of time for preparation of reports.</p>

RO 11.3: Information on compensation measures

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 7 of the Habitats Directive Article 6(4) allows a plan or project to be permitted that impacts adversely on a Natura 2000 site, in the absence of alternative solutions, and if necessary for imperative reasons of overriding public interest. The Member State is required to take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. The MS is required to inform the Commission of the compensatory measures adopted.
Reporting process and information required	Compensation measures should be designed to ensure adequate compensation for any adverse impacts on the Natura 2000 network from the plan or project. Once formulated they need to be communicated to the European Commission (a standard form for doing so is available).
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: Driver and Impact
C. Type of content	
C1. Type of information reported	text
C2. Thresholds/triggers for reporting	Whenever compensation measures are adopted
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	see above
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting	NA

and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	MS authorities may depend on information from project developers on these notifications
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Compensation plans are reported for the Commission, which considers their adequacy. This process is designed to ensure that there is no adverse impact on the Natura 2000 network. Reporting helps to ensure the procedures and objectives of Art.6(4) are respected, i.e. compensation measures are taken in case of negative impact on a Natura 2000 site due to overriding public interest. Use of the information is rather limited as reporting is case-by-case, with limited standardisation, mostly free text due to the subject of the notification, and submitted in national languages.</p>	
Analysis of costs	

Type and number of reporting entities (Q)	MS: 28
Time required (T)	MS – time requirements will be limited as plans for compensation will need to have been defined as part of the requirements under Art 6(4) of the Habitats Directive. The additional time required to report to these plans to the EC should be limited – assumed to be 2 days per case.
Frequency of action (F)	Ad hoc. Under RO 9(3) above it was estimated that there are 20 such cases per year, for the Habitats and Birds Directives combined.
Other costs types	None expected
SCM equation(s)	Estimated under RO 9(3) above.
Existing estimates of costs	None found
Significance of admin burden	While the administrative burden of the Article 6 procedure is likely to be substantial, reporting compensation plans to the EC is likely to lead to a limited additional burden
Current or recent trends affecting RO	The Birds and Habitats Directives are currently subject to a Fitness Check which is examining whether they remain fit for purpose and identifying opportunities for more cost effective implementation and reduction of administrative burdens. It is not clear whether steps will be taken to review Art 6(4) requirements.

RO 11.4: Information on Natura2000 sites

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 4(3)</p> <p>Article 4 requires Member States to establish Special Protection Areas for wild birds. Paragraph 3 requires Member States to send the Commission all relevant information so that it may take appropriate initiatives with a view to the coordination necessary to ensure that these areas form a coherent whole which meets the protection requirements of these species.</p> <p>This is the same as RO 10.4 above. Reporting of Natura 2000 sites under BD & HD are done together in the Natura 2000 standard data form and as one single process and dataflow for both Directives</p>
Reporting process and information required	While Article 4 requires the provision of information from MS to the Commission, it is a key part of the process of designation of Natura 2000 sites, and therefore contributes to the core objectives of the Directive rather than being a separate reporting requirement – i.e. the process of designation is a joint one between Member States and the Commission.

	<p>The information on each Natura 2000 site as collected by the Natura 2000 Standard Data Form (the format required under Art.4.1, 2nd paragraph of the Habitats Directive) provides the documentation of the network (published among others through the online Natura 2000 viewer) and therefore needs to be regularly updated.</p> <p>This and that for RO 9.4 (Habitats Directive) form part of the same process.</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: State Secondary focus: Driver, Pressure, Impact and Response
C. Type of content	
C1. Type of information reported	Geospatial
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	EEA

E2. Information provision requirement to international organisation	
E3. Format for reporting	Data input
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Yes
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None MSFD, WFD - both have elements of protected areas
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	agriculture, forestry, fisheries, water-sector
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>The purpose of the RO is to keep the information on the SPAs and on bird species for which the sites are proposed reasonably up-to-date. Updated information on Natura 2000 sites is not 'reporting' in the strict sense; the information on the sites is not only a basis for the legal protection of the sites but also is important information for the general public and a wide range of stakeholders. It provides a highly important geospatial and numerical dataset about the definition and the features occurring in each single site. The dataset is heavily used for a wide range of policy objectives. It provides very useful products that give an up-to-date overview on the state of the network of sites (e.g. the Natura 2000 online viewer).</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: 28

Time required (T)	Unknown – it is assumed that once the network of SPAs has been set-up completely, the time required for the annual update of the information should be very low. Not additional to time required for RO 9.4 above.
Frequency of action (F)	There is no predetermined frequency for the RO, but most Member States report once per year an update of their information on Natura 2000 site.
Other costs types	None expected
SCM equation(s)	Not additional to costs already identified for RO 9.4 above.
Existing estimates of costs	None found.
Significance of admin burden	The overall burden is likely to be moderate, requiring reporting by MS of detailed information which should already be available.
Current or recent trends affecting RO	A review of the reporting format in 2011 (Commission Implementing Decision C(2011) 4892) has led to a temporary increase of the reporting burden between 2012 and 2015. From 2016, onwards the annual reporting burden should be back to the normal level for most Member states.

12 Regulation (EU) No 1143/2014 of the European Parliament and of the Council on the prevention and management of the introduction and spread of invasive alien species

Link to Regulation: [EU Regulation \(EU\) No. 1143/2014 on Invasive Alien Species](#)

Overview: The Regulation on Invasive Alien Species aims to prevent, minimise and mitigate the adverse effects of invasive alien species (IASs) on the European Union's biodiversity and related ecosystem services. The Regulation focuses on three main types of interventions: prevention, early detection and rapid eradication and management.

By January 2016, the European Commission was requested to propose a list of IAS of Union concern (the Union list), which shall be regularly updated and reviewed every six years. Inclusion of species on the Union list requires to be underpinned by a risk assessment.

The species on the Union list will be subject to a number of restrictions concerning intentional activities, while Member States shall also undertake necessary steps to prevent their unintentional introduction and spread in the EU.

Certain activities in relation to listed IAS may be allowed subject to permits managed by the competent authorities,

Member States shall, within 18 months of the adoption of the Union list, carry out an analysis of the pathways of the unintentional introduction of the listed IAS and within 3 years of the adoption of the list they shall establish a national action plan to address the priority pathways. Member States shall also carry official controls to prevent intentional introduction of the species. Early detection of introduction or presence of listed species by the surveillance system or the official controls where their presence was previously unknown triggers a notification obligation and an obligation of rapid eradication of the species.

Furthermore, within 18 months of an invasive alien species being included on the Union list, Member States shall have in place effective management measures for

those invasive alien species of Union concern which the Member States have found to be widely spread on their territory,

Beyond the Union list, the Member States may establish national lists of IAS of Member State concern and from such lists to identify species that require enhanced regional cooperation. They may also establish emergency measures.

Two reporting obligations have been identified under this regulation in the Task 1 Reporting Obligation Inventory. Both reporting obligations are detailed in Article 24 of the regulation.

RO 12.1: Reporting on various issues, including on the surveillance system, actions plans, eradication and management measures etc.

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 24(1)</p> <p>By 1 June 2019, Member States are required to update and transmit a wide set of information linked to their prevention and management of IAS within their territories (see details below). Legal basis is Article 24(1).</p>
Reporting process and information required	<p>Member States are requested to provide information on the following:</p> <ul style="list-style-type: none"> • A description of their surveillance system and their official control system on IAS entering the EU. • The distribution of the IAS of Union concern or regional concern which are present in their territory. • Information about the species considered as invasive alien species of Member State concern. • Their action plans on the priority pathways of unintentional introductions of IAS of Union concern. • Aggregated information covering the entire national territory on the eradication measures, the management measures, including on their effectiveness, and their impact on non-targeted species. • The number of permits granted and their purpose. • Measures taken to inform the public about the presence of an invasive alien species and any actions that citizens have been requested to take. • Information on inspections. • Information on the cost of action undertaken to comply with this Regulation. <p>With regard to the permits, Member States are also requested to make the information publicly available. Furthermore, when action plans are set up the public shall be involved in the process.</p> <p>By 1 June 2021, the Commission needs to submit a report to the Parliament and to the Council on the application of the Regulation.</p>
A7. Inclusion in EIONET database	No

B1-B5. DPSIR Coverage	Primary focus: State Secondary focus: Driver, Pressure, Impact and Response
C. Type of content	
C1. Type of information reported	Geospatial
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 6yrs
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	6/1/2019
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	6/1/2021
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Other
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No

E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Article 24(1)(g) & 26
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	WFD, MSFD, BHD
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Purpose: The regulation seeks to address the problem of IAS in the EU in a comprehensive manner and the reporting obligations under it aimed at monitoring its implementation. MS reports will inform future reporting by the Commission, and consideration whether enforcement action is needed.</p> <p>Benefits: With the information provided by the Member States the Commission can get a comprehensive picture on the status of IAS in the EU.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	<p>MS: 28 MS report. Those MS with regional structures may need to compile evidence from regional authorities. The list of competent authorities is not yet available nevertheless it is assumed that in regionalised Member States these will be at the regional level. Based on the number of regionalised MS in the EU and the number of regions in them plus the number of non-regionalised MS, it is assumed that ca. 80 competent authorities could be at EU level.</p> <p>EC: 1</p>
Time required (T)	<p>MS: No information available yet, since the first reporting obligation is only due in 2019.</p> <p>Given that the majority of the information requirements listed above are linked to the implementation of the regulation (see for instance the introduction of a surveillance system or the development of an action plan) the actual transmission of this information would not require a lot of time. There might be some exceptions, e.g. putting together the aggregated information covering the entire territory, the summary of the measures taken to inform the public or the cost assessment.</p>

	<p>Based on own assumptions it is assumed that for those MS which do not have a regional governance structure it would take few days of work to provide this information, while in those MS which have a regional governance structure this would be more given that the regional competent authorities would first need to provide the data to the national level which then will need to be compiled.</p> <p>Compilation of the geospatial information on the distribution of IAS of Union or regional concern is expected to require significantly more resources than the rest of the requirements. However, the cost / administrative burden of this effort will depend on how much the Member States will incorporate the surveillance of IAS into other existing surveillance and monitoring systems.</p> <p>EC: No information available yet, since the first reporting obligation is only due in 2021.</p> <p>It is assumed that it will require a more significant time for the EC to provide the report given that it will need to review and synthesize all inputs from the Member States.</p>
Frequency of action (F)	<p>MS: Every 6 years.</p> <p>EC: Not clear from the Regulation.</p>
Other costs types	None expected
SCM equation(s)	<p>MS: $Q(28) \times T(50 \text{ days}) \times F(0.167 \text{ report/yr})$</p> <p>This is a rough estimate only.</p> <p>EC: $Q(1) \times T(?) \times (0.167? \text{ report/yr})$</p>
Existing estimates of costs	<p>The EC's IA provides a qualitative discussion of burdens of various options and of various requirements of the Regulation, with sporadic quantitative figures, and elimination of one option due to disproportionate administrative burdens.²²⁵</p> <p>For option 2.1 of the impact assessment, the basic legislative instrument option, it was assumed that the implementation costs, including some administrative costs for reporting would be €2.1 million per year (see page 38), out of which €2 million is for MS and €80,000 for the EC. In the annex (see page 57) further details are provided about this figure:</p> <p>"Shine et al. 2010: (1) current average for "IAS policy development and coordination" of €40,000/year/MS (together €1 million/year) + (2) "development of strategies for the MS" that do not yet have them and strategy revisions (current average of €130,000 to 1.5 million/strategy) and "policy assessment and support" assuming one study (current average of €50,000/study) every 3 years (all together roughly another €1 million/year), thus cost of (1) and (2) = €2 million/year"</p>
Significance of admin burden	The administrative burden will greatly depend on the presence of IAS in the respective Member States

²²⁵ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52013SC0321&from=EN>

	<p>nevertheless it might be seen significant. This could explain the specific information request on the cost of action undertaken by the respective MS to comply with the regulation.</p> <p>Overall, based on the above indicated issues it is assumed that the administrative burden would be moderate.</p>
Current or recent trends affecting RO	By means of implementing acts the Commission shall specify the technical formats of the reporting requirements, which would help to simplify and streamline the information requests. Furthermore, the Commission is requested to set up an information support system, which would also facilitate the reporting obligations.

RO 12.2: Information on competent authorities

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 24(2)
Reporting process and information required	By 5 November 2015, Member States shall notify the Commission and inform the other Member States of the competent authorities in charge of applying this Regulation.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Administrative requirement
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	11/5/2015
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA

D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
The purpose is to inform the Commission of the details of the competent authorities responsible for applying this Regulation in the MS. This will inform implementation.	

Analysis of costs	
Type and number of reporting entities (Q)	28
Time required (T)	Minimal
Frequency of action (F)	One-off
Other costs types	None
SCM equation(s)	MS: $Q(28) \times T(0.5 \text{ days} \times \text{tariff}) \times F(1)$
Existing estimates of costs	None available
Significance of admin burden	Insignificant
Current or recent trends affecting RO	None identified

RO 12.3: Information on provisions on penalties

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 30(4) By 2 January 2016, Member States shall communicate to the Commission the provisions on penalties applicable to infringements of this Regulation. The legal base of this RO is Article 30(4).
Reporting process and information required	This is a one-off requirement.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	1/2/2016
D3. Next deadline for reporting	NA

D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	

H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
To have a comprehensive overview of the penalties within the MS.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28 MS EC: no requirement
Time required (T)	MS: Estimated 0.5 days. It is assumed that this information requirement requires only a very little time given that the MS are required to lay down these provisions and therefore they should already have this information.
Frequency of action (F)	MS: one-off requirement (updates need to be made)
Other costs types	None expected
SCM equation(s)	MS: $Q(28) \times T(0.5 \text{ days} \times \text{tariff}) \times F(1)$
Existing estimates of costs	None available
Significance of admin burden	Insignificant
Current or recent trends affecting RO	None identified

13 Regulation (EC) No 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register.

[Regulation \(EC\) No 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register.](#)

Overview: This regulation implements at EU level the UNECE²²⁶ Protocol on Pollutant Release and Transfer Registers (Kiev Protocol), as well as facilitate public participation in environmental decision-making and contribute to the prevention and reduction of pollution of the environment.

The Protocol requires each Party to establish a PRTR which is

- **publicly accessible** through Internet, free of charge
- **searchable** according to separate parameters (facility, pollutant, location, medium, etc.)
- **user-friendly** in its structure and provide links to other relevant registers,
- presents **standardized, timely data** on a structured, computerized database;

²²⁶ United Nations Economic Commission for Europe

- covers releases and transfers **of at least 86 pollutants** covered by the Protocol, such as greenhouse gases, acid rain pollutants, ozone-depleting substances, heavy metals, and certain carcinogens, such as dioxins;
- covers releases and transfers from certain types **of major point sources** defined in the annexes to the protocol where the amounts released or transferred exceed the thresholds established in its Annexes (e.g. thermal power stations, mining and metallurgical industries, chemical plants, waste and waste- water treatment plants, paper and timber industries);
- accommodates available data on **releases from diffuse sources** (e.g. transport and agriculture);
- has **limited confidentiality** provisions; and
- allows for **public participation** in its development and modification.

The PRTR should be based on a reporting scheme that is:

- **mandatory**
- **annual**
- **multimedia (air, water, land)**
- **facility-specific**
- **pollutant-specific for releases**
- **pollutant-specific or waste-specific for transfers.**

Just as the Convention, the Protocol sets minimum requirements, which means that Parties are free to include additional pollutants and facilities, and the Parties to the Protocol are required to work towards convergence between PRTR systems.

With the exception of Greece and Italy who are only signatories, all EU Member States have ratified the Protocol and implemented their obligations at national level. In total about 30,000 operators report to Member States.

The Regulation builds on the Protocol obligations by requiring Member States to report the data gathered in accordance to the Protocol to the Commission so to allow the publication of a PRTR at EU level including the information on all plants. This regulation expands the number of substances concerned by adding 5 substances to the 86 listed in the Protocol and determines common Protocol implementation approaches, enforcement provisions and guidance, to promote consistency of data across the EU.

The EC, assisted by the EEA, incorporates the information made available by the Member States in the EU Pollutant Release and Transfer Register (PRTR).

In addition, MS are required to issue reports to the EC every 3 years, based on information from the last 3 reporting years, with all data as described above, in accordance with Article 7. Additional information must be specified to do with quality assurance, public access of information, any information withheld by facilities and any penalties issued. The EC is committed to review this information and publish a report.

Two ROs are identified in the RO Inventory.

RO 13.1: Report covering data reported by industrial facilities covering 65 economic activities within 9 industrial sectors

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p data-bbox="587 277 703 309">Article 7</p> <p data-bbox="587 322 1378 517">The MS are required to collate data provided by operators to the competent authorities and to report the information to the EC. The information should refer to operations with certain activities (specified in Annex I), carried out above applicable capacity thresholds and giving the amounts on the discharge of a range of pollutants.</p> <p data-bbox="587 530 1366 595">The net obligations that are additional to those stemming from the Protocol are:</p> <ol data-bbox="587 609 1372 792" style="list-style-type: none"><li data-bbox="587 609 1372 712">1. The MS are required to collate data provided by operators to the competent authorities regarding releases to water of five substances<li data-bbox="587 725 1372 792">2. To report to the Commission the information regarding all 91 substances.
Reporting process and information required	<p data-bbox="587 815 1347 902">Operators of individual facilities that carry out economic activities above certain thresholds listed in Annex I are required to report:</p> <ol data-bbox="635 920 1407 1272" style="list-style-type: none"><li data-bbox="635 920 1299 1023">a. the amount of releases of air, water and land pollutants listed in Annex II, if above certain thresholds (same annex).<li data-bbox="635 1037 1407 1196">b. off-site transfers of hazardous waste if exceeding 2 tonnes per year or non-hazardous waste if exceeding 2000 tonnes per year, for any recovery or disposal operations, except those referred to in Article 6 (to do with 'land treatment' and 'deep injection');<li data-bbox="635 1209 1273 1272">c. off-site transfers of Annex II pollutants and thresholds in waste water. <p data-bbox="587 1290 1251 1321">The format of reporting is specified by Article III.</p> <p data-bbox="587 1339 1378 1498">Competent authorities must conduct quality assurance for reported data, where facility operators must assure the quality of the information they report (Article 9(1)). This quality assurance is coordinated by the EC, in consultation with the Committee (Article 9(3)).</p> <p data-bbox="587 1516 1386 1805">The monitoring by operators is explicitly included as an administrative burden, due to the fact that the entire point of the Regulation is the collection of information – i.e. the monitoring by operators serves the purpose of giving data for reporting. For some substances, there may be other Regulations or national provisions for limits of exceedance, but this is not necessarily the case for all 91 pollutants in this Regulation. The quality assurance by CAs is also included for these reasons.</p> <p data-bbox="587 1823 1402 1982">Member states are required to collate the data at a national level and report it to the EC, within 15 months after the end of the reporting year (Article 7(2b)). The report must be provided to the Commission by electronic transfer in the format set out in Annex III.</p> <p data-bbox="587 2000 1043 2031">However, it should be noted that:</p>

	<ul style="list-style-type: none"> • Most of the reporting obligations are already contained in international law (the Kiev Protocol on Pollutant Release and Transfer Registers) • All EU MS with the exception of Greece and Italy are parties to the Kiev Protocol. Greece and Italy are signatories.
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Pressure Secondary focus: State, Impact and Response
C. Type of content	
C1. Type of information reported	Numerical
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Annual
D2. Last deadline for reporting	3/31/2015
D3. Next deadline for reporting	3/31/2016
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	No

E3. Format for reporting	
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	E-PRTR Guidance Document
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	Yes
F2. Public information provision	Yes
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Purpose: The register aims to provide governments, competent authorities, policymakers, scientists and NGOs with a Europe-wide coherent database on industrial pollutant and waste release and transfer.</p> <p>Benefits: The register gives companies the opportunity to provide information to the public and show that they are environmentally pro-active in monitoring the pollutants records in their sector.</p> <p>Further, under the Aarhus convention, the public has rights to access of environmental information. The EPRTR aims to give the public the means to exercise this right, giving citizens the means to access environmental information and fostering increased public awareness on environmental issues.</p> <p>The COM published the information provided by Member States after quality assurance and control on the E-PRTR website which is hosted by the European Environment Agency. This website allows a wide range of calculations and generation of graphs to analyse and compare the data available. The full dataset can also be downloaded.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	PO – plant operators. The new register contains data reported annually by more than 30,000 industrial facilities covering 65 economic activities across Europe

	MS CAs – Member States competent authorities MS – Member States
Time required (T)	<p>The following relates to the overall time requirements for reporting under the Kiev Protocol, rather than the additional requirements of the EPRTR:</p> <p>POs: In the recent public consultation of the EPRTR, industry respondents were asked to provide estimates of the time they spent undertaking tasks to support the registers. The responses showed a wide range of figures, from relatively small amounts of time, to significant investments in time. However, the consultants estimated an average of 22 hours per year as being within the range of the figures given, or around 0.015 FTE. It was argued that is not a high cost when compared to time spent on other regulatory requirements (e.g. environment, health and safety, accounting, etc.).</p> <p>MS CAs quality assurance – guidance for reporting for the regulation²²⁷ suggests that extensive measurement campaigns should be avoided and that simple checks would likely be sufficient to ensure that releases adhere to appropriate thresholds. In the worst-case scenario, let us assume that it takes half the reporting period for MS CAs to carry out quality assurance and all other related matters (e.g. penalties) and that it takes no more than 2 working days per week to do so. $15\text{months}/2 = 7.5\text{ months} \times \text{approx. } 4\text{ weeks per month} = 30\text{ weeks} = 210\text{ days} \times 2/7\text{ days per week} = 60\text{ days}$</p> <p>MS collating and reporting – within 15 months after the end of the reporting year. Let us assume a worst-case scenario where half of the reporting period is for MS to collate and report data, and that it takes no more than 2 days per week to do so. See calculation above.</p>
Frequency of action (F)	<p>PO – monitor/estimate etc. continuously, frequency once per year</p> <p>PO – report once per year</p> <p>MS CAs – quality assurance and collation at a local level once per year</p> <p>MS – collation on a national level and reporting once per year</p>
Other costs types	Infrastructure costs to do with monitoring
SCM equation(s)	<p>Overall costs of reporting under Kiev Protocol:</p> <p>PO = $[30,000 \times [T(22\text{ hours} \times \text{tariff}) \times (1\text{times/year})]]$</p> <p>MS CAs = $[T(60\text{days} \times \text{tariff}) \times F(1\text{times/year})]$</p> <p>MS = $[T(60\text{days} \times \text{tariff}) \times F(1\text{times/year})]$</p>
Existing estimates of costs	A recent consultant report to inform the EPRTR evaluation concluded that the additional costs of reporting were small compared to the existing obligations under the Kiev

²²⁷ <http://prtr.ec.europa.eu/#/downloadguidance>

	<p>Protocol, as nearly all costs would be incurred anyway in the absence of the EPRTR, given the existing obligations of MS as Parties or Signatories to the Protocol.</p> <p>The yearly costs to the EEA are estimated at €175,000 and 1.1 FTE.</p> <p>It is estimated that 1 FTE of staff time within Unit C4 of DG ENV is committed annually to the European register and a yearly budget for consultant support around €150,000 p.a.</p>
Significance of admin burden	<p>On the one hand, in aggregate, the burden for operators under the UNECE Kiev Protocol concerns a large number of operators. On the other hand, this reporting obligation concerns big polluters that have advanced pollution monitoring and control practices. However, some monitoring may be additional. The reporting is done via a standardised form and there is guidance available²²⁷, which eases the process. Some additional burden may be required if inconsistencies are registered and re-submission of data is required.</p> <p>There would not be any significant decrease in the burdens faced by operators if the EU were to repeal the reporting obligation in the E-PRTR, because all MS would continue to face similar obligations as Parties or Signatories to the Kiev Protocol. The only potential burden decrease in such a scenario would concern additional obligations under E-PRTR for five water pollutants not covered by the Protocol, representing a total of 63 reports from operators (compared to the 30,000+ reports to the PRTR system).</p> <p>Therefore the net additional burden on operators resulting from the EPRTR is likely to be small.</p> <p>The overall burden for MS CAs to fulfil their obligations under the UNECE Kiev Protocol is likely to be moderate, as the collating of data may take time but monitoring for regulation is already likely to be taking place and the guidance document²²⁷ specifically suggests that costly and time-consuming monitoring is to be avoided.</p> <p>The burden for the MS of the reporting obligation under the E-PRTR Regulation, are likely to be small: (1) MS have the obligation under UNECE Kiev Protocol to publish data at national level and therefore all that is needed is to extract the relevant dataset and transfer it to the EEA in the appropriate format (MS often have larger datasets than that to be reported to the EU), (2) any quality assurance and control facilitated by use of the EEA tools would have to take place at national level in absence of common EU tools. The reporting is done via a standardised form, which eases the process.</p> <p>The burden for the EC and EEA is likely to be moderate, as though the data is standardised, the volume that is to be collated is likely to be significant and there is a degree of reliance by MS on the EU to provide QA/QC tools and feedback. The provision of the data for the public should not be time-consuming, given that it is already collated and appropriately formatted.</p>

Current or recent trends affecting RO	<p>EPRTTR reporting must be INSPIRE-compliant. INSPIRE is a framework Regulation aiming to facilitate the adoption of an EU-wide infrastructure for reporting of geospatial information. A standardised EU-wide information infrastructure is likely to result in easier exchange of information between interested parties (i.e. facility operators, MS, CAs, EC, and the public) and thus lessening of administrative burden. However, the mid-term assessment of INSPIRE²²⁸ states that a potential burden would be the increased technical know-how required for reporting entities, which may mean larger training costs and, at least initially, slower reporting. DG ENV is developing an Inspire compliant register of entities covered by industrial emissions legislation, which will be used for IED, LCP and E-PRTR, and potentially in the longer term for Seveso.</p> <p>The EPRTTR refit may give rise to recommendations that affect reporting burdens.</p>
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RO 13.2 Single report based on the information from the last 3 reporting years

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 17</p> <p>Every three years, MS must provide a report to the EC based on the information from the last three years and in addition to the data reported under RO 12.1.</p>
Reporting process and information required	<p>MS must submit a report to the EC every three years with information from the last three reporting years, together with the data provided in accordance to Article 7 (to do with annual reporting for the EPRTTR). The report must contain information of the practice and measures taken to do with:</p> <ul style="list-style-type: none"> • The reporting by operators as mandated by Article 5 • Quality assurance and assessment by MS CAs as mandated by Article 9 • The provision of public access to information where said information is not easily accessible through direct electronic means, as mandated by Article 10(2) • The carrying out of awareness raising activities as required by Article 15 • Any withholding of information by operators to do with confidentiality of information, as provisioned by Article 11 • Any penalties issued and experience with actioning said penalties <p>The EC must review the reporting process every three years, focusing on²²⁷:</p>

²²⁸<http://www.eea.europa.eu/publications/midterm-evaluation-report-on-inspire-implementation>

	<ul style="list-style-type: none"> • Methods for determining pollutant releases • Data consistency, completeness and credibility • Data management and reporting timelines <p>The EC then recommends improvements for the efficiency and effectiveness of the EPRTR reporting. The EC does so via a report that it must publish six months after the provision of the data from the MS on the internet.</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Pressure Secondary focus: State, Impact and Response
C. Type of content	
C1. Type of information reported	Numerical
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 3yrs
D2. Last deadline for reporting	30 September 2014
D3. Next deadline for reporting	3/31/2017
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	9/30/2017
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	EEA
E2. Information provision requirement	No

to international organisation	
E3. Format for reporting	Other
E4. Reference / Link to reporting template	Questionnaire
E5. References / link to additional reporting guidance(s)	Yes (COM decision)
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	Yes
F2. Public information provision	Yes
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
This RO is intended to provide a basis for improving the reporting for the EPRTTR, thus it is likely that all parties involved benefit through an improved and streamlined reporting process. The COM report provides an overview of: 1) the implementation status quo 2) implementation challenges and 3) next steps	
Analysis of costs	
Type and number of reporting entities (Q)	MS(28) – provide report to EC EC(1) –review report by MS and publish report, six months after the presentation of information by the MS
Time required (T)	MS – MS must report to the EC via a standardised questionnaire. Provided that all relevant information has already been gathered via the reporting process of RO 12.1, the reporting itself is likely to carry a small administrative burden. It can be estimated at no more than 7 working days. EC – This is a past event as the questionnaire has already been adopted. The time required for this can be estimated to not more than 7 days.

	EC must review all information from MS, conduct a review and publish a report, including proposals for improvement of the reporting process. The administrative burden is likely to be at least moderate. We assume the time required to be the full six months available according to Article 17(1) of the Regulation, with 2 working days per week used. 6 months x 4 weeks x 3 days per week = 72 days.
Frequency of action (F)	MS – once every three years EC – once every three years
Other costs types	None identified
SCM equation(s)	MS = Q(28) x T(7days) x F(0.3years) EC = Q(1) x T(72days) x F(0.3years)
Existing estimates of costs	None identified
Significance of admin burden	The significance administrative burden for MS is likely to be small, as it involves filling out a standardised questionnaire and is based on information that should already be available from RO 12.1. The significance of the administrative burden for the EC is likely to be moderate, as though the reporting takes up to six months and involves a large amount of information, it is only once every three years.
Current or recent trends affecting RO	None identified

14 Industrial Emissions Directive (IED)

[Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions \(integrated pollution prevention and control\)](#)

Overview of Legislation: The IED is currently the most important piece of industrial emissions legislation and is a recast of 7 pieces of EU legislation that were integrated under the IED in 2011. The Directive defines the framework for the permitting of industrial activities with a major pollution potential. Its aim is to avoid or minimise emissions to air, water and soil, and the generation and disposal of waste, in order to achieve a high level of environmental and health protection, in particular through ensuring that the national competent authorities ensure that the permits issued are based on the application of Best Available Techniques (BAT). Three reporting obligations have been identified:

RO 14.1: Reporting obligations on IED-installations (including data on competent authorities, permit information (e.g. derogations), and baseline reports)

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 72.1 of 2010/75/EU and Article 1 of 2012/795/EU Based on the monitoring and inspection data, MS shall report to the EC on the compliance with the IED. They shall

report in accordance with Art 72(1) and [EC Implementing Decision 2012/795/EU](#), information on:

- Measures taken to implement the requirements of the IED;
- Representative data on the application of permit conditions, emission limit values, equivalent parameters and technical measures (art 14 and 15) ²²⁹ and on progress made concerning the development and application of emerging techniques (Art 27).

Reporting process and information required

In accordance with EC Implementing Decision 2012/795/EU, the Member States are required to submit replies to a questionnaire in order to report [for the period 2013-2016] on general information on individual IED installations, the setting of permit conditions, e.g. the inclusion of emission limit values (application of Articles 14 and 15 of Directive 2010/75/EU) and progress made concerning the general reconsideration of permits, allowing the Commission (i) to update the information on the general state of implementation (Module 1); (ii) to establish a list with individual IED installations²³⁰ (Module 2); (iii) to confirm that the best available techniques have been applied correctly in permits (Module 3); and (iv) to verify the application of minimum sectoral requirements (Module 4).

This information is to be made available in an electronic format.

The information on measures is likely to be readily available to national/regional authorities.

The information related to point (b) will likely involve collecting information already stored in a harmonised way (mostly digital). – e.g. central registry containing information on permits and supervising reports. However, there are differences in the reporting processes, methods used to report and number of stakeholders involved across Member States which results in different degrees of administrative burden being experienced at national level. In a number of MS such as Belgium, for example, (quantitative) data are collected through annual surveys developed by regional authorities. In those cases, the data collection process has strong synergies with information collected by local authorities to monitor compliance with permit conditions (such as information resulting from environmental inspections of installations). Also this information is often strongly intertwined with the existing reporting obligations under the UNECE Kiev protocol (whose obligations have been implemented in the EU by means of the E-PRTR Regulation). In other Member States, such as Austria, the information is not readily available and requires setting up a reporting process and involving numerous

²²⁹ All these aspects are part of the general compliance reporting with the provisions of the IED

²³⁰ The aim is to link the installations in this database, via unique identifiers, with the database with the emissions from E-PRTR facilities

decentralised organisations and actors. In this case, the reporting process is a bottom-up process involving district authorities, provincial authorities or Bundeslander and the central Ministry in charge of reporting to the EC. Reporting under IED (Art 72.1) involves sending a questionnaire to the provinces, which is then cascaded to decentralised authorities.

If necessary, a limited number of publicly available environmental permits might be consulted on an ad hoc basis to help interpret the data contained in the existing databases. Other entities and ministries might also support the main reporting entity to provide specific types of information (e.g. legal background about the IED in decentralised provinces is provided by the Ministry for Science, Research and Economy to the Federal Ministry for Agriculture, Forestry, Environment and Water Management in Austria).

In a number of cases, the information partially overlaps with information collected under other directives like the Waste Directive or PRTR, but the degree of overlap is often not clearly visible for reporting entities.

The information necessary for the purpose of the above-mentioned RO will likely be already available by competent authorities as a result but disaggregated at national level. Consequently the EU legislation contributes to harmonising the collected information.

A7. Inclusion in EIONET database **Yes**

B1-B5. DPSIR Coverage Primary focus: Response
Secondary focus: Driver, Pressure, State and Impact

C. Type of content

C1. Type of information reported Numerical

C2. Thresholds/triggers for reporting

D. Timing of reporting

D1. Frequency of reporting Art 72 of IED requires MS to report every 3 years on general implementation status.

D2. Last deadline for reporting 13 Sept 2014

D3. Next deadline for reporting NA

D4. MS information published in a Commission report Yes

D5. Next deadline for Commission reporting based on the data	1/7/2016
D6. Date of most recent Commission report	17 May 2013
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Other
E4. Reference / Link to reporting template	Annex I Questionnaire
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	Yes
F2. Public information provision	Yes
H. Links to other reporting requirements	
H1 - H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	

H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Degree of implementation; level of compliance & enforcement by MS. The COM report provides an overview of: 1) the implementation status quo 2) implementation challenges and 3) next steps	
Analysis of costs	
Type and number of reporting entities (Q)	<p>MS CAs: 28 MS prepare reports. In countries where a decentralised regulatory system is in place (e.g. Germany, Belgium, Austria), the reporting process may involve multiple steps (regional reporting followed by centralisation of information and reporting to the EC). In Austria, for example, the reporting process is a bottom-up process involving district authorities (95 in total), provincial authorities or Bundeslander (9 in total) and the Federal Ministry for Agriculture, Forestry, Environment and Water Management (MoE). The questionnaire is sent to the provinces by the MoE, and then cascaded to decentralised authorities. Other ministries (e.g. the Ministry for Science, Research and Economy) might also support the MoE for other tasks (e.g. describing the legal background about the IED at local level). The MoE collects the information, processes it and sends it to the European Commission.</p> <p>'x' is higher than 28</p> <p>EC: 1</p>
Time required (T)	<p>MS CAs: Creation/design of the data collection tool might involve the highest – one-off – costs. However, the tool is often developed for other purposes than IED reporting and only a small fraction of these can be attributed to IED; time required for data collection and reporting represents another share of total costs. Data collection and writing/filling in the questionnaire related to Art 72(1) sent by the EC might involve additional (but not large) costs.</p> <p>EC: production of two reports (one to be made available to the EP and the Council relates to art 72(1); one to be made public relates to art 72(1))</p>
Frequency of action (F)	<p>MS CAs:</p> <p>Art 72(1): Submit a questionnaire regarding measures (point a) on 30 September 2014 at the latest and, regarding point b, a questionnaire covering the period 2013-2016 on 30 September 2017 at the latest. It is assumed that these questionnaires are to be sent on a tri-annual basis following the frequency on which the EC has to report to the EP and Council (see art 73(1)).</p> <p>EC: Publishes a summary of tri-annual inventory summaries within 24 months after reception from MS. These reports can be found at: http://ec.europa.eu/environment/industry/stationary/lcp/chapter3.htm</p>
Other costs types	None found.

SCM equation(s)	<p>MS CAs: One (national) to two (regional, national) stages of reporting according to the regulatory system in place</p> <p><u>SCM equation for a MS with two stages of reporting:</u></p> <p><i>Regional: information collection, report creation and reporting to central body</i></p> <p>$[Q('x') \times T('x' \text{ hour} \times \text{tariff}) \times F(0.3\text{report/yr})]$</p> <p><i>National (Q = 1): centralisation of information and reporting to the EC</i></p> <p>$[Q('x') \times T('x' \text{ hour} \times \text{tariff}) \times F(0.3\text{report/yr})]$</p> <p><u>SCM equation for a MS with one stage of reporting:</u></p> <p>$[Q('x') \times T('x' \text{ hour} \times \text{tariff}) \times F(0.3\text{report/yr})]$</p> <p>EC: $[Q(28) \times T(\text{hour} \times \text{tariff}) \times F(0.3\text{report/yr})]$</p>
Existing estimates of costs	None found.
Significance of admin burden	<p>Art 72(1): The overall administrative burden could be large, given the number of operators (50,000 covered by Annex I of IED). However, no facility specific information is required and all required information is likely to be readily available from permitting procedure and automated databases that MS CAs use for managing permitting. Thus, the net burden of reporting under Article 72(1) of the IED is likely to be small. Even if the EU RO under art 72(1) were to be abrogated, reporting by operators would continue as a result of other (permitting) obligations and strong overlaps with ROs under the UNECE Kiev Protocol on PRTRs.</p>
Current or recent trends affecting RO	<p>Linking of the installation database to E-PRTR through a register of entities should reduce the related burden for MS CAs. Despite these aggregation efforts, some have argued that combining EPRTR and LCP reports is likely to lead to very few positive changes at national level as EPRTR and LCP units are different entities.</p>

RO 14.2: Duty to inform Commission if derogations granted where failure to comply with ELVs is linked to interruption of supply of low-sulphur fuel

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 30 (5)
Reporting process and information required	<p>Art 30(5) permits the competent authority to grant a derogation for a maximum of 6 months from the obligation to comply with the emission limit values provided for in paragraphs 2 and 3 for sulphur dioxide in respect of a combustion plant which to this end normally uses low-sulphur fuel, in cases where the operator is unable to comply with those limit values because of an interruption in the supply of low-sulphur fuel resulting from a serious shortage.</p>

	Member States shall immediately inform the Commission of any derogation granted under the first subparagraph.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: Pressure
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	The granting of derogations where failure to comply with ELVs is linked to interruption of supply of low-sulphur fuel
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	
E3. Format for reporting	

E4. Reference / Link to reporting template	
E5. References / link to additional reporting guidance(s)	
E6. Electronic reporting required/facilitated	
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
To enable Commission assessment of implementation.	
Analysis of costs	
Type and number of reporting entities (Q)	MS authorities (28)
Time required (T)	Likely to be limited
Frequency of action (F)	One-off
Other costs types	N/a
SCM equation(s)	
Existing estimates of costs	None
Significance of admin burden	Likely to be insignificant
Current or recent trends affecting RO	N/a

RO 14.3: Duty to inform Commission if derogations granted where failure to comply with ELVs is linked to interruption of supply of gas

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 30 (6)
Reporting process and information required	<p>The competent authority may grant a derogation from the obligation to comply with the emission limit values in cases where a combustion plant using only gaseous fuel has to resort exceptionally to the use of other fuels because of a sudden interruption in the supply of gas and for this reason would need to be equipped with a waste gas purification facility. The period for which such a derogation is granted shall not exceed 10 days except where there is an overriding need to maintain energy supplies.</p> <p>The operator shall immediately inform the competent authority of each specific case. Member States shall inform the Commission immediately of any derogation granted.</p>
A7. Inclusion in EIONET database	
B1-B5. DPSIR Coverage	<p>Primary focus: Response</p> <p>Secondary focus: Pressure</p>
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	The granting of derogations where failure to comply with ELVs is linked to interruption of supply of gas
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent	NA

Commission report is based on	
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	
E3. Format for reporting	
E4. Reference / Link to reporting template	
E5. References / link to additional reporting guidance(s)	
E6. Electronic reporting required/facilitated	
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	Yes
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
To enable Commission assessment of implementation and compliance.	
Analysis of costs	
Type and number of reporting entities (Q)	MS authorities (28) and operators, in cases where derogations are sought

Time required (T)	Likely to be small
Frequency of action (F)	Ad hoc
Other costs types	None identified
SCM equation(s)	Operators = $[Q(x) \times T(\text{day} \times \text{tariff}) \times F(1)]$ MS = $[Q(28') \times T(\text{day} \times \text{tariff}) \times F(1)]$
Existing estimates of costs	N/a
Significance of admin burden	Likely to be limited because of one-off and infrequent nature of reporting
Current or recent trends affecting RO	N/a

RO 14.4: Communication of transitional plans covering selected pollutants from older combustion plants

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 32(5) of Directive 2010/75/EU and Article 6(3) Implementing decision 2012/115/EU
Reporting process and information required	<p>Art 32(1) states that during the period from 1 January 2016 to 30 June 2020, Member States may draw up and implement a transitional national plan covering combustion plants which were granted the first permit before 27 November 2002 or the operators of which had submitted a complete application for a permit before that date, provided that the plant was put into operation no later than 27 November 2003. For each of the combustion plants covered by the plan, the plan shall cover emissions of one or more of the following pollutants: nitrogen oxides, sulphur dioxide and dust. For gas turbines, only nitrogen oxides emissions shall be covered by the plan.</p> <p>Art 32(5) states that not later than 1 January 2013, Member States shall communicate their transitional national plans to the Commission.</p> <p>The Commission shall evaluate the plans and, where the Commission has raised no objections within 12 months of receipt of a plan, the Member State concerned shall consider its plan to be accepted.</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: Pressure, Impact
C. Type of content	
C1. Type of information reported	Text

C2. Thresholds/triggers for reporting	Adoption of a transitional national plan for older plant, derogating from the application of limit values
D. Timing of reporting	
D1. Frequency of reporting	One-off, but only for those Member States exercising the option of a TNP
D2. Last deadline for reporting	01/1/2013
D3. Next deadline for reporting	No
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Other
E4. Reference / Link to reporting template	Annex II Questionnaire
E5. References / link to additional reporting guidance(s)	NA
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No

F2. Public information provision	Yes
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
To enable Commission assessment of the compliance of the transitional national plan with the relevant implementing rules.	
Analysis of costs	
Type and number of reporting entities (Q)	MS(28) but only for those Member States exercising the option of a TNP
Time required (T)	n/a
Frequency of action (F)	One-off
Other costs types	n/a
SCM equation(s)	MS = [Q x T(day x tariff) x F(1)] Where Q is less or equal to 28
Existing estimates of costs	n/a
Significance of admin burden	Since the TNPs are readily available by CAs, the AB resulting from this RO is likely to be insignificant.
Current or recent trends affecting RO	
None identified	

RO 14.5 Changes to transitional plans

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 32 (6)
Reporting process and information required	Art 32(6) requires Member States to inform the Commission of any subsequent changes to the transitional plan.
A7. Inclusion in EIONET database	No

B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: Pressure, Impact
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Adoption of any changes to the transitional national plan
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	No
E4. Reference / Link to reporting template	
E5. References / link to additional reporting guidance(s)	

E6. Electronic reporting required/facilitated	
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
To enable Commission assessment of the compliance of the transitional national plan with the relevant implementing rules	
Analysis of costs	
Type and number of reporting entities (Q)	Only those MS taking the option to develop a transitional plan, and subsequently amending that plan
Time required (T)	N/a
Frequency of action (F)	Ad hoc
Other costs types	N/a
SCM equation(s)	MS = [Q x T(day x tariff) x F(1)] Where Q is less than or equal to 28
Existing estimates of costs	N/a
Significance of admin burden	Likely to be limited
Current or recent trends affecting RO	N/a

RO 14.6: Plant to which the limited life derogation is applied

A-B: General info

A5. Obligation Source Type	Legislative
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A6. Obligation and legal base	Article 33 (2)
Reporting process and information required	<p>Art 33(1) allows that during the period from 1 January 2016 to 31 December 2023, combustion plants may be exempted from compliance with the emission limit values referred to in Article 30(2) and with the rates of desulphurisation referred to in Article 31, where applicable, and from their inclusion in the transitional national plan referred to in Article 32, providing certain conditions are satisfied.</p> <p>Art 33(2) requires that:</p> <p>a) at the latest on 1 January 2016, each Member State shall communicate to the Commission a list of any combustion plants to which 33(1) applies, including their total rated thermal input, the fuel types used and the applicable emission limit values for sulphur dioxide, nitrogen oxides and dust.</p> <p>b) Member States shall communicate annually to the Commission a record of the number of operating hours for these plants since 1 January 2016.</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	<p>Primary focus: Response</p> <p>Secondary focus: Pressure</p>
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Decision to grant a limited life derogation
D. Timing of reporting	
D1. Frequency of reporting	<p>a) One-off reporting for the list of any combustion plants to which 33(1) applies;</p> <p>b) Initially by 1/1/16, thereafter annual information required; but based on a MS decision to implement the derogation</p> <p>In practice, information under Art 33 (2), 35 (2), 72 (3) and (4) of IED and also under Art 6 of Decision 2012/115/EC are reported only in one LCP report every year by 31st of March.</p>
D2. Last deadline for reporting	01 January 2016
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	

D6. Date of most recent Commission report	
D7. Deadline of MS report on which the most recent Commission report is based on	
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	No
E4. Reference / Link to reporting template	
E5. References / link to additional reporting guidance(s)	
E6. Electronic reporting required/facilitated	
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 - H3. Links to reporting requirements in other legislation	
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	

Information on derogations enables the Commission's assessment of implementation and compliance.	
Analysis of costs	
Type and number of reporting entities (Q)	Those MS choosing to implement the relevant derogation
Time required (T)	N/a
Frequency of action (F)	Annually, as long as derogation applies
Other costs types	N/a
SCM equation(s)	MS = [Q x T(day x tariff) x F(1/year)] Where Q is less than or equal to 28
Existing estimates of costs	N/a
Significance of admin burden	N/a
Current or recent trends affecting RO	The operator is required not to operate the plant for more than 17 500 operating hours, starting from 1 January 2016 and ending no later than 31 December 2023. The number of plants continuing to operate under the derogation will therefore decline over time, as will the reporting burden

RO 14.7: Inventory of exempted small isolated systems

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 34(3)
Reporting process and information required	<p>Art 34(1) allows that, until 31 December 2019, combustion plants being, on 6 January 2011, part of a small isolated system may be exempted from compliance with the emission limit values referred to in Article 30(2) and the rates of desulphurisation referred to in Article 31, where applicable. Until 31 December 2019, the emission limit values set out in the permits of these combustion plants, pursuant in particular to the requirements of Directives 2001/80/EC and 2008/1/EC, shall at least be maintained.</p> <p>Art 34(3) states that Member State shall report to the Commission before 7 January 2013 a list of those combustion plants, the total annual energy consumption of the small isolated system and the amount of energy obtained through interconnection with other systems.</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: Pressure

C. Type of content	
C1. Type of information reported	Geospatial
C2. Thresholds/triggers for reporting	Decision to grant exemptions
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	07 January 2013
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	
D5. Next deadline for Commission reporting based on the data	
D6. Date of most recent Commission report	
D7. Deadline of MS report on which the most recent Commission report is based on	
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	No
E4. Reference / Link to reporting template	
E5. References / link to additional reporting guidance(s)	
E6. Electronic reporting required/facilitated	
F. Relevance to 3rd parties and the public	

F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Information on exemptions enables the Commission's assessment of implementation and compliance	
Analysis of costs	
Type and number of reporting entities (Q)	Those MS allowing exemptions under Art 34
Time required (T)	N/a
Frequency of action (F)	One-off
Other costs types	N/a
SCM equation(s)	$MS = [Q (28) \times T(\text{day} \times \text{tariff}) \times F(1)]$
Existing estimates of costs	N/a
Significance of admin burden	N/a
Current or recent trends affecting RO	One-off and completed

RO 14.8: Inventory of exempted district heating plants

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 35 (2)
Reporting process and information required	Article 35(1) allows that, until 31 December 2022, a combustion plant may be exempted from compliance with

	<p>the emission limit values referred to in Article 30(2) and the rates of desulphurisation referred to in Article 31 provided that certain conditions are fulfilled.</p> <p>Art 35(2) requires that, at the latest on 1 January 2016, each Member State shall communicate to the Commission a list of any combustion plants to which 35(1) applies, including their total rated thermal input, the fuel types used and the applicable emission limit values for sulphur dioxide, nitrogen oxides and dust. In addition, Member States shall inform the Commission annually of the proportion of useful heat production of each plant which was delivered in the form of steam or hot water to a public network for district heating, expressed as a rolling average over the preceding 5 years.</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: Pressure
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Decision to grant exemptions
D. Timing of reporting	
D1. Frequency of reporting	<p>Ad-hoc then annual</p> <p>a) One-off reporting for the list of any combustion plants to which 35(1) applies;</p> <p>b) Initially by 1/1/16, thereafter annual information required; but based on a MS decision to implement the derogation</p> <p>Information under Art 33 (2), 35 (2), 72 (3) and (4) of IED and also under Art 6 of Decision 2012/115/EC are reported only in one LCP report every year by 31st of March.</p>
D2. Last deadline for reporting	01 January 2016
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	
D5. Next deadline for Commission reporting based on the data	
D6. Date of most recent Commission report	
D7. Deadline of MS report on which the most recent	

Commission report is based on	
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	No
E4. Reference / Link to reporting template	
E5. References / link to additional reporting guidance(s)	
E6. Electronic reporting required/facilitated	
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Information on exemptions helps to inform implementation and compliance	
Analysis of costs	
Type and number of reporting entities (Q)	Those MS granting exemptions under Article 35

Time required (T)	N/a
Frequency of action (F)	Annual as long as exemptions apply
Other costs types	N/a
SCM equation(s)	$MS = [Q (28) \times T(\text{day} \times \text{tariff}) \times F(1\text{year})]$
Existing estimates of costs	N/a
Significance of admin burden	N/a
Current or recent trends affecting RO	Time limited and expected to decline over time

RO 14.9: Summary of inventories of combustion plant emissions and energy input

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 72 (3)
Reporting process and information required	<p>Art 72(3) requires MS, for all combustion plants covered by Chapter III of this Directive, to establish from 1 January 2016 an annual inventory of the sulphur dioxide, nitrogen oxides and dust emissions and energy input.</p> <p>The annual plant-by-plant data contained in these inventories shall be made available to the Commission upon request.</p> <p>A summary of the inventories shall be made available to the Commission every 3 years within 12 months from the end of the three-year period considered. This summary shall show separately the data for combustion plants within refineries.</p> <p>The Commission shall make available to the Member States and to the public a summary of the comparison and evaluation of those inventories in accordance with Directive 2003/4/EC within 24 months from the end of the three-year period considered.</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	<p>Primary focus: Pressure</p> <p>Secondary focus: Driver</p>
C. Type of content	

C1. Type of information reported	Numerical
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	<p>The annual inventory shall be made available upon request.</p> <p>The summary thereof shall be made available every three years (this summary is likely to involve an additional reporting stage at national level according to the number of CAs involved).</p> <p>In practice, information under Art 33 (2), 35 (2), 72 (3) and (4) of IED and also under Art 6 of Decision 2012/115/EC are reported only in one LCP report every year by 31st of March.</p>
D2. Last deadline for reporting	
D3. Next deadline for reporting	
D4. MS information published in a Commission report	
D5. Next deadline for Commission reporting based on the data	
D6. Date of most recent Commission report	
D7. Deadline of MS report on which the most recent Commission report is based on	
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	No
E4. Reference / Link to reporting template	

E5. References / link to additional reporting guidance(s)	
E6. Electronic reporting required/facilitated	
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	Yes
F2. Public information provision	Yes
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
To enable the Commission's assessment of implementation and compliance.	
Analysis of costs	
Type and number of reporting entities (Q)	MS (28) In countries where a decentralised regulatory system is in place (e.g. Germany, Belgium), the reporting process may involve multiple steps (regional reporting followed by centralisation of information and reporting to the EC)
Time required (T)	Data collection and processing is usually automated and time may be quite limited as a result.
Frequency of action (F)	Every three years
Other costs types	N/a
SCM equation(s)	$MS = [Q (28) \times T(\text{day} \times \text{tariff}) \times F(0,3 \text{ years})]$
Existing estimates of costs	N/a
Significance of admin burden	Art 72(3,4): The overall administrative burden could be large, given the number of operators. However, the costs of recording and reporting emissions are intertwined with those of other EU and international requirements.

	<p>It is difficult to disentangle the EU RO from international and national obligations:</p> <ol style="list-style-type: none"> 1. Under CLRTAP MS report on large point sources 2. Under the Kiev protocol, most LCPs are expected to have to report 3. LCP emissions represent a substantial contribution to air pollution by dust, NO_x and SO₂ and are subject to reporting at national level. <p>Thus, the net burden of reporting under the IED is likely to be significantly lower than the overall reporting burden. Even if the EU RO under the LCP inventory were to be abrogated, reporting by operators would be likely to continue as a result of other obligations.</p>
Current or recent trends affecting RO	<p>Linking of the installation database to E-PRTR through a register of entities (planned as from 2018 onwards) should reduce the related burden for MS CAs. However, due to the fact that EPTR and LCP units are different, combining EPTR and LCP reports is likely to lead to very few positive changes at national level (i.e. no reduction of time, cost and human resources needed for the preparation and submission of reports) compared to the current situation (where EPTR and LCP reports are delivered separately). The combination of reports will still require managing two data parts (LCP and EPTR data). After integration MS will have to provide SO₂, NO_x and PM (LCP) and PM₁₀ (EPTR) emission separately for LCP plants and EPTR installations, because these reporting units are not always the same</p>

RO 14.10: Data on fuel used by combustions benefitting from the derogation (article 31) for indigenous solid fuel

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 72 (4) (a)
Reporting process and information required	Member States shall, from 1 January 2016, report data annually to the Commission for combustion plants to which Article 31 applies: the sulphur content of the indigenous solid fuel used and the rate of desulphurisation achieved, averaged over each month. For the first year where Article 31 is applied, the technical justification of the non-feasibility of complying with the emission limit values referred to in Article 30(2) and (3) shall also be reported.
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: Pressure

C. Type of content	
C1. Type of information reported	Numerical
C2. Thresholds/triggers for reporting	Use of the derogation for plant burning indigenous solid fuel
D. Timing of reporting	
D1. Frequency of reporting	Annual In practice, information under Art 33 (2), 35 (2), 72 (3) and (4) of IED and also under Art 6 of Decision 2012/115/EC are reported only in one LCP report every year by 31 st of March.
D2. Last deadline for reporting	
D3. Next deadline for reporting	
D4. MS information published in a Commission report	
D5. Next deadline for Commission reporting based on the data	
D6. Date of most recent Commission report	
D7. Deadline of MS report on which the most recent Commission report is based on	
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	No
E4. Reference / Link to reporting template	
E5. References / link to additional reporting guidance(s)	

E6. Electronic reporting required/facilitated	
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
To enable the Commission's assessment of implementation and compliance.	
Analysis of costs	
Type and number of reporting entities (Q)	MS (28) In countries where a decentralised regulatory system is in place (e.g. Germany, Belgium), the reporting process may involve multiple steps (regional reporting followed by centralisation of information and reporting to the EC)
Time required (T)	Data collection and processing is usually automated and time may be quite limited as a result.
Frequency of action (F)	Annual
Other costs types	N/a
SCM equation(s)	$MS = [Q (28) \times T(\text{day} \times \text{tariff}) \times F(1\text{year})]$
Existing estimates of costs	N/a
Significance of admin burden	Art 72(3,4): The overall administrative burden could be large, given the number of operators. However, the costs of recording and reporting emissions are intertwined with those of other EU and international requirements. It is difficult to disentangle the EU RO from international and national obligations: 1. Under CLRTAP MS report on large point sources 2. Under the Kiev protocol, most LCPs are expected to have to report

	<p>3. LCP emissions represent a substantial contribution to air pollution by dust, NOx and SO2 and are subject to reporting at national level.</p> <p>Thus, the net burden of reporting under the IED is likely to be significantly lower than the overall reporting burden. Even if the EU RO under the LCP inventory were to be abrogated, reporting by operators would be likely to continue as a result of other obligations.</p>
Current or recent trends affecting RO	<p>The EC and EEA are currently integrating the LCP inventory reporting into the E-PRTR reporting. As E-PRTR reports and LCP reports are not one-to-one, links have been established between the respective entities. This should reduce duplication for any LCP reporting under E-PRTR. However LCP inventory requires more data which would require some disaggregation of data reported under E-PRTR. Note that in fact data is first aggregated to be reported to E-PRTR.</p> <p>Despite these aggregation efforts, some have argued that combining EPRTR and LCP reports is likely to lead to very few positive changes at national level as EPRTR and LCP units are different entities.</p>

RO 14.11: Data on operating hours of combustion plant operating less than 1 500 hours per year

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 72 (4) (b)
Reporting process and information required	For combustion plants which do not operate more than 1 500 operating hours per year Member States shall, from 1 January 2016, report annually to the Commission the number of operating hours per year as a rolling average over a period of 5 years.
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Pressure Secondary focus: Response
C. Type of content	
C1. Type of information reported	Numerical
Existence of plant operating less than 1500 hours on average	Existence of plant operating less than 1500 hours on average
D. Timing of reporting	
D1. Frequency of reporting	Annual

	In practice, information under Art 33 (2), 35 (2), 72 (3) and (4) of IED and also under Art 6 of Decision 2012/115/EC are reported only in one LCP report every year by 31 st of March.
D2. Last deadline for reporting	
D3. Next deadline for reporting	
D4. MS information published in a Commission report	
D5. Next deadline for Commission reporting based on the data	
D6. Date of most recent Commission report	
D7. Deadline of MS report on which the most recent Commission report is based on	
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	No
E4. Reference / Link to reporting template	
E5. References / link to additional reporting guidance(s)	
E6. Electronic reporting required/facilitated	
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No

H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
To enable the Commission's assessment of implementation and compliance.	
Analysis of costs	
Type and number of reporting entities (Q)	MS (28) In countries where a decentralised regulatory system is in place (e.g. Germany, Belgium), the reporting process may involve multiple steps (regional reporting followed by centralisation of information and reporting to the EC)
Time required (T)	Data collection and processing is usually automated and time may be quite limited as a result.
Frequency of action (F)	Annual
Other costs types	N/a
SCM equation(s)	$MS = [Q (28) \times T(\text{day} \times \text{tariff}) \times F(1\text{year})]$
Existing estimates of costs	N/a
Significance of admin burden	<p>Art 72(3,4): The overall administrative burden could be large, given the number of operators. However, the costs of recording and reporting emissions are intertwined with those of other EU and international requirements.</p> <p>It is difficult to disentangle the EU RO from international and national obligations:</p> <ol style="list-style-type: none"> 1. Under CLRTAP MS report on large point sources 2. Under the Kiev protocol, most LCPs are expected to have to report 3. LCP emissions represent a substantial contribution to air pollution by dust, NOx and SO2 and are subject to reporting at national level. <p>Thus, the net burden of reporting under the IED is likely to be significantly lower than the overall reporting burden. Even if the EU RO under the LCP inventory were to be abrogated, reporting by operators would be likely to continue as a result of other obligations.</p>

Current or recent trends affecting RO

The EC and EEA are currently integrating the LCP inventory reporting into the E-PRTR reporting. As E-PRTR reports and LCP reports are not one-to-one, links have been established between the respective entities. This should reduce duplication for any LCP reporting under E-PRTR. However LCP inventory requires more data which would require some disaggregation of data reported under E-PRTR. Note that in fact data is first aggregated to be reported to E-PRTR.

Despite these aggregation efforts, some have argued that combining EPRTR and LCP reports is likely to lead to very few positive changes at national level as EPRTR and LCP units are different entities.

15 Directive 1999/32/EC on the sulphur content of certain liquid fuels

Regulation (EC) No 1999/32/EC of the European Parliament and the Council on the reduction in the sulphur content of certain liquid fuels and amending directive 93/12/EEC

Overview: Directive 1999/32/EC came into force on 12 May 1999 with the purpose of reducing emissions of sulphur dioxide resulting from the combustion of certain liquid fuels, thereby reducing the harmful effects of such emissions on man and the environment. In particular, Articles 3 and 4 of the Directive respectively set maximum permissible levels for the sulphur content of heavy fuel oil and of gas oil, including marine gas oil within the territory of the Member States. Directive 1999/32/EC was amended by [Directive 2005/33/EC](#) to include new provisions relating to the limits for the sulphur content of marine fuels (SCMF).

Directive 1999/32/EC has recently been codified as Directive (EU) 2016/802 of the European Parliament and of the Council of 11 May 2016 relating to a reduction in the sulphur content of certain liquid fuels (codification) <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016L0802&from=EN>

RO 15.1: Notification from a ship to its flag State and the competent authority of its port of destination when it cannot buy marine fuel in compliance with the directive and port state's notification to the Commission

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 4a Article 4a(5): From the date referred to in paragraph 2(a), MS shall require the correct completion of ships' logbooks, including fuel-changeover operations, as a condition of ships' entry into Community ports.
Reporting process and information required	MS to require ships' logbooks to be correctly updated upon entry.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Pressure Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Lack of possibility to purchase fuel in compliance with the directive
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA

D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	NA
E5. References / link to additional reporting guidance(s)	NA
E6. Electronic reporting required/facilitated	
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	Yes
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	International None
H4. Possible data overlaps with other reporting requirements	

H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: Contribution to monitoring usage of marine fuel not in compliance with the Directive	
Benefits: Transparency, monitoring.	
Analysis of costs	
Type and number of reporting entities (Q)	Not found.
Time required (T)	Not found.
Frequency of action (F)	Ad-hoc
Other costs types	Not found.
SCM equation(s)	MS CAs: $Q(28) \times T(\text{hour} \times \text{tariff}) \times F(\text{report})$
Existing estimates of costs	Not found.
Significance of admin burden	Likely minimal, as it only presumably requires port authorities to check ships' logbooks upon entry.
Current or recent trends affecting RO	None found.

RO 15.2: Information on sudden change in the supply and subsequent difficulty to apply the limits

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 5:</p> <p>MS inform the EC when it becomes difficult to apply the limits on the maximum sulphur content referred to in Articles 3 and 4 as a result of a sudden change in the supply of crude oil, petroleum products or other hydrocarbons.</p> <p>The EC shall notify, on its turn, the Council and the Member States of any decision to authorise a higher limit to be applicable within the territory of that Member State for a period not exceeding six months</p>
Reporting process and information required	MS to inform the EC in special circumstances, and the EC shall forward information of any relevant exceptions granted.

A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Pressure Secondary focus: State and Impact
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Sudden change in the supply of crude oil, petroleum products or other hydrocarbon that makes it difficult for a Member State to apply the limits on the maximum sulphur content
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	NA

E5. References / link to additional reporting guidance(s)	NA
E6. Electronic reporting required/facilitated	
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
The notification should help the EC grant an exception to a MS facing difficulties in complying with the thresholds set by the Directive in case of sudden circumstances. Reporting also helps to inform implementation.	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: 28 EC: 1
Time required (T)	MS: Suggest 1 day. Difficult to estimate, as the reporting requirement will be triggered by exceptional circumstances. Claims of difficulty of applying sulphur content limits may require some justification on the part of MS. EC: Suggest 0.5 day, as the authorization decision itself requires justification and reporting.
Frequency of action (F)	Ad-hoc
Other costs types	None expected.
SCM equation(s)	MS CAs: $Q(28) \times T(1 \text{ day} \times \text{tariff}) \times F(1)$ EC: $Q(1) \times T(0.5 \text{ day} \times \text{tariff}) \times F(1)$
Existing estimates of costs	<i>None found.</i>
Significance of admin burden	Likely to be low due to low frequency and low level of information required.

Current or recent trends *None found.*
affecting RO

RO 15.3: Compliance report based on sampling, analysis and inspections

A-B: General info

A5. Obligation Source Type Legislative

A6. Obligation and legal base Article 7:
Member States must report annually to the EC information on the sampling and analyses conducted pursuant to Article 6 for the purpose of:

Ensuring that the sulphur content of marine fuels complies with the relevant provisions in Articles 4a and 4b; and

That the sulphur content of heavy fuel oil used in land based installations complies with Article 3; and

That the sulphur content of gas oil complies with Article 4.

On the basis of, inter alia, the annual reports, the EC shall, by 2008, submit a report to the European Parliament and to the Council.

Reporting process and information required MS shall base their report on the results of the sampling and analysis of land-based fuels and marine fuels carried out in accordance with Article 6. As stated in the Directive, the sampling and analysis process aims to verify compliance with the Directive (as well as provide support to the penalty system pursuant to article 11) and is therefore NOT driven by the RO itself. For this reason, it is assumed that the information needed to develop the reports is likely to be readily available by MS.

This information includes a record of the total number of samples tested by fuel type, the corresponding quantity of fuel used, and the calculated average sulphur content.

The MS may need to collect data from devolved regulatory authorities. These may be, for example:

The national Petroleum Industry Association conducting the sampling and analysis of sulphur content of heavy fuel and gas oil at production refineries;

The national Maritime and Coastguard Agency to carry out the marine fuel sampling and analysis programme.

A7. Inclusion in EIONET database No

B1-B5. DPSIR Coverage Primary focus: Response
Secondary focus: Pressure

C. Type of content

C1. Type of information reported Temporal

C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Annual
D2. Last deadline for reporting	6/30/2015
D3. Next deadline for reporting	6/30/2015
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	6/30/2017
D6. Date of most recent Commission report	18 December 2013
D7. Deadline of MS report on which the most recent Commission report is based on	6/30/2011
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	902
E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	The template will be finalized by June 2016 by EMSA
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No

F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	No Links with the Fuel Quality Directive under CLIMA competence and the Off road mobile machinery (including Inland Navigation)
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	Water policy because of the abatement technologies. MOVE policies on alternative fuels (LNG), port infrastructure (shore side electricity, alternative fuels).
H6. Existing links with voluntary reporting	Water policy because of the abatement technologies. MOVE policies on alternative fuels (LNG), port infrastructure (shore side electricity, alternative fuels).
Purpose and benefits of RO	
Purpose: The report will help the EC assess the extent of compliance with and enforcement of the Directive, progress towards projected environmental goals under the Directive and the need for further measures	
Benefits: Ensure comparability between MS.	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: "x" Although the sampling and analysis process is not driven by the RO and data needed to develop the report are readily available, the reporting process might involve more than one CA per MS (e.g. Maritime authorities, Petroleum Industry Association, etc.). The total number of reporting authorities is therefore not limited to 28. As an illustration, in the UK, the 2012 report ²³¹ was centralised and produced by the same organisation who conducted the sampling and analysis for Defra. EC: 1
Time required (T)	MS CAs: likely to involve existing data gathered to comply with the sampling and analysis obligation; the time taken will depend on the form of this data and effort required to compile it. Assuming that data is readily available due to the sampling and analysis obligation, the reporting process is likely to involve less than 10 days of work. EC: assumed to be less than 10 days to analyse the reports and produce a summary.
Frequency of action (F)	MS CAs: annual EC: one-off

²³¹

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/337427/SCLF_Report_2012_FINAL.pdf

Other costs types	<i>None found.</i>
SCM equation(s)	MS CAs: $Q(28) \times T(\text{hour} \times \text{tariff}) \times F(1\text{report}/\text{yr})$ EC: $Q(1) \times T(\text{hour} \times \text{tariff}) \times F(1\text{report})$
Existing estimates of costs	As a matter of comparison, the value of the 2014-2018 tender ²³² issued by the UK government to fulfil its commitments under the Sulphur Content of Liquid Fuels Directive 1999/32/EC (as amended) with regard to liquid fuel sampling and analysis and reporting is £40,000. It is likely that the biggest bulk of these costs will derive from the sampling and analysis obligation and a minor proportion from the RO. This corresponds to annual costs of £10,000.
Significance of admin burden	Likely to be low to moderate: likely to involve existing data (derived from sampling and analysis obligation); the time taken will depend on the form of this data and effort required to compile it.
Current or recent trends affecting RO	<i>Not found.</i>

16 Directive 2001/81/EC of 23 October 2001 on national emission ceilings for certain atmospheric pollutants

[Directive 2001/81/EC of 23 October 2001 on national emission ceilings for certain atmospheric pollutants](#)

Overview: Taking into account the transboundary nature of air pollution, this directive sets limits on the emissions to air for sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia – responsible for either acidification, eutrophication or ground-level ozone pollution.

The 2001 Directive will be repealed soon. An amending Directive has been agreed (in June 2016). It is awaiting formal adoption by both EU institutions. It is expected to enter into force at the end of 2016/beginning of 2017. In turn the reporting obligations will change²³³.

As for the 2001 Directive, the amending directive will relate to the 1999 Gothenburg protocol and the 1979 Convention on Long-range Transboundary Air Pollution (CLRTAP).

All pollutants from the 2001 directive are also reported under CLRTAP and the Gothenburg protocol (the Gothenburg protocol came into force after this directive but during the time of its implementation – in 2005). The reporting obligations for 2001 legislation were harmonised circa 2008²³⁴, which reduced the added burden. The amending Directive will require no additional reporting beyond what is already reported under CLRTAP.

One RO has been identified. The RO is described based on the future reporting requirements planned under the amending Directive.

RO 16.1: National emission inventories and emission projections

²³² https://data.gov.uk/data/contracts-finder-archive/search/?buying_org=Department+for+Environment%2C+Food+and+Rural+Affairs&page=5

²³³ Interview with DG ENV 26.08.16

²³⁴ <http://www.eea.europa.eu/publications/CLRTAP-emission-inventory-report>

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Details on the specific article for the amending legislation are not yet known.
Reporting process and information required	<p>MS shall provide a copy of the information that they report under CLRTAP to the EEA annually.</p> <p>Data will be in the same format under CLRTAP and reporting to the EEA: emission totals, normally as excel tables, accompanied by an information inventory report which provides background information and further explanation where needed e.g. application of emission factors etc.</p> <p>Monitoring is excluded, as it serves a wider purpose for meeting air quality objectives and is not brought about for the purposes of this RO per-se.</p> <p>The EC/EEA is obliged to make publicly available the emissions inventories and projections. The EEA produces a short annual briefing based on MS' submitted data: Data is made available via the EEA's 'Air pollutant emissions data viewer'²³⁵. Short briefing notes (~5 pages) are also published²³⁶. These are not mandated by the legislation.</p> <p>Every four years a more substantive report will be produced by the EEA (against dates specified in the legislation). This will give an interpretation of the emissions data and report on how much progress is being made towards the final objective of the directive i.e. the 2030 ceilings.</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	<p>Primary focus: Pressure</p> <p>Secondary focus: State, Impact and Response</p>
C. Type of content	
C1. Type of information reported	Numerical and textual (expected)
C2. Thresholds/triggers for reporting	None
D. Timing of reporting	
D1. Frequency of reporting	Annual
D2. Last deadline for reporting	12/31/2015
D3. Next deadline for reporting	12/31/2016 (under 2001 Directive); 2017 reporting will be under the amending Directive.

²³⁵ <http://www.eea.europa.eu/data-and-maps/data/data-viewers/emissions-nec-directive-viewer>

²³⁶ E.g. <http://www.eea.europa.eu/themes/air/national-emission-ceilings/nec-directive-reporting-status-2015>

D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	11 June 2015
D7. Deadline of MS report on which the most recent Commission report is based on	12/31/2014
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	162 - The last Commission reporting requirement stated in the 2001 Directive was for 2012.
E. Format and process requirement	
E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	COM and Member States shall cooperate with organisations such as IMO, ICAO, and UNECE. Under the CLRTAP an identical reporting requirement exists as for the new amending directive, see: http://rod.eionet.europa.eu/obligations/357
E3. Format for reporting	Template
E4. Reference / Link to reporting template	EMEP/EEA Air Pollutant Emission Inventory Guidebook
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Yes: Article 7(3): The Commission, assisted by the EEA, shall in cooperation with the MS and on the basis of the information provided by them, establish inventories and projections. The inventories and projections shall be made publicly available.
H. Links to other reporting requirements	

H1 – H3. Links to reporting requirements in other legislation	H1: none H2: NA H3: Art. 7(2) and Annex III: de facto links to the reporting methodologies agreed under the Convention on Long-Range Transboundary Air Pollution
H4. Possible data overlaps with other reporting requirements	Exact match to the reporting under CLRTAP
H5. Potential informal links with other policy areas/legislation	NA
H6. Existing links with voluntary reporting	NA
Purpose and benefits of RO	
<p>This RO aims to give quantitative data on the progress and effectiveness of the directive, and enables verification of compliance with the national emission ceilings set in the Directive. Only by means of the reporting requirements, compliance with national emissions ceilings can be checked, and multi-annual trends and future scenarios (projections) can be monitored. The reporting does not only cover the total of national emissions of a certain pollutant, but also total emissions per industrial sector (transport, agriculture, industry, power sector).</p> <p>The EEA report gives a clear overview of the Member States which are compliant, or not, and for which pollutant(s) for the previous 5 yrs. The report also shows the progress of the EU as a whole in reducing polluting emissions.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS – 28 EEA – 1
Time required (T)	MS: <1 day (action only requires resubmission of information reported under CLRTAP) EEA: The EEA estimates that the annual workflow requires approx.. 170 days of work. This does not cover the four-yearly report.
Frequency of action (F)	MS: once per year EEA: 4-yearly reporting will be required under the amending Directive EEA: annual briefing reports are conducted as part of the public data provision requirements. The latest report available for 2013
Other costs types	EEA estimates additional costs of EUR 30,000 per annum. EEA additional costs for production of the four-yearly reported: estimate not available
SCM equation(s)	MS: $Q(28) \times T(<1\text{day} \times \text{tariff}) \times F(1/\text{year})$ EEA: $Q(1) \times T(170\text{days} \times \text{tariff}) + O(\text{€}30\text{k}) \times F(1/\text{year})$ EEA: $(Q(1) \times T(\text{unknown}) \times F(0.25/\text{year}))$
Existing estimates of costs	None available

Significance of admin burden	MS – Insignificant: only requires resubmission of data reported under CLRTAP. EEA – Low-Moderate
Current or recent trends affecting RO	<p>Repeal of the 2001 Directive will effectively remove all additional reporting requirements from the EC legislation for MS. Reporting requirements under the amending directive will be aligned with those of CLRTAP. The administrative burden of EU legislation reporting is therefore effectively removed for MS.</p> <p>EEA estimate that MS reporting under the 2001 Directive takes less than 40 days to send data to EEA, with an average estimate per MS of 20 days.</p> <p>SCM equation: MS: $Q(28) \times T(20\text{days} \times \text{tariff}) \times F(1/\text{year})$</p> <p>Same inventory numbers are reported twice, under the 2001 Directive and DG CLIMA reporting. A single system for industrial emissions and GHG would be good but international processes require otherwise.</p>

17 Council Directive 91/271/EEC concerning urban waste-water treatment

[Council Directive 91/271/EEC concerning urban waste-water treatment](#)

The UWWT Directive seeks to protect the environment from the negative effects of urban waste water discharges and discharges from certain industrial sectors. It regulates the collection, treatment and discharge of urban waste water from domestic waste water, from mixed waste water and from certain industrial sectors listed in Annex III (especially biodegradable industrial waste water from the agro-food sector).

MS are required to identify sensitive and less sensitive areas using the criteria in Annex II (Article 5 and 6), to organise the collection and treatment of urban waste water in agglomerations with a certain population size (Article 3) and a process of secondary more advanced treatment for waste discharged by larger agglomerations in sensitive areas (Article 4) through the development of sewage collecting systems.

- National requirements for the discharge of industrial waste water coming from certain industrial plants without going through an urban waste water treatment are to be controlled by nationally set requirements, which the EC was required to compare through a report (Article 16).
- Information on compliance of discharges of urban waste water treatment plants and amounts and composition of sludges disposed to surface waters with specific provisions of the Directive should be monitored and made available to the EC upon request (Article 15).

Relevant national authorities or bodies must publish a publically accessible situation report every 2 years on the disposal of urban waste water and sludge in their areas, and transmit it to the EC upon publication (Article 16). They must also establish a technical and financial programme for the implementation of the Directive, on agglomerations and non-compliant urban waste water treatment plants, economic aspects and other urban waste water issues to be considered. Any necessary update should then be transmitted to the EC every two years (Article 17).

RO 17.1: Information on monitoring results

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 15</p> <p>Under Article 15(4), MS are required to provide information to the EC on the compliance of discharges of urban waste water treatment plants and amounts and composition of sludge disposed to surface waters with specific provisions of the Directive, based on the monitoring which they are required to carry out under Article 15(1)-(3). They must provide the EC with this information within six months of a request.</p>
Reporting process and information required	<p>Article 15(4) requires MS to retain all information collected by CAs or other appropriate bodies under the obligations specified in Articles 15(1)-(3).</p> <p>This includes information on:</p> <ul style="list-style-type: none"> • Monitoring of discharges from urban waste water treatment plants; and their compliance with the requirements and control procedures of waters' content set out in Annex I.B (set values for concentration) and in accordance with sampling procedures in Annex I.D (4-24 samples a year depending on the size of the treatment plant) (Article 15(1)). • Monitoring of amounts and composition of sludge disposed of to surface waters (Article 15(1)). • Monitoring of waters subject to discharges from urban waste water treatment plants and direct discharges (as explained for Article 13 above), where it can be expected that the receiving environment will be significantly affected (Article 15(2)). • The results of the monitoring and any relevant study carried out by MS with regards to urban waste water discharges as described under Article 6 (from agglomerations of certain sizes discharging to coastal waters or estuaries), and on the disposal to surface waters; to verify these do not adversely affect the environment (Article 15(3)). <p>CAs must monitor under Article 15(1)-(2) and MS (other appropriate body) to monitor under 15(3).</p> <p>The information for the report however is to be collected and retained by the MS to be available within six months upon the Commission's request.</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	<p>Primary focus: Pressure</p> <p>Secondary focus: State and Impact</p>
C. Type of content	

C1. Type of information reported	Spatial
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 2yrs
D2. Last deadline for reporting	6/30/2014
D3. Next deadline for reporting	6/30/2016
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	3/1/2016
D6. Date of most recent Commission report	4 March 2016
D7. Deadline of MS report on which the most recent Commission report is based on	30 June 2014
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	613 Reference year of the last report 2011-2012
E. Format and process requirement	
E1. Reporting partner/service provider	EEA*
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Data input
E4. Reference / Link to reporting template	http://rod.eionet.europa.eu/obligations/613
E5. References / link to additional reporting guidance(s)	http://rod.eionet.europa.eu/obligations/613
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	

F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Under this directive no but has to be made available under the public access to environmental information directive
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	WFD : protected areas + pressure if reported, EPRTTR (UWWTPs of more than 150 000 p.e. (N and P emission compulsory under EPRTTR, optional under UWWTD)
H4. Possible data overlaps with other reporting requirements	No overlap as regards the WFD because the same GIS layers have to be reported under both directive. Possible overlaps for a few treatment plants as regards N and P emission
H5. Potential informal links with other policy areas/legislation	No overlap as regards the WFD because the same GIS layers have to be reported under both directive. Possible overlaps for a few treatment plants as regards N and P emission
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p><u>Purpose</u>: Verifying compliance of urban waste water treatment plants and agricultural practices with requirements and control procedures through a review of the information collected from the monitoring of the water before and after treatment. The RO informs compliance calculation under the UWWTD + identification of the sensitive areas + dissemination of geolocalised urban waste water information at EU level (see EEA dataviewer).</p> <p><u>Benefits</u>: The obligation to retain information and to report upon demand has the potential of encouraging more rigorous and regular monitoring both from CAs and MS.</p> <p>For the MS, the collected information should provide a good overview of the quality of the water and compliance of water waste treatment plants.</p> <p>For the EC it is a way of verifying compliance with the Directive across MS, with a possibility to review the legislation if needed or offering more support to the countries that need it.</p> <p>The RO has provided detailed information about agglomerations and sensitive areas and also allows assessment of compliance with the directive. This information is useful many different users (e.g. French UWW website has more than 500 visitors per day).</p> <p>It has also enabled the creation of an interactive map such as the map on the implementation of the Urban Waste Water Treatment Directive which provides a tool for an overarching appraisal of the progress of implementation, and of protection of waters.</p> <p>The EC report informs actions to enhance compliance among MS and provides many statistics about the directive. Content of datasets is very relevant for many different users.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS(28) + competent authorities and appropriate bodies in each MS.

Time required (T)	MS(28) – This RO requires Member States to keep records of all monitoring data and to make this available to the EC if requested. Monitoring is required in order to achieve compliance with the environmental limits set in the Directive, and is assumed not to be a requirement of the RO itself. Presentation of the information to the EC upon the request however is not a time consuming process and should be in principle feasible within 1-2 days. We assume that the process of keeping the relevant data and making it available on request could require extra time inputs averaging 0-20 days per MS per year.
Frequency of action (F)	MS(28) – Ad hoc (must be available upon request by the Commission within six months)
Other costs types	The Directive gives rise to costs of monitoring installation for regular tests at defined points of surface waters, water coming out of waste treatment plants (precise information and 4-24 samples a year), water coming from Annex III sectors without further treatment before it is discharged, and sludge amounts and composition. There are also costs of carrying out studies for waste water discharged from agglomerations of certain sizes discharging to coastal waters or estuaries or to surface waters. However, these costs are assumed to result from other obligations of the Directive rather than being a result of the RO.
SCM equation(s)	MS: $Q(28) \times T(20 \text{ days} \times \text{tariff}) \times F(1/\text{yr})$
Existing estimates of costs	None available
Significance of admin burden	The burden is likely to be small to moderate: if it is assumed that monitoring takes place as a result of other requirements of the Directive, the obligation to report information on request is only likely to give rise to a small burden..
Current or recent trends affecting RO	Member States and Commission have jointly developed technical specifications for such reporting within WISE (Water Reporting System for Europe), with national reporting coordinators and data reporters . Data should be reported online, using Reportnet and with the assistance of recently developed supportive documents .

RO 17.2: Situation report on the disposal of urban waste water and sludge in MS' areas

A-B: General info

A5. Obligation Source Type Legislative

A6. Obligation and legal base Article 16
 Under the Article 16 of the Directive, MS are required to publish situation reports on the disposal of urban waste water and sludge in their area on a two-yearly basis. The

	reports must be communicated to the EC as soon as they are published.
Reporting process and information required	<p>The MS must ensure that relevant authorities or bodies publish (a) situation report(s) every 2 years on the disposal of urban waste water and sludge in their areas. This is a RO imposing the collection of the necessary information.</p> <p>The guidelines found in the form of Recommendation on the format of the Article 16 - situation report from the Commission indicate that one report can cover the whole MS territory, or several reports can be published for different areas.</p> <p>The idea is for the report to be short and clear so that it is accessible to the public, with an encouragement to use graphic and cartographic representations of data.</p> <p>The report should contain:</p> <ul style="list-style-type: none"> • A <u>general description</u> in the format of a summary table and a cartographic representation, highlighting significant changes over the past two years. These should include the size of the main agglomerations in the area, the main surface waters, their classification (sensitive or less sensitive) and the main treatment plants. • The <u>situation of collection</u> – number and capacity of collecting systems, the loads and their composition presented in a table format. • The <u>treatment situation</u> described by the number of capacities of treatment stations in conformity with the directive, the total nominal load and the treatment it is subject to, the percentage of effectiveness on pollution parameters. • The <u>sludge situation</u> in comparison to two years previously. <p>The report can be sent to the EC, uploaded as a pdf of published on a website for which a link is sent to the EC.</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Pressure Secondary focus: State, Impact and Response
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 2yrs
D2. Last deadline for reporting	6/30/2014

D3. Next deadline for reporting	6/30/2016
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA National report No EU report requested. MS have only to give access to this report
E. Format and process requirement	
E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	
E3. Format for reporting	Other
E4. Reference / Link to reporting template	Format guidelines on reporting issued by COM
E5. References / link to additional reporting guidance(s)	
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Yes
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None

H4. Possible data overlaps with other reporting requirements	None
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p><u>Purpose:</u> To regularly make available to the public, information on waste water collection and treatment and its development in their country every two years.</p> <p><u>Benefits:</u></p> <p>Accessibility for the public to information on national measures and progress of urban waste water management</p> <p>For the EC, provides a short and explicit overview of the progress in each MS which could be used in a comparative approach to assess the progress of implementation and the achievement of the Directive's objectives at a European-wide scale.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS(28) plus the relevant authorities or bodies at MS level
Time required (T)	MS(28) – The report is assumed to take an average of 50 days per MS to compile.
Frequency of action (F)	MS(28) – Every 2 years
Other costs types	<p>Production of attractive report with design of cartography and other graphics.</p> <p>Cost of collecting this information initially, and to update it later (lower).</p>
SCM equation(s)	MS: $Q(28) \times T(50 \text{ days} \times \text{tariff}) \times F(0.5/\text{yr})$
Existing estimates of costs	None available
Significance of admin burden	The burden is assumed to be <i>moderate</i> burden - the information should be available from existing monitoring systems but will take some time for MS to collate and present.
Current or recent trends affecting RO	Member States can either upload their reports as word- or pdf- files and/ or provide the link to a web-site, where the Situation report is published.

RO 17.3: National implementation programmes

A-B: General info

A5. Obligation Source Type	Legislative
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A6. Obligation and legal base	Article 17 Article 17(3) requires MS to share updated information on the National Programmes they were required to prepare for the implementation of the Directive, including information on agglomerations and urban waste water treatment plants which have to become compliant, economic aspects and other urban waste water issues to be considered. Article 17(5) requires the EC to review and assess the information received, and to publish a report on a two-yearly basis.
Reporting process and information required	Under Article 17(1) of the Directive, MS were required to establish a programme for the implementation of the Directive to publish by 31 December 1993 and to communicate information on this programme to the EC by 30 June 1994. Under Article 17(3), they are required where necessary to provide the EC with updated information on the implementation programmes every two years, by the 30 June. Where necessary, this should contain updated information on: <ul style="list-style-type: none">• Name, address and other contact information of the contact person and institution for given country.• Agglomerations which are considered non-compliant.• Treatment plants which are considered non-compliant.• Annual cost of implementation.• Other urban waste water issues to be considered. This RO does not require new information to be collected. It should be derived from existing national and/or regional information systems within each Member State and the information and data needed to assess the compliance status for agglomerations and treatment plants under Article 15 reporting. Reporting on the national programmes should be carried out using the tables in the Annex from the Commission's Implementing Decision from 2014 ²³⁷ and more specifically the Excel templates provided by the Commission. Since 18/02/2016, data can even be uploaded directly into WISE via ReportNet. MS are asked to upload their tabular data as xml-files, additional documents and reports into a Central Data Repository (CDR). The reporters nominated in each MS have access rights to upload the report in WISE.
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: Pressure, State and Impact
C. Type of content	

²³⁷ Commission Implementing Decision 2014/431/EU of 26 June 2014 concerning formats for reporting on the national programmes for the implementation of Council Directive 91/271/EEC

C1. Type of information reported	Numerical
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 2yrs
D2. Last deadline for reporting	6/30/1994
D3. Next deadline for reporting	30/06/2016 All MS have to report national investment information; As regards detailed information about project it is optional depending from the level of compliance
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	3/1/2016
D6. Date of most recent Commission report	04 March 2016
D7. Deadline of MS report on which the most recent Commission report is based on	30 June 2014
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	613. A new decision was adopted in June 2016. Part of the reporting is under a common datamodel part of the reporting has to be provided under free text. The last reporting has been done in parallel of the Article 15 reporting but now the tables 1 to 4 of the implementing decision have been included in the datamodel. Table 5 will still have to be reported under test format
E. Format and process requirement	
E1. Reporting partner/service provider	EEA*
E2. Information provision requirement to international organisation	
E3. Format for reporting	Data input
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes

E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Data input
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	Data input
H4. Possible data overlaps with other reporting requirements	None
H5. Potential informal links with other policy areas/legislation	Growth and jobs objectives. The UWWTD is generated a lot of activities
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Purpose: The National Implementation Programme aims at providing information on the initial status and on the forecasts for implementation of the Directive along with the required deadlines according to the Directive itself and the Commission Implementing Decision 2014/431/EU concerning formats for reporting. The RO provides access to the national investment costs and detailed information to projects that are needed to comply with the directive. It is the only way to know the current cost of the directive, the future costs, the different projects at European level and access to national implementation programmes</p> <p>Benefits:</p> <p>The reporting of updated information on the implementation of the Directive should allow MS to be better aware of their progress in compliance with regards to the deadlines contained in the directive itself and in the Commission Implementing Decision. It could lead to a review of the implementing mechanisms nationally and in a reactive way.</p> <p>For the EC, both receiving the information and putting it together in a report form every two years should offer an overall view of the progress of implementation and of progress towards the objective of protecting waters from waste. This regular review should also allow changes to be proposed with regards to the methods of data collection and dissemination.</p> <p>The first time the Commission is able to provide a complete cost of the directive. This is the minimum to know when you have to manage a policy. As regards datasets their content is very relevant for lots of different users.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS(28) EC(1)

Time required (T)	MS(28) – No primary collection of information required but gathering from a variety of sources. Assumed to be 30 days per MS per two years. EC(1) – Estimated 60 person-days, possibly delegated to the consultants
Frequency of action (F)	MS(28) – Once initially; then every two years if necessary. EC(1) – Every two years
Other costs types	None expected
SCM equation(s)	Lack of input data
Existing estimates of costs	None available
Significance of admin burden	MS(28) – Moderate: when changes occur, reporting these to the EC. EC(1) – Significant: reviewing and preparing a report on the received information from various MS.
Current or recent trends affecting RO	Reporting on the national programmes should be carried out using the tables in the Annex from the Commission’s Implementing Decision from 2014 ²³⁸ and more specifically the Excel templates provided by the Commission. Since 18/02/2016, data can even be uploaded directly into WISE via ReportNet. MS are asked to upload their tabular data as xml-files, additional documents and reports into a Central Data Repository (CDR). The reporters nominated in each MS have access rights to upload the report in WISE.

18 Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural source

[Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural source](#)

The Nitrates Directive seeks to reduce ground and surface water pollution caused or induced by nitrates from agricultural sources and to prevent further such pollution. It does this by setting out requirements of monitoring and reporting for the prevention and reduction of pollution of waters; and by promoting good farming practices through the implementation of action programmes designed by MS to protect these waters.

The Directive forms part of the Water Framework Directive and was established as key instrument in the protection of waters against agricultural pressures.

According to the last report on the Implementation of the Nitrates Directive issued by the Commission, the Directive has contributed to the reduction of nitrate concentrations in surface and groundwater in the EU.

RO 18.1: Monitoring and Implementation report

A-B: General info

²³⁸ Commission Implementing Decision 2014/431/EU of 26 June 2014 concerning formats for reporting on the national programmes for the implementation of Council Directive 91/271/EEC

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 10</p> <p>Under Article 10 and following the criteria set out in Annex V of the Directive, MS are required to submit an updated report to the Commission which must map the waters which are polluted or at risk of pollution, and zones most vulnerable to pollution, summarise the results of monitoring and explain outline the actions taken (the elaborated codes of good agricultural practice or training and information and action programmes) taken by the MS to prevent and reduce pollution of waters by nitrates from agricultural source.</p>
Reporting process and information required	<p>MS are required under Article 10 to provide the Commission with a four-yearly report containing the information as listed under Annex V of the Directive – it must be submitted within six months of the end date of the period covered in the report.</p> <p>This involves for the MS:</p> <ul style="list-style-type: none">• (Annex V(1)) To provide a statement of the preventive actions taken pursuant to Article 4 (codes of good agricultural practices and action programmes)• (Annex V(2)) To provide a map: with (a) the waters as identified under the guidelines set out together by Article 3 and Annex I and explaining the criteria used for identification and (b) the location of Nitrate Vulnerable Zones (NVZs) (those that drain into waters identified under Article 3 and contribute to their pollution or risk of pollution), with emphasis on the ones added since the last report. Note: MS who establish and apply action programmes throughout their national territory in accordance to article 3.5 are exempt from this specific obligation.• (Annex V(3)) To provide a summary of results obtained from monitoring of nitrate concentration in fresh waters over a period of one year, pursuant to Article 6. MS must state the considerations that led to the designation of a zone or to any revision or addition since the last report.• (Annex V(4)) To provide a summary of the implementation of action programmes drawn up pursuant to Article 5 containing:<ul style="list-style-type: none">(a) the measures required by Article 5 (4) (a) and (b);(b) the information required by Annex III (4);(c) any additional measures or reinforced actions taken pursuant to Article 5 (5);(d) a summary of the results of the monitoring programmes implemented pursuant to Article 5 (6) ;(e) the assumptions made by the Member States about the likely timescale within which the waters identified in accordance with Article 3 (1) are expected to respond to the measure in the action programme , along with an

	<p>indication of the level of uncertainty incorporated in these assumptions.</p> <p>The data dictionary available on the EEA website refers to the data derived from existing national or regional monitoring networks and is designed to facilitate MS' collection and use in satisfying their RO. Data should be uploaded to the Central Data Repository.</p> <p>Under Article 11 but pursuant to the RO of MS under Article 10, the Commission must submit to the European Parliament and to the Council a summary report on implementation of the Directive within six months of receiving reports from the MS.</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: State Secondary focus: Pressure, Impact and Response
C. Type of content	
C1. Type of information reported	All types
C2. Thresholds/triggers for reporting	Change in EMAS register
D. Timing of reporting	
D1. Frequency of reporting	Every 4yrs
D2. Last deadline for reporting	Within 6 months of the end of period covered
D3. Next deadline for reporting	6/30/2016
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	6 Months after all MS have completed the reporting (early 2017)
D6. Date of most recent Commission report	4 October 2013
D7. Deadline of MS report on which the most recent Commission report is based on	10/1/2012
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	368 MS only completed the reporting in early 2013
E. Format and process requirement	

E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	No
E3. Format for reporting	template
E4. Reference / Link to reporting template	Template guideline
E5. References / link to additional reporting guidance(s)	Reporting guidelines agreed at the Nitrates Committee
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None Some of the reported information is useful also in relation to the implementation of other water legislation (e.g. Water Framework Directive)
H4. Possible data overlaps with other reporting requirements	Part of the data can be common to the WFD reporting, but this depends largely on the MS (whether they use the same network or they have established a different "agricultural" network for the purpose of the Nitrates Directive), or for data on eutrophication
H5. Potential informal links with other policy areas/legislation	Reported data are also relevant to other water policies, policies related to nutrients and common agricultural policy
H6. Existing links with voluntary reporting	Largely depends on the MS (some Member State report the same data under the "SoE")
Purpose and benefits of RO	
<p>Purpose: to monitor the overall implementation of the Directive, including data on water quality, fertiliser use, the implementation of good agricultural practices and of action programmes to prevent and control the pollution of waters by nitrates from an agricultural source</p> <p>Benefits:</p> <p>For the MS, to have compiled information on water quality data and trends and the overall implementation of the Directive.</p> <p>For the EC, MS reports and information allow an EU wide report on implementation of the Nitrates Directive to be carried out every four years. This enables the EC to consider the evolution of the Directive's impacts with regards to its objectives of</p>	

preventing and reducing pollution of water from nitrates in agriculture; and assess the effectiveness of its implementation in the EU and in single Member States.	
Analysis of costs	
Type and number of reporting entities (Q)	MS(28) EC(1)
Time required (T)	MS(28) – Difficult to assess. The time required is significant, because of the detailed nature of the data required. However, the data should be available to Member States from existing monitoring networks and arrangements for implementation of the Directive. It is estimated that each national report may take an average of 100 days to compile. This is an estimate of the compilation time only – it assumes that data is available as a result of other implementation obligations. EC(1) – approximately 200 days. This includes 150 person days of consultancy (required to analyse all the data received) and 50 person days of Commission staff time (including writing the report, discussion with Member States, etc.).
Frequency of action (F)	MS(28): Report to the Commission every four years EC(1): Summary report to be published every four years
Other costs types	Regular monitoring cost of measuring nitrate concentration, identifying and mapping vulnerable waters and zones, and monitoring the implementation of action programmes. It is assumed that these costs are incurred in order to implement the Directive and take appropriate action to address nitrate pollution, rather than being driven by reporting obligations. EC(1): Cost of collecting and summarising information
SCM equation(s)	Lack of input data
Existing estimates of costs	None available
Significance of admin burden	The burden is likely to be <i>moderate to large</i> as a large quantity of information needs to be gathered, both quantitative (nitrate concentrations) and qualitative (implementation of action programmes), and on a regular basis to satisfy the RO. The data required should be available to the competent authorities but a significant effort is needed to compile, analyse and report it.
Current or recent trends affecting RO	Guidelines and templates for reporting have been developed in collaboration with the Member States in the framework of the Nitrates Committee / Expert group. A data dictionary is also available on the EIONET website ., together with a Dataset specification for Evaluation of water quality under the Nitrates Directive to facilitate the use of the Data Dictionary - a central service which assists countries in storing technical specifications for information requested in reporting obligations.

RO 18.2: Vulnerable zones notification

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 3</p> <p>Under Article 3 of the Nitrates Directive, MS have an obligation to notify the Commission of any review, revision or addition to the zones which they designated as Nitrate Vulnerable Zones (NVZs) either in their initial notification upon the enactment of the Directive (1991) or in any subsequent report to the Commission.</p>
Reporting process and information required	<p>The RO consists of a requirement for MS to notify to the Commission on any review, revision or addition to the list of NVZs previously designated, which would have come to light in the process of a required review of the designated zones at least on a four-yearly basis, taking into account changes and factors unforeseen at the time of the previous designation.</p> <p>A primary designation of the areas which drain into the waters identified to be at risk of pollution under Article 3(1) will have been carried out in the two-year period following the initial notification of the Directive. The RO is then for MS to notify the Commission of any changes to this list.</p> <p><u>Note:</u> MS are exempt of the obligation to identify these zones, and thus to notify of any changes, if they establish action programmes as referred to in Article 5 across their national territory (rather than in specific areas).</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	<p>Primary focus: Response</p> <p>Secondary focus: State</p>
C. Type of content	
C1. Type of information reported	Geospatial
C2. Thresholds/triggers for reporting	Time/designation of the areas/ changes to the designation
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	Notification of the directive then on case by case basis with 6 months after changes have been introduced
D3. Next deadline for reporting	NA

D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	no
E5. References / link to additional reporting guidance(s)	NA
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	

H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: To monitor NVZs to which action programmes will apply, in order to reduce and prevent the pollution of water by nitrates from agriculture.	
Benefits:	
For MS – Having a registry of the designated areas which is necessary in the process of monitoring implementation and compliance with national laws implementing the Directive	
For EC – The notification on updated information required under provides the EC with a collection of information to use in the elaboration of its four-yearly report to the Council and European Parliament, and to oversee the implementation of the Directive.	
Analysis of costs	
Type and number of reporting entities (Q)	MS(28)
Time required (T)	MS(28) – This RO is closely linked to a four-yearly review of the list of designated NVZs and to change national law accordingly (most often through a new regulation, preceded by consultation). A considerable number of areas are considered upon each four-yearly revision so the process may be lengthy. However the notification itself should not take more than 1 person-day, provided that all data is available to the MS in due form and time.
Frequency of action (F)	MS(28) – Ad hoc (“as appropriate”), at least every four years
Other costs types	The cost of reviewing consists of the cost of analysing the information, of consulting the public (mainly farmers and national water agencies) and of passing and implementing new and updated national regulation.
SCM equation(s)	Lack of input data.
Existing estimates of costs	None available
Significance of admin burden	The burden, if disentangled from the obligation of conducting a thorough review on an at least 4-year basis, is likely to be <i>low</i> .
Current or recent trends affecting RO	A data dictionary is available on the EIONET website, together with a Dataset specification for Evaluation of water quality under the Nitrates Directive to facilitate the use of the Data Dictionary - a central service which assists countries in storing technical specifications for information requested in reporting obligations.

19 Regulation (EC) No 1221/2009 - EMAS

Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC

The EMAS regulation was adopted in 2009 with a view to promoting continuous improvements in the environmental performance of organisations. It established a voluntary eco-management and audit scheme 'EMAS' in support of environmental management systems in organisations including regular evaluation of their performance, provision of information on environmental performance, an open dialogue with the public and other interested parties and active involvement of employees and training.

EMAS contributes to the implementation of the **Sustainable Consumption and Production and Sustainable Industrial Policy Action Plan**, and is open to organisations from EU and beyond. In October 2015, almost 4,000 organisations and approximately 13,000 sites were registered to **EMAS**.

RO 19.1: Communication of changes to the EMAS register

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 12 - Communication of changes to the EMAS register Every month CAs should directly or via the national authorities communicate changes in the EMAS register to the Commission
Reporting process and information required	Competent authorities responsible for the registration of organisations in the EMAS register are required to report to the Commission. They may report to the Commission directly or via the national authorities. They are required to update the Commission about any changes to the EMAS register they are in charge of. This reporting obligation does not imply any reporting requirement on the Commission itself, but it contributes to the updates of the EU EMAS register.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: State
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Change in EMAS register
D. Timing of reporting	
D1. Frequency of reporting	Monthly

D2. Last deadline for reporting	31 December 2015
D3. Next deadline for reporting	31 January 2016
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	Other . EMAS Helpdesk facilitate reporting through the EU EMAS register.
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Other . Competent Bodies report by directly updating the EU Register based on the content of their national register
E4. Reference / Link to reporting template	Link to output interface of EMAS register : http://ec.europa.eu/environment/emas/registration/sites_en.htm CB's have access to a different interface where input is possible
E5. References / link to additional reporting guidance(s)	Not found
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	Yes
F2. Public information provision	yes

H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>The objective of this RO is to maintain a transparent register of EMAS registered organisation at EU level based on the consolidated data of national EMAS registers</p> <p>The benefits include a verification that the CA maintain national registers up to date, better availability and accessibility of data and a reward to the newly registered entities in form of place in the EU EMAS register. Reporting is important since it participate to one of the EMAS key attribute: transparency. The report provides a state of play but also an assessment of EMAS impact on the environment in the different MS. It could draw attention to potential issues to be solved.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	<p>EU-28 plus Norway</p> <p>BE 4, CZ:2, SK2. ES:20</p> <p>CA: 24 (1per 24 MS) + 4 (BE) + 2 (CZ) + 2 (SK) + 20 (ES) + 1 (NO) = 53 CA</p>
Time required (T)	Exact time is unknown; considering the nature of reported information, reporting should not take longer than 2 hours.
Frequency of action (F)	CA need to report on a monthly basis provided there have been changes to the EMAS register at national level.
Other costs types	NA
SCM equation(s)	MS CAs: $Q(53) \times T(1\text{hour} \times \text{tariff}) \times F(12 \text{ report/yr})$
Existing estimates of costs	None available
Significance of admin burden	The burden could be considered insignificant compared to the effort of establishment and maintenance of a national register. Regularity of reporting, potentially high when e.g. a lot of new entities are being registered every year, increases the administrative burden.
Current or recent trends affecting RO	Results of Fitness Check of the EMAS regulation were expected for 2015 (not found)

RO 19.2: Implementation report with the information on the structure and procedures relating to the functioning of the Competent Bodies and Accreditation and Licensing Bodies

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 41.1
Reporting process and information required	Member States shall inform the Commission of the structure and procedures relating to the functioning of the Competent Bodies and Accreditation and Licensing Bodies and shall update that information, where appropriate.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: State
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 2yrs
D2. Last deadline for reporting	In practice MS, FALB Chair and CB forum Chair have the opportunity to report on those aspects at every EMAS Committee (every six months).
D3. Next deadline for reporting	Next EMAS Committee: May 2016
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	Every five years, the Commission shall submit to the European Parliament and to the Council a report containing information on the actions and measures taken under this Chapter and information received from the Member States pursuant to Article 41
D6. Date of most recent Commission report	Same as above. Report due by Nov 2014 (every 5 years). In progress due to alignment with Fitness Check timing
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of	

days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	NA
E5. References / link to additional reporting guidance(s)	NA
E6. Electronic reporting required/facilitated	NA
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	Yes
F2. Public information provision	
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>The purpose is to Inform the Commission about the structure and procedures relating to the functioning of the Competent Bodies and Accreditation and Licensing Bodies. This was important when the CBs and ALBs were being established but the structure is rather stable today. It is important that the Commission is aware of any changes made. The Commission’s report provides a state of play but also an assessment of EMAS impact on the environment. It could draw attention to potential issues to be solved.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS (28)

Time required (T)	N/a
Frequency of action (F)	Ad hoc
Other costs types	N/a
SCM equation(s)	MS: $Q(28) \times T(\text{time} \times \text{tariff}) \times F(\text{ad hoc})$
Existing estimates of costs	N/a
Significance of admin burden	N/a
Current or recent trends affecting RO	N/a

RO 19.3: Member States shall report to the Commission updated information on the measures taken pursuant to this Regulation.

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 41.2
Reporting process and information required	Every two years, Member States shall report to the Commission updated information on the measures taken pursuant to this Regulation.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: State
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	EMAS Committee
D. Timing of reporting	
D1. Frequency of reporting	Every 2yrs
D2. Last deadline for reporting	In practice MS reports on those aspects at every EMAS Committee (every six months).
D3. Next deadline for reporting	Next EMAS Committee: May 2016
D4. MS information published in a Commission report	Yes

D5. Next deadline for Commission reporting based on the data	Every five years, the Commission shall submit to the European Parliament and to the Council a report containing information on the actions and measures taken under this Chapter and information received from the Member States pursuant to Article 41
D6. Date of most recent Commission report	Same as above. Report due by Nov 2014 (every 5 years). In progress due to alignment with Fitness Check timing
D7. Deadline of MS report on which the most recent Commission report is based on	2014
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	Based on regulation adoption date (Nov 2009) a report should have been issued in Nov 2014. This report has been delayed to be aligned with the timing of the Fitness Check currently in progress. Both should be finalized in Q2 2016
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Word document can be provided. The template focuses on collecting information about: number of EMAS registrations as well as Information, Promotion or Policy activities as requested to MS by articles 32 to 41
E5. References / link to additional reporting guidance(s)	
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	
H4. Possible data overlaps with other reporting requirements	

H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
The purpose is to inform the Commission about the State of Play of EMAS Registration as well as Information, Promotion or Policy activities as requested to MS by articles 32 to 41. This allows the Commission to verify if the EU register matches the number of EU registrations declared by MS, and to assess MS compliance with Regulation requirements about support measures.	
Analysis of costs	
Type and number of reporting entities (Q)	MS authorities (28)
Time required (T)	N/a
Frequency of action (F)	Every 2 years
Other costs types	N/a
SCM equation(s)	MS: $Q(28) \times T(\text{time} \times \text{tariff}) \times F(1 \text{ report} / 2 \text{ yrs})$
Existing estimates of costs	N/a
Significance of admin burden	N/a
Current or recent trends affecting RO	N/a

20 Council Directive 1999/31/EC on the landfill of waste

[Council Directive 1999/31/EC on the landfill of waste](#)

Overview: The EU recognises the landfilling of waste as the least preferred option for waste disposal. The overall aim of the directive is to prevent and reduce the negative impact of landfilling on the environment and human health as much as possible. This is mandated by stringent technical requirements on the acceptance of waste, the types of wastes permitted, and the permitting system for the landfill sites themselves. It is mandated that national strategies are adopted by MS for reducing waste, and that MS must report on the progress of implementing these strategies to the EC. Provisions for exemptions are included.

Four ROs are identified in the Task 1 RO Inventory.

RO 20.1: Report on implementation of Directive, in particular on National Strategies required by Art 5

A-B: General info	
A5. Obligation Source Type	Legislative

A6. Obligation and legal base	Article 15
	MS are required to adopt national strategies for waste management as per Article 5 (RO19.3). Article 15 obliges MS to report on the progress of implementation of this directive and with particular attention to national strategies.
Reporting process and information required	<p>At intervals of three years MS shall send to the Commission a report on the implementation of this Directive, paying particular attention to the national strategies to be set up in pursuance of Article 5. This is done via a questionnaire²³⁹ that does not require a particularly large amount of quantitative information.</p> <p>The report shall be sent to the Commission within nine months of the end of the three-year period covered by it.</p> <p>The Commission further publishes a Community report on the implementation of the directive within nine months of receiving the reports from the Member States.</p> <p>Although still in force, it must be noted that COM is considering repeal of this directive and replacing with new reporting obligations under Circular Economy package.</p> <p>It is assumed that all necessary information for this report is already available to MS, through their work in implementing the Directive, regardless of whether this RO exists. However, compilation of the relevant information will involve a significant time requirement.</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: Pressure
C. Type of content	
C1. Type of information reported	Text and Numerical
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 3yrs
D2. Last deadline for reporting	9/30/2013
D3. Next deadline for reporting	9/30/2016
D4. MS information published in a Commission report	Yes

²³⁹ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32000D0738&from=EN>

D5. Next deadline for Commission reporting based on the data	6/30/2017
D6. Date of most recent Commission report	1/17/2013
D7. Deadline of MS report on which the most recent Commission report is based on	9/30/2010
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	840
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	Landfill operators to report to the MS at least annually to demonstrate compliance with permit conditions
F2. Public information provision	No
H. Links to other reporting requirements	
H1 - H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	None
H5. Potential informal links with other policy areas/legislation	Possible links to the plans and programs covered under Chapter V of WFD

H6. Existing links with voluntary reporting	None
Purpose and benefits of RO	
<p>This RO aims to monitor the progress of implementing the Landfill Directive and ensure compliance. These reports may serve as the basis for cases of MS non-compliance to be brought by the EC.</p> <p>The Circular Economy package proposes to repeal this obligation. Three yearly Implementation reports by MS have not proved effective for verifying compliance and ensuring direct implementation and are generating unnecessary administrative burden. The quality and quantity of information varies from one MS to another</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS – 28 EC – 1
Time required (T)	MS: Need to handle a large amount of information. 60 days taken as a rough estimate. EC: Need to handle a large amount of information 90 days taken as a rough estimate.
Frequency of action (F)	MS: Submit a report once every 3 years EC: Publish reports on the implementation of this Directive - once every 3 years
Other costs types	Operators in various MS may need to invest in monitoring equipment for ensuring compliance of their operation. Additional costs may be necessitated with any testing that CAs may impose (Article 12(b)). However, we may count these toward the wider goals of the Directive, and not to do with this RO.
SCM equation(s)	MS: $Q(28) \times T(60 \text{ days} \times \text{tariff}) \times F(0.3\text{times/year})$ EC: $Q(1) \times T(90 \text{ days} \times \text{tariff}) \times F(0.3\text{times/year})$
Existing estimates of costs	Implementation reports prepared by Member States every three years have not proved to be an effective tool for verifying compliance and ensuring good implementation, and are generating unnecessary administrative burden. It is therefore appropriate to repeal provisions obliging Member States to produce such reports and for compliance monitoring purposes use exclusively the statistical data which Member States report every year to the Commission ²⁴⁰
Significance of admin burden	The significance is taken as moderate; both parties need to report on a large amount of information every three years.
Current or recent trends affecting RO	The provisions under this Directive are currently being addressed by the Circular Economy package which proposes to repeal this obligation.

RO 20.2: MS to notify Commission of exempted islands and isolated settlements

²⁴⁰ <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=COM:2015:594:FIN&from=EN>

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 3(4) Under Article 3(3 to 5) of the directive, MS have the ability to exempt certain landfill sites, serving islands or isolated settlements, from some obligations. This must be reported to the EC. The Commission must publish a list of exempt settlements.
Reporting process and information required	Regarding this RO, MS should already have all information available. MS may declare, at their own option which landfills qualify for exemption to this Directive and further notify the EC. The notification of the Commission shall be prepared no later than two years after the date laid down in Article 18(1). The RO concerns landfill sites for (a) non-hazardous or inert wastes with a total capacity not exceeding 15000 tonnes or with an annual intake not exceeding 1000 tonnes serving islands, where this is the only landfill on the island and where this is exclusively destined for the disposal of waste generated on that island. Once the total capacity of that landfill has been used, any new landfill site established on the island shall comply with the requirements of this Directive and (b) landfill sites for non-hazardous or inert waste in isolated settlements if the landfill site is destined for the disposal of waste generated only by that isolated settlement.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	text
C2. Thresholds/triggers for reporting	MS decision to exempt certain islands and/or isolated settlements
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	7/16/2003
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No

D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 - H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	None
H5. Potential informal links with other policy areas/legislation	None

H6. Existing links with voluntary reporting	None
Purpose and benefits of RO	
It is envisioned that it may be difficult for MS to have landfills in isolated areas adhere to some provisions of the directive, so they are given the option of exempting them, provided that the Commission is informed. The RO provides the basis for the Commission to publish a list of islands and isolated settlements	
Analysis of costs	
Type and number of reporting entities (Q)	MS (28)
Time required (T)	Given that all required information should be available, this should take no more than 1 day.
Frequency of action (F)	One-off
Other costs types	None identified
SCM equation(s)	$MS = Q(28) \times T(1\text{day} \times \text{tariff}) \times F(1)$
Existing estimates of costs	None identified
Significance of admin burden	Insignificant
Current or recent trends affecting RO	See RO 20.1

RO 20.3: MS to notify Commission of national plan to reduce biodegradable waste to landfill

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 5 obliges MS to establish a national strategy on the implementation of the directive's provisions for reduction of biodegradable waste going to landfill. MS must notify the Commission of this strategy.</p> <p>The Commission further has an obligation to draw a report on all national strategies from MS and report to the EU parliament and the Council.</p>
Reporting process and information required	<p>Article 5 lays out multiple targets and requirements that national strategies must include:</p> <ul style="list-style-type: none"> not later than five years after the date laid down in Article 18(1) (two years after the Directive enters into force), biodegradable municipal waste going to landfills must be reduced to 75 % of the total amount

	<p>(by weight) of biodegradable municipal waste produced in 1995;</p> <ul style="list-style-type: none"> • not later than eight years after the date laid down in Article 18(1), biodegradable municipal waste going to landfills must be reduced to 50 % of the total amount (by weight) of biodegradable municipal waste produced in 1995 • not later than 15 years after the date laid down in Article 18(1), biodegradable municipal waste going to landfills must be reduced to 35 % of the total amount (by weight) of biodegradable municipal waste produced in 1995 <p>In addition to these targets MS shall take specific measures in order that certain wastes are not accepted in a landfill.</p> <p>The strategy should be set up not later than two years after the date laid down in Article 18(1) and should include measures to achieve the targets set out in paragraph 2 by means of in particular, recycling, composting, biogas production or materials/energy recovery.</p> <p>It can reasonably be expected that some MS may require data collection for identifying the state of affairs to a standard that would allow for adequate examination of options for meeting the directive's objectives. Expert draw-in would also be needed.</p> <p>The Commission would need to bring together a very large volume of information in order to meet its reporting objective and shall report to the EU parliament and the Council within 30 months of the date laid down in Article 18(1).</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	7/16/2003
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No

D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 - H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	None
H5. Potential informal links with other policy areas/legislation	Possible links to the plans and programs covered under Chapter V of WFD

H6. Existing links with voluntary reporting	None
Purpose and benefits of RO	
This RO requires MS to compile plans for meeting the objectives and targets set out in the directive. The benefits of meeting these are to ensure lessened impact on human health and a high level of environmental protection. For EC, the benefit is to do with overseeing the implementation at the EU level, and potentially being able to litigate MS given that the latter fail to comply.	
Analysis of costs	
Type and number of reporting entities (Q)	MS – 28 EC – 1
Time required (T)	MS: Time required for complying with this RO can differ between MS and it is assumed that this was significant. Tentative time assumed between 50 and 100 days. Action has been completed so there is no ongoing reporting obligation. EC: Time required would be significant, as a large volume of information would need to be drawn together. 150 days is given as a rough estimate.
Frequency of action (F)	One-off for both parties, completed
Other costs types	Some costs may be incurred with data collection on the pre-strategy state of affairs.
SCM equation(s)	MS: $Q(28) \times T(50-100 \text{ days} \times \text{tariff}) \times F(1)$ EC: $Q(1) \times T(150 \text{ days} \times \text{tariff}) \times F(1)$
Existing estimates of costs	None identified.
Significance of admin burden	The administrative burden is significant for both parties. For MS, this is to do with the fact that the national strategy is the overall instrument for meeting the obligations of the Directive, with implications for non-compliance. The same stands for EC, but to do with implementation at the EU level.
Current or recent trends affecting RO	Perhaps some potentially upcoming revisions to the landfill directive (see same section for RO19.1) may have implications for provisions in the national strategies.

RO 20.4: MS seeking to postpone attainment of targets in Art 5 must inform Commission "in advance"

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 5 specifies that MS who put more than 80% of their collected municipal waste to landfill (using data for up to 1995), may postpone attainment of the targets of Article 5 by up to 4 years. The Commission must be informed fir this

	in advance. The Commission further must inform other MS and the EU parliament.
Reporting process and information required	<p>Member States which in 1995 or the latest year before 1995 for which standardised EUROSTAT data is available put more than 80 % of their collected municipal waste to landfill may postpone the attainment of the targets set out in paragraphs (a), (b), or (c) (see RO 19.3) by a period not exceeding four years. Member States intending to make use of this provision shall inform in advance the Commission of their decision.</p> <p>No additional information would be required. MS must simply inform the commission, and the Commission then inform other MS and the Parliament.</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	<p>Primary focus: Response</p> <p>Secondary focus: none</p>
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	MS decision to request postponement of attainment of targets
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	

E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	None
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
MS that are at risk to failing to comply due to the datedness of their waste management infrastructure and procedures, can opt to extend the ultimate period of their targets, in order to ensure that they comply.	
Analysis of costs	
Type and number of reporting entities (Q)	MS - 28 EC - 1
Time required (T)	MS – small, no more than 2 days EC – small, no more than 2 days
Frequency of action (F)	One-off for both parties. Completed.
Other costs types	None identified.

SCM equation(s)	MS: $Q(28) \times T(2\text{days} \times \text{tariff}) \times F(1)$ EC: $Q(28) \times T(2\text{days} \times \text{tariff}) \times F(1)$
Existing estimates of costs	None identified.
Significance of admin burden	Small, already completed.
Current or recent trends affecting RO	See RO 20.3

21 Directive 2006/21/EC on the management of waste from extractive industries and amending Directive 2004/35/EC

[Directive 2006/21/EC on the management of waste from extractive industries and amending Directive 2004/35/EC](#)

Overview: This directive introduces measures for the safe management of waste from extraction, treatment and storage of mineral resources and quarry operations, with the aim of minimising adverse effects on human and environmental health. The directive lays down a chain of obligation – operators of facilities monitor their operations and report to competent authorities. CAs relay information to Member States, who submit reports to the EU commission on the progress of implementation of the directive. The EC then itself must report on the progress of the directive at the EU level. Naturally, CAs have delegated responsibilities from MS to monitor and enforce compliance of operators. Responsibilities for the provision of publically available information are included.

3 ROs are identified in the Task 1 RO Inventory.

RO 20.1: MS implementation reports, including information on accidents or near-accidents

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 18(1) requires MS to submit to the EC reports on the implementation of this Directive. The Commission supplies a standardised questionnaire for this. The Commission subsequently publishes a report on the progress of the Directive
Reporting process and information required	<p>MS are required to report to the Commission the progress on the implementation of this Directive once every three years. The report shall be drawn up on the basis of a questionnaire²⁴¹ or outline that is provided by the Commission in accordance with a procedure to in Article 23(2).</p> <p>We can assume that all relevant information is available to MS, as Operators and CAs would need to report this to achieve compliance, regardless of this RO.</p> <p>The report shall be transmitted to the Commission within nine months of the end of the three-year period covered by it.</p>

²⁴¹ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32009D0358>

	In addition, the Commission shall publish a report on the implementation of this Directive within nine months of receiving the reports from the Member States.
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 3yrs
D2. Last deadline for reporting	2/1/2015
D3. Next deadline for reporting	2/1/2018
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	11/1/2018
D6. Date of most recent Commission report	12/10/2012
D7. Deadline of MS report on which the most recent Commission report is based on	313
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	no
E3. Format for reporting	Template

E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	Operators of facilities for extractive waste to report to the MS at least annually to demonstrate compliance with permit conditions
F2. Public information provision	MS to inform the public concerned about opportunity to participate in preparation/review of external emergency plans, and to ensure that information on safety measures and action required in the event of an accident is provided free of charge and routinely to the public concerned.
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	Seveso, IED, Inspire?
H4. Possible data overlaps with other reporting requirements	Seveso, IED, Inspire?
H5. Potential informal links with other policy areas/legislation	Seveso, IED, Inspire?
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: This RO aims to establish the progress on the implementation of this Directive at both a national and EU level and provide information.	
MS only report on enabling (i.e. legal and administrative) measures, not on real implementation. Information on accidents, however, is useful.	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: (28) EC: (1)
Time required (T)	MS – Would need to handle a large amount of information, plus the report is of high significance, as it establishes the progress in implementing the Directive. 60 days are given as a rough estimate. EC – The volume of information here is naturally larger than any individual MS. 120 days (including contractual procedures).
Frequency of action (F)	Every 3 years for both parties
Other costs types	None identified.

SCM equation(s)	MS: $Q(28) \times T(60\text{days} \times \text{tariff}) \times F(0.3\text{times/year})$ EC: $Q(1) \times T(120\text{days} \times \text{tariff}) \times F(0.3\text{times/year})$
Existing estimates of costs	None identified.
Significance of admin burden	Moderate to significant, as the reporting is based on a large volume of information and is of high significance, but the frequency of reporting is only once every 3 years.
Current or recent trends affecting RO	None identified.

RO 21.2: MS to transmit to Commission information on events notified by the operators of extractive waste facilities

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 18 (2) Member States shall transmit to the Commission information on events notified by the operators in accordance with Articles 11(3) and 12(6).
Reporting process and information required	<p>Under Article 18(2), MS are required to transmit to the Commission annually information on events notified by the operators in accordance with Articles 11(3) and 12(6).</p> <p>Under Article 11(3), operators are required to report to CAs on events likely to affect the stability of their waste facilities or any significant environmental effects revealed by control and monitoring procedures. The operator shall implement the internal emergency plan, where applicable, and follow any other instruction from the competent authority as to the corrective measures to be taken. The same article requires operators to report monitoring results to the competent authorities for the purposes of demonstrating compliance with permit conditions and increasing knowledge of waste and waste facility behaviour. However, this does not appear to be linked to the Art 18(2) reporting obligation, which covers events.</p> <p>Under Article 12(6), Operators must report to CAs, following closure of a waste facility, on any events or developments likely to affect the stability of the facility or any significant environmental effects revealed by control/monitoring procedures.</p> <p>All information should already be available to MS, given that it would need to be reported to do with compliance with other provisions in the Directive.</p> <p>According to the EC there is a very low level of response and transfer of information under this RO.</p>
A7. Inclusion in EIONET database	Yes

B1-B5. DPSIR Coverage	Primary focus: Impact Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Annual
D2. Last deadline for reporting	7/1/2015
D3. Next deadline for reporting	7/1/2016
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No

E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	Operators of facilities for extractive waste to notify, within 48 hours, competent authority of any events likely to affect stability of the waste facility and any significant adverse environmental effects revealed by control and monitoring procedures of the waste facility (Article 11.3). Operators also to notify competent authority of any events or developments likely to affect the stability of the waste facility, and any significant adverse environmental effects, following closure of a waste facility (Article 12.6).
F2. Public information provision	MS to make the information available to members of the public concerned on request
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
The RO provides information on implementation. EC can keep track of how well facility operators in each MS manage risks to do with the environment. RO would be more beneficial if properly complied with.	
Analysis of costs	
Type and number of reporting entities (Q)	MS – 28
Time required (T)	Given that all information should be available, but that it would need to be compiled, we estimate the time required to be 10 days.
Frequency of action (F)	Annual
Other costs types	None identified.
SCM equation(s)	MS: $Q(28) \times T(10\text{days} \times \text{tariff}) \times F(1\text{times/year})$
Existing estimates of costs	None identified.
Significance of admin burden	Small to medium, as though the information to be reported may not necessarily be large, it is of high significance, as it concerns potentially significant environmental impacts.

Current or recent trends affecting RO	<p>This Directive falls under the scope of INSPIRE²⁴², which aims to establish a standardised framework for reporting and exchange of geospatial information in the EU.</p> <p>Article 17 of the INSPIRE directive has MS to adopt measures for sharing of data, open to MS authorities, other MS, EU institutions and the public. Further Article 18 of INSPIRE has MS ensure appropriate structures/mechanisms are in place for coordinating, across different levels of government, contributions of all with an interest in spatial information. Both of these provisions are relevant for information exchange and provision under this RO. An integrated EU-wide system for spatial information may facilitate more rapid exchange of information, thus lessening the administrative burden. However, the mid-term assessment of INSPIRE²⁴³ states that a potential burden would be the increased technical know-how required for reporting entities, which may mean larger training costs and, at least initially, slower reporting.</p>
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RO 21.3: MS to notify Commission of exemptions under Article 24.4 (facilities that stopped accepting waste before 1 May 2006, were completing closure procedures, or would be effectively closed by 31 December 2010)

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 24(4)</p> <p>MS are required to notify the Commission of exemptions under Article 24.4 (facilities that stopped accepting waste before 1 May 2006, were completing closure procedures, or would be effectively closed by 31 December 2010).</p>
Reporting process and information required	<p>MS shall notify the Commission of exemptions under Article 24.4 (allowing for exemptions from certain provisions of the directive for facilities meeting certain criteria). Such cases must be reported to the Commission by 1 August 2008 and MS must ensure that these facilities are managed in a way that does not prejudice the achievement of the objectives of this Directive, and those of any other Community legislation, including Directive 2000/60/EC.</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	<p>Primary focus: Response</p> <p>Secondary focus: none</p>
C. Type of content	
C1. Type of information reported	Text

²⁴² http://inspire.ec.europa.eu/documents/Data_Specifications/INSPIRE_DataSpecification_MR_v3.0.pdf

²⁴³ <http://www.eea.europa.eu/publications/midterm-evaluation-report-on-inspire-implementation>

C2. Thresholds/triggers for reporting	MS decision to exempt certain waste facilities
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	8/1/2008
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No

F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Eases the burden on certain facilities which do not require as extensive regulating as the directive imposes.	
Analysis of costs	
Type and number of reporting entities (Q)	MS (28)
Time required (T)	Time required should be small, estimated at no more than 2 days
Frequency of action (F)	One-off, completed
Other costs types	None identified.
SCM equation(s)	$MS = Q(28) \times T(2\text{days} \times \text{tariff}) \times F(1)$
Existing estimates of costs	None identified.
Significance of admin burden	The administrative burden can me estimated to be insignificant.
Current or recent trends affecting RO	Perhaps if amendments are made to the directive, some may impact the types of facilities that can be exempt, so that new reporting may be needed, or some facilities will have burdens imposed. This however is just a supposition and is not based on any source.

22 Directive 94/63/EC of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations

Directive 94/63/EC of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations

Overview: Volatile organic compounds (VOC) are the cause of a range of environmental impacts such as local and transboundary air pollution, and formation of photochemical oxidants such as ozone, which in high concentrations can impair human

health and damage vegetation and materials. Furthermore, some of the VOC emissions from petrol are classified as toxic, carcinogenic or teratogenic.

This Directive lays down the rules for control of the emissions of VOC resulting from storage of petrol and its distribution. The Directive applies to the operations, installations, vehicles and vessels used for storage, loading and transport of petrol from one terminal to another or from a terminal to a service station.

Two ROs have been identified under the regulation in the RO Inventory.

RO 22.1: Report on implementation

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 9 states that reports on the implementation of this Directive shall be established according to the procedure laid down in Article 5 of Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment. In theory this required three year implementation reports by MS and the Commission. However, the mechanism for MS to report was never activated.
Reporting process and information required	The mechanism for MS to report to the Commission was not activated. However, the Commission has reported on implementation.
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Time lapsed
D. Timing of reporting	
D1. Frequency of reporting	3 years – in practice only the Commission has reported, not the MS
D2. Last deadline for reporting	31 December 2013
D3. Next deadline for reporting	31/12/2016
D4. MS information published in a Commission report	Yes (this refers to the consultant's report to the Commission).
D5. Next deadline for Commission reporting based on the data	<i>NA (an implementation report is soon to be published)</i>

D6. Date of most recent Commission report	24 April 2009
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	NA
E5. References / link to additional reporting guidance(s)	NA
E6. Electronic reporting required/facilitated	
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	Links to international obligations including Air Convention
H4. Possible data overlaps with other reporting requirements	NA
H5. Potential informal links with other policy areas/legislation	e.g. Air Quality
H6. Existing links with voluntary reporting	NA
Purpose and benefits of RO	

<p>Purpose: Provide information on the implementation of this Directive. Implementation reports also identify gaps and assistance needs, allowing for supporting actions preventing need for legal action. Furthermore, they provide for a review of overall progress in addressing the environmental issue at hand.</p> <p>Benefits: An updated track of the implementation of this Directive can be kept and reviewed by the Commission. Reports can be a base for further proposals for amendment of this Directive.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS have not been required to report in practice EC: 1 (once)
Time required (T)	MS CAs: N/a EC: Estimated time – 45 days.
Frequency of action (F)	Once every 3 years
Other costs types	None expected
SCM equation(s)	EC: $Q (1) \times T (45 \text{ days} \times \text{tariff}) \times F (0.3 \text{ report/yr})$
Existing estimates of costs	Not available
Significance of admin burden	Small – the MS reporting mechanism was not activated so reporting has taken place only at EU level
Current or recent trends affecting RO	NA

RO 22.2: Reporting on special measures

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Articles 3(1), 4(1), 4(2), 6(1), 6(3), 6(5)</p> <p>Member States shall inform the other Member States and the Commission of any existing measures or of any special measures which they contemplate taking and of their grounds for taking them as regards to:</p> <ul style="list-style-type: none"> • Storage installations at terminals (Article 3(1)) • Loading and unloading of mobile containers at terminals (Article 4(1)) • Loading into storage installations at service stations (Article 6(1)) <p>MS shall inform the EC of terminals concerned with derogations from:</p> <ul style="list-style-type: none"> • Article 4(1 & 3) with regard to the loading and unloading of mobile containers at terminals (Article 4(4)) • Article 6(1) with regard to the loading into storage installations at service stations (Article 6(3))

	<ul style="list-style-type: none"> Article 6(2) with regard to the timetable – only for the Netherlands (Article 6(5))
Reporting process and information required	<p>ROs a), b) and c) involve a notification of the measures planned and reasons for taking them.</p> <p>ROs d) and e) involve a simple notification from the competent authority to the EC.</p> <p>RO f) must include full information on the scope and deadline of the derogation.</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	<p>Primary focus: Response</p> <p>Secondary focus: none</p>
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	on demand
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	NA
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	

E2. Information provision requirement to international organisation	NA
E3. Format for reporting	
E4. Reference / Link to reporting template	NA
E5. References / link to additional reporting guidance(s)	NA
E6. Electronic reporting required/facilitated	
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	NA
H4. Possible data overlaps with other reporting requirements	NA
H5. Potential informal links with other policy areas/legislation	NA
H6. Existing links with voluntary reporting	NA
Purpose and benefits of RO	
<p>Purpose: Provide information on the implementation of this Directive, allows the Commission to verify the compatibility of these measures/derogations with the provisions of the Treaty and those of the different paragraphs.</p> <p>Benefits: An updated track of the implementation of this Directive can be kept and reviewed by the Commission. However, benefits have been limited as reporting has not taken place.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: 28 except RO f) which only involves one MS (1)
Time required (T)	Time required should be small (less than 2 days)
Frequency of action (F)	One-off
Other costs types	None expected

SCM equation(s)	For all ROs except f) : MS CAs = Q(28) x T(days x tariff) x F(1) For RO f) : MS CAs = Q(1) x T(days x tariff) x F(1)
Existing estimates of costs	None found.
Significance of administrative burden	The administrative burden is thought to be insignificant
Current or recent trends affecting RO	NA

23 Directive 2009/126/EC of the European Parliament and of the Council of 21 October 2009 on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations

Directive 2009/126/EC of the European Parliament and of the Council of 21 October 2009 on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations

Overview: This Directive lays down measures aimed at reducing the amount of petrol vapour emitted to the atmosphere during the refuelling of motor vehicles at service stations.

One RO has been identified under the regulation in the 1 RO Inventory.

RO 23.1: Information on penalties in place

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 6 Obligation: MS shall notify the Commission about the national provisions adopted pursuant to this Directive, penalties provided, as well as on any subsequent amendment affecting them.
Reporting process and information required	Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by 1 January 2012 and shall notify it without delay of any subsequent amendment affecting them.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	

C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	1 January 2012 and afterwards on demand
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	NA
E3. Format for reporting	
E4. Reference / Link to reporting template	NA
E5. References / link to additional reporting guidance(s)	NA
E6. Electronic reporting required/facilitated	
F. Relevance to 3rd parties and the public	

F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	NA
H4. Possible data overlaps with other reporting requirements	NA
H5. Potential informal links with other policy areas/legislation	NA
H6. Existing links with voluntary reporting	NA
Purpose and benefits of RO	
<p>Purpose: Provide information on the implementation of this Directive, with focus on the penalties provided by the national provisions until 1 January 2012 and the relevant subsequent amendments. Legal assessment of transposition into national law.</p> <p>Benefits: An updated track of the implementation and penalty measures can be kept and reviewed by the Commission.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: 28 CAs
Time required (T)	<p>MS CAs: As far as the deadline for the initial reporting (1 January 2012) has already passed, time for this reporting is not taken into account.</p> <p>Reporting on the subsequent amendments affecting those provisions may require different time allocation, depending on the number of amendments.</p> <p>The time required to report such cases is likely amount to no more than a few hours per amendment.</p>
Frequency of action (F)	Ad hoc. Because of the irregular character of the amendments, a specific frequency cannot be determined.
Other costs types	None expected
SCM equation(s)	MS CAs: $Q (28) \times T (? \text{ hours} \times \text{tariff}) \times F (\text{Ad-hoc})$
Existing estimates of costs	None available
Significance of admin burden	Likely to be insignificant (MS are only required to collect the relative amendments and send them to the Commission).
Current or recent trends affecting RO	None identified.

24 Directive 2012/18/EU Seveso III

Directive 2012/18/EU Seveso III

Overview: This Directive lays down rules for the prevention of major accidents which involve dangerous substances, and the limitation of their consequences for human health and the environment, with a view to ensuring a high level of protection throughout the Union in a consistent and effective manner.

This Directive shall apply to establishments as defined in Article 3 (1) ('establishment' means the whole location under the control of an operator where dangerous substances are present in one or more installations, including common or related infrastructures or activities; establishments are either lower-tier establishments or upper-tier establishments).

There are several exclusions (described in Article 2 (2)) for which this Directive shall not apply.

The directive lays down a chain of reporting from establishment operators, to competent authorities, to member states, and to the Commission and the public.

Four ROs have been identified under the regulation in the Task 1 RO Inventory.

RO 24.1: Notification and information on major accidents

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 18 Following major accidents, MS are obliged to report to the EC (Article 18).
Reporting process and information required	The criteria of reporting of 'major accidents' (Article 3(13)) are laid out in Annex VI. Given that such events have come to pass, To do with Article 18, MS must report to the Commission: <ul style="list-style-type: none"> • The MS, name and address of the responsible reporting authority • Date, time and place of the accident, full name of the operator and address of the establishment • Description of the accident's circumstances, including dangerous substances involved and immediate human and environmental health effects. • Description of the emergency measures taken and immediate precautions for preventing reoccurrence • Results from analysis of the accident and recommendations
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: State Secondary focus: Driver, Pressure, Impact and Response
C. Type of content	

C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	accident and time lapsed: as soon as practicable and at the latest within 1 year of the date of the accident
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	23/12/2014
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	JRC
E2. Information provision requirement to international organisation	Yes
E3. Format for reporting	Data input
E4. Reference / Link to reporting template	eMars (Online Major Accident Reporting System)
E5. References / link to additional reporting guidance(s)	Commission Decision 2009/10/EC
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	

F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Yes
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	Convention on the Transboundary Effects of Industrial Accidents - Article 23 and related decisions of the Conference of the Parties.
H4. Possible data overlaps with other reporting requirements	NA
H5. Potential informal links with other policy areas/legislation	e.g. E-PRTR
H6. Existing links with voluntary reporting	N/a
Purpose and benefits of RO	
<p>EC keeps track of any major accidents, as these may have transboundary effects and, by definition, would impact a large amount of people (even if they are not transboundary). Identification of lessons learnt, emerging risks and new legislation needs. The main objective is to analyse the accidents so that lessons can be learned which can be fed back to MS for further safety improvements. An analysis of accidents in Member States individually would not allow for meaningful analysis due to the limited number of accidents at national level.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS – Nominally 28, though it may not be that every single MS has an accident to report
Time required (T)	<p>There is a 1-year deadline for reporting by MS to the EC following a major accident. This will necessarily encompass all reporting by O to CAs and CAs to MS.</p> <p>MS – Given that the relevant information should be already provided, the time required would be to collate this and forward it to the Commission. This would be expected to take fewer than 5 days.</p>
Frequency of action (F)	This is an ad-hoc RO, so an exact frequency cannot be established. Given that that the aim of the Seveso directives is to reduce the chances of large industrial accidents, and that said accidents are by definition rare, the frequency of reporting is likely to be small.
Other costs types	None identified.
SCM equation(s)	$MS = Q(28) \times T(7\text{days} \times \text{tariff}) \times F(? \text{times/year})$

Existing estimates of costs	The EC has conducted a qualitative impact assessment for the Seveso II directive ²⁴⁴ , to do with proposed amendments that may have come under Seveso III. Some of the proposed changes in the impact assessment are qualitatively deemed to result in lessened administrative burden.
Significance of administrative burden	MS - The administrative burden for this particular RO is likely to be small.
Current or recent trends affecting RO	<p>Seveso III is a new directive so the EC is still monitoring the progress of its implementation. Member states may maintain or adopt stricter measures than those contained in the directive, so there may be potential trends at the MS level.</p> <p>Paragraph 20 of the directive explicitly mentions that information management should be in line with 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). Thus, any amendments to INSPIRE would reflect on this directive. The INSPIRE infrastructure and data management provisions should in theory lead to more efficient exchange of information between responsible parties (MS, CAs, EC, etc.). However, at least in the shorter-term, the increased technical know-how required for managing/reporting said data may lead to a somewhat increased burden, with benefits from INSPIRE being realised in the longer-term²⁴⁵.</p>

RO 24.2: Information on establishments

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 21</p> <p>MS must submit a 4-yearly report on the implementation of this directive.</p> <p>Establishments covered under the directive must inform MS and then the Commission on certain mandated information. The Commission shall set up and keep up to date a database containing the information supplied by the Member States. Access to the database shall be restricted to persons authorised by the Commission or the competent authorities of the Member States.</p>
Reporting process and information required	For the provision of information for the database, the relevant information includes (a) the name or trade name of the operator and the full address of the establishment concerned; and (b) the activity or activities of the establishment.

²⁴⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010SC1590&from=EN>

²⁴⁵ <http://www.eea.europa.eu/publications/midterm-evaluation-report-on-inspire-implementation>

	Regarding the 4-yearly report, MS must review all information gathered and report to the Commission. No additional information is required.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: State Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	On demand
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	JRC
E2. Information provision requirement to international organisation	Yes
E3. Format for reporting	Data input

E4. Reference / Link to reporting template	eSPIRS (Seveso Plants Information Retrieval System)
E5. References / link to additional reporting guidance(s)	Yes (Commission implementing decision of 10 December 2014)
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Yes
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	Convention on the Transboundary Effects of Industrial Accidents - Article 4 and 23 and related decisions of the Conference of the Parties.
H4. Possible data overlaps with other reporting requirements	NA
H5. Potential informal links with other policy areas/legislation	e.g. E-PRTR
H6. Existing links with voluntary reporting	N/a
Purpose and benefits of RO	
This RO seeks to keep an updated database of the establishments covered by this Directive, plus requires reports on the progress of the directive. Both contribute to establishing the effectiveness of Seveso III and informing on potential amendments.	
Analysis of costs	
Type and number of reporting entities (Q)	MS(28)
Time required (T)	MS _{info of establishments} – this information is likely to be readily available by MS . MS _{report} - MS must review all gathered information and report to EC. No additional gathering of information is required, so 7 working days for the review and report are deemed a reasonable time estimate. This is purposefully low, as we do not expect that a very large amount of information would need to be reported, as these are by definition rare.
Frequency of action (F)	MS _{info of establishments} – ad/hoc, as new operators establish themselves on the territory of a MS. MS _{report} – 0.25times/year
Other costs types	None identified

SCM equation(s)	$MS = Q(28) \times [[T_{\text{info of establishments}}(1 \times \text{tariff}) \times F_{\text{info of establishments}}(? \text{times/year})] + [T_{\text{report}}(7 \text{days} \times \text{tariff}) \times F_{\text{report}}(0.25 \text{times/year})]]$
Existing estimates of costs	See RO24.1
Significance of admin burden	MS – the burden is likely to be insignificant, owing to the low frequency of reporting and limited time involved.
Current or recent trends affecting RO	None identified.

RO 24.3: Information on the possibility of a major accident with transboundary effects or a reasoned decision to forgo the preparation of an external emergency plan

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 14</p> <p>Concerning this RO, the obligation exists with regard to trans-boundary pollution to do with major accidents, for MS to provide sufficient information to other potentially affected MS, so that the provision for emergency plans and land-use planning to do with Articles 12 and 13 can be adequately carried out, where applicable, by the potentially affected MS.</p> <p>If the MS concerned has decided that an establishment close to the territory of another MS is incapable of creating major accidents beyond its boundary (and thus under Article 12(8) the establishment is not required to have an external emergency plan as per Article 12(1)), the MS must inform the other MS on its reasoned decision.</p>
Reporting process and information required	<p>Under Article 12, MS must ensure that all 'upper-tier' establishments must have internal emergency plans in case of major accidents. The quantities of dangerous substances that must be present at establishments for them to be deemed 'upper-tier' are specified in Annex I.</p> <p>The provisions for land-use and emergency plans under Articles 13 and 12 respectively, concern planning that ensures avoidance of major accidents as specified by the directive. Thus, MS are required to report where necessary to other MS on (Article 13):</p> <ul style="list-style-type: none"> • The siting of new establishments • Modifications of establishments (Article 11) • New developments including transport routes, residential areas and locations of public use, where siting may be a source of or be at risk from major accidents.

	Provisions to do with appropriate siting to do with public and environmental health are also laid out. All information for this RO should already be available, MS would simply need to compile it and relay it to other relevant MS.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Impact Secondary focus: State and Response
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Period indicated in the legislation
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	NA
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	NA
E2. Information provision requirement to international organisation	NA

E3. Format for reporting	NA
E4. Reference / Link to reporting template	NA
E5. References / link to additional reporting guidance(s)	NA
E6. Electronic reporting required/facilitated	NA
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Yes
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	NA
H4. Possible data overlaps with other reporting requirements	NA
H5. Potential informal links with other policy areas/legislation	NA
H6. Existing links with voluntary reporting	NA
Purpose and benefits of RO	
Other MS are made aware of any potential trans-boundary pollution risks. Assessment of implementation and identification of needs for legislative action.	
Analysis of costs	
Type and number of reporting entities (Q)	MS – Nominally 28, but not all may need to report under this RO
Time required (T)	Only a very limited number of days are needed for compiling the relevant information, drafting and sending it to relevant MS.
Frequency of action (F)	No
Other costs types	None identified.
SCM equation(s)	$MS = Q(28) \times T(?h) \times 1$
Existing estimates of costs	See RO24.1

Significance of admin burden	Likely to be small
Current or recent trends affecting RO	None identified.

RO 24.4: Penalties under Seveso III

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 28 MS are required to provide information on penalties for infringement of Seveso III national provisions to the EC by 1 June 2015, and to provide information on subsequent amendments.
Reporting process and information required	Required information concerns MS provisions for penalties in cases of infringement of the national provisions implementing the Seveso III Directive, and any updates thereof.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Deadline
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	1 June 2015
D3. Next deadline for reporting	on demand
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA

D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	NA
E3. Format for reporting	
E4. Reference / Link to reporting template	NA
E5. References / link to additional reporting guidance(s)	NA
E6. Electronic reporting required/facilitated	
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	
F2. Public information provision	
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	NA
H4. Possible data overlaps with other reporting requirements	NA
H5. Potential informal links with other policy areas/legislation	NA
H6. Existing links with voluntary reporting	NA
Purpose and benefits of RO	
Comprehensive knowledge and record keeping, assessment of implementation	
Analysis of costs	

Type and number of reporting entities (Q)	MS CAs (28)
Time required (T)	MS CAs: Estimated 0.5 days to compile and provide the information to the EC.
Frequency of action (F)	Once, then ad-hoc if changes are made.
Other costs types	None found.
SCM equation(s)	MS: $Q(28) \times T(0.5 \text{ days} \times \text{tariff}) \times F(1)$
Existing estimates of costs	None identified.
Significance of admin burden	Likely insignificant.
Current or recent trends affecting RO	None identified.

25 Commission Recommendation of 22 January 2014 on minimum principles for the exploration and production of hydrocarbons (such as shale gas) using high-volume hydraulic fracturing (2014/70/EU)

[Commission Recommendation of 22 January 2014 on minimum principles for the exploration and production of hydrocarbons \(such as shale gas\) using high-volume hydraulic fracturing \(2014/70/EU\)](#)

Overview: The Union's environmental legislation was developed at a time when high-volume hydraulic fracturing was not used in Europe. Therefore, certain environmental aspects associated with the exploration and production of hydrocarbons involving this practice are not comprehensively addressed in current Union legislation, in particular on strategic planning, underground risk assessment, well integrity, baseline and operational monitoring, capturing methane emissions and disclosure of information on chemicals used on a well by well basis.

This Recommendation lays down the minimum principles needed to support Member States who wish to carry out exploration and production of hydrocarbons using high-volume hydraulic fracturing, while ensuring that the public health, climate and environment are safeguarded, resources are used efficiently, and the public is informed.

In applying or adapting their existing provisions implementing relevant Union legislation to the needs and specificities of exploration and production of hydrocarbons using high-volume hydraulic fracturing, Member States are encouraged to apply these principles, which concern planning, installation assessment, permits, operational and environmental performance and closure, and public participation and dissemination of information.

The Recommendation is a non-binding tool, hence there is no "obligation" to report; it is a voluntary exercise. One reporting item has been identified under the recommendation in the RO Inventory.

RO 25.1: Report on measures put in place in response to the Recommendation Note: reporting to the Commission which is then made publically available

A-B: General info	
A5. Obligation Source Type	Non-legislative
A6. Obligation and legal base	Non-legal base: point 16.1 of the Recommendation. MS to annually inform the Commissions about the measures they put in place in response to this Recommendation. There is no obligation to report – it is a voluntary exercise.
Reporting process and information required	Member States having chosen to explore or exploit hydrocarbons using high-volume hydraulic fracturing are invited to give effect to the minimum principles set out in this Recommendation by 28 July 2014 and to annually inform the Commission about the measures they put in place in response to this Recommendation, and for the first time, by December 2014.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: Driver, Pressure, State and Impact
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Annual
D2. Last deadline for reporting	2/29/2016
D3. Next deadline for reporting	2/28/2017
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	Commission to prepare a scoreboard on the basis of the replies.
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	2/29/2016

D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA Most MS reported in time
E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	EU survey (can be made available upon request to florence.limet@ec.europa.eu)
E5. References / link to additional reporting guidance(s)	Yes (guidance on how to fill the EU survey; can be made available upon request to florence.limet@ec.europa.eu)
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Results of reporting were and will be published
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	NA
H4. Possible data overlaps with other reporting requirements	None
H5. Potential informal links with other policy areas/legislation	None
H6. Existing links with voluntary reporting	NA
Purpose and benefits of RO	
EC can use this to establish which measures are effective and which are not, as well as to see which MS are taking larger steps for managing the environmental impacts and risks of shale gas extraction. 1st reporting will feed into the review of the effectiveness of the Recommendation. 1st and subsequent reporting will contribute to the monitoring of the Recommendation's application and publication of a scoreboard.	
Analysis of costs	

Type and number of reporting entities (Q)	MS: number of MS that have chosen to explore or exploit hydrocarbons using high-volume hydraulic fracturing
Time required (T)	The time taken will vary by Member State, depending on the extent of relevant practices as well as the administrative structure (e.g. MS with federal administrations such as Spain and Germany may take longer to report). Time requirements may vary annually - if detailed information is provided one year the reporting time may be less the next year. The time required is likely to be in the range 0-20 days per MS per year.
Frequency of action (F)	Annually
Other costs types	None expected
SCM equation(s)	MS: $Q(?) \times T (10 \text{ days} \times \text{tariff}) \times F (1 \text{ report/year})$
Existing estimates of costs	None identified.
Significance of admin burden	Moderate.
Current or recent trends affecting RO	N/a

26 Directive 86/278/EEC on the protection of the soil, when sewage sludge is used in agriculture.

[Council Directive 86/278/EEC on the protection of the soil, when sewage sludge is used in agriculture.](#)

The Directive regulates the use of sewage sludge in agriculture to prevent harmful effects on soil, vegetation, animals and man. Laying down limit values for concentrations of heavy metals in the soil, in sludge and for the maximum annual quantities of heavy metals which may be introduced into the soil, it encourages the correct use of such sewage sludge. The Member States must take the measures necessary to ensure that these limit values are not exceeded through the use of sludge.

Under the Directive, sludge producers, MS and the Commission are required to provide some sort of report – providing valuable and comparable monitoring information for CAs (competent authorities) and the Commission. This both ensures better awareness about the use of sludge in agriculture and enables national and European authorities where necessary to heighten the levels of protection for the soil and the environment.

RO 26.1: Report on the use of sludge in agriculture: the quantities used, the criteria followed and any difficulties encountered

A-B: General info

A5. Obligation Source Type	Legislative
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A6. Obligation and legal base	Article 17
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	<p>MS are required under Article 17 of the Directive to provide a report on the use of sludge in agriculture nationally every three years (according to the consolidated version of the Directive). This is done by responding to a questionnaire ('on the implementation of Sewage sludge directive') designed by the Commission – it covers the quantities used, the criteria and rules concerning the content and nature of the sludge, and the possible obstacles to implementation.</p>
Reporting process and information required	<p>The questionnaire for reporting is provided by 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, implementing the Standardised Reporting Directive 91/692/EEC).</p> <p>The questionnaire is sent to the MS at least six months before the start of the period covered by the report. It asks for a comprehensive overview of the legislative framework set up by MS to implement the Directive.</p> <p>Using a table format, MS are first required to report both on the legal framework and criteria which they established nationally (the conditions on use of sludge deemed necessary by the MS for the protection of human health and the environment, national limit values for the content of metals in sludge, the heavy-metal concentrations permitted in soils where they are less stringent according to special exemptions under the Directive).</p> <p>MS are then required to provide information on compliance, the main source of information being the database which is a RO in itself under Article 10. Article 10 requires Member States to keep up-to-date records on the quantities of sludge produced and the quantities supplied for use in agriculture; the composition and properties of the sludge; the type of treatment carried out; the names and addresses of the recipients of the sludge and the place where the sludge is to be used.</p> <p>Little new information needs to be collected: the main additional question asks for details on the technologies used to treat sludge.</p> <p>The Commission is required to publish a Community report on implementation of the Directive within nine months of receiving the reports from the Member States.</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	

D. Timing of reporting	
D1. Frequency of reporting	Every 3yrs
D2. Last deadline for reporting	9/30/2013
D3. Next deadline for reporting	9/30/2016
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	30 January 2012
D7. Deadline of MS report on which the most recent Commission report is based on	9/30/2010
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	487
E. Format and process requirement	
E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	Yes (Article 10)

F2. Public information provision	Yes
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	EU
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Purpose: to monitor standards of sewage sludge and agricultural soil across the EU and implementation and compliance of MS with the Directive</p> <p>Benefits: For the MS, mainly accessibility of compiled information. Potential use for further enforcement / monitoring compliance.</p> <p>For the EC, MS reporting of data required by Article 10 provides evidence on the quantities of sludge produced and used in agriculture, the composition and properties of the sludge and the type of treatment carried out. The RO helps to monitor implementation and compliance and compare practices between MS.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS(28) EC(1)
Time required (T)	<p>MS(28) – Mainly copying information which is already available / in own legislation or through data collection necessary for other purposes. Assumed to be 20 days per MS.</p> <p>EC(1) – Must collate information from 28 MS – assumed to be 40 days.</p>
Frequency of action (F)	<p>MS: Report to the Commission every 3 years</p> <p>EC to publish Community report every 3 years (9 months after receiving MS reports)</p>
Other costs types	None expected
SCM equation(s)	Input data (time and tariff) not known
Existing estimates of costs	<p>In practice according to the Commission this Directive appears to be regarded as a low priority and no implementation monitoring is done.</p> <p>In the ex post evaluation of the Directive it has been found out that “there are no specific provisions in the Directive that make cost-effective implementation more difficult, however certain Member States have set stricter sludge quality standards, which can increase costs related to</p>

	sewage sludge treatment” ²⁴⁶ . This may suggest that the cost relative to the RO are not excessive.
Significance of admin burden	In theory the burden on MS is likely to be considered <i>moderate</i> as it would be necessary for national authorities to compile the data which the sewage sludge producers have an obligation to collect under Article 10. However, the actual level of administrative burden is limited by low rates of compliance by the MS.
Current or recent trends affecting RO	The procedural aspects of the reporting obligation may be affected by the repeal of the Standardized Reporting Directive (91/692/EEC).

RO 26.2: Information on the methods of treatment and the results of the analyses

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Under Article 10, MS are required to keep up-to-date records of the quantities of sludge produced, the quantities used in agriculture, their composition and properties, as well as the methods of treatment and the names and addresses of recipients. These must be available to CAs and serve in producing reports every three years as is required of MS under Article 17. Information on the methods of treatment and the results of the analyses must also be available to CAs upon request.
Reporting process and information required	The MS is required to keep the up-to-date record of the quantities of sludge produced, the quantities used in agriculture, their composition and properties, as well as the methods of treatment and the names and addresses of recipients. This is a requirement to collect and collate information which individual sludge producers should already hold, but which the MS authorities are unlikely to have a record of. Sludge producers are required to comply with the parameters set out in Annex II A on sludge analysis. (This means the sludge must be analysed every 6 months or more often if results vary a lot and at least every 12 months; covering specific parameters such as pH or nitrogen and phosphorus content). The obligation of the MS effectively also imposes on the producers to regularly monitor and update their databases: the information collected serves to consolidate a report to the Commission under Article 17, but it is mainly an internal, national obligation to produce information upon request for CAs.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response

²⁴⁶ BIO (2014), [Ex-post evaluation of certain waste stream Directives](#), report for the EC, DG ENV

Secondary focus: Driver,	
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Upon MS request
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	no
E6. Electronic reporting required/facilitated	No

F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	No
H5. Potential informal links with other policy areas/legislation	No
H6. Existing links with voluntary reporting	No
Purpose and benefits of RO	
<p>Purpose: The purpose of the obligation under the RO is to ensure that up-to-date records of key information on sewage sludge use in agriculture are kept. It serves as an intermediary to the purpose of Art.17 of monitoring the standards of sewage sludge and agricultural soil by requiring this to be done in each MS - and in this way facilitating access to the information by the Commission when required (every three years).</p> <p>Benefits: The requirement to monitor and keep a database which must be made available to CAs upon request could prevent potentially detrimental practices.</p> <ul style="list-style-type: none"> • The use of a standard set of parameters facilitates monitoring of the quality of soil and the potential effects of using sewage sludge, within MS and across the EU. • It has the potential of simplify analysis, transnational and long-term comparison of results as well as ensuring that information in accessible to CAs upon request (which be much more difficult without this obligation). <p>The database reporting could also provide traceability and accountability in case excessive soil contamination is detected.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	Sludge producers – (number depending on country)
Time required (T)	Unknown, depending on a national system in place. In the ex post evaluation of the Directive is has been found out that "there are no specific provisions in the Directive that make cost-effective implementation more difficult, however certain Member States have set stricter sludge quality standards, which can increase costs related to sewage sludge treatment" ²⁴⁷ . This may suggest that the cost relative to the RO are not excessive.

²⁴⁷ BIO (2014), [Ex-post evaluation of certain waste stream Directives](#), report for the EC, DG ENV

Frequency of action (F)	Continuous
Other costs types	Cost of setting up and maintaining a register, potential costs laboratory tests to establish the composition and properties of the sludge
SCM equation(s)	Input data unknown
Existing estimates of costs	None available
Significance of admin burden	The burden of reporting is low considering that the MS do not have to report to the EC directly, but only keep the records available for the EC to consult. The burden, if considered separately from this particular RO, is likely to be quite <i>high</i> with a continuous obligation to analyse and keep records of the quantities, content and nature of their sludge under specific criteria, as well as the names and addresses of recipients. However, most of the MSs introduced measures that are more stringent than those prescribed in the Directive ²⁴⁸ .
Current or recent trends affecting RO	No changes figuring in legislation since 2010. This directive is not covered by the Circular Economy package.

27 EU waste legislation 2008/98/EC

[Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives](#)

Directive 2008/98/EC, also known as the Waste Framework Directive (WFD), sets the basic concepts and definitions related to waste management, such as definitions of waste, recycling, recovery. It explains when waste ceases to be waste and becomes a secondary raw material (so called end-of-waste criteria), and how to distinguish between waste and by-products. The Directive lays down some basic waste management principles in relation to health and the environment and introduces the "polluter pays principle" and the "extended producer responsibility". The WFD also incorporates provisions on hazardous waste and waste oils and includes two new recycling and recovery targets to be achieved by 2020: 50% preparing for re-use and recycling of certain waste materials from households and other origins similar to households, and 70% preparing for re-use, recycling and other recovery of construction and demolition waste. The Directive also requires that MS adopt waste management plans and waste prevention programmes.

RO 27.1: MS implementation reports, including information on waste oil management, reuse & recycling targets, progress on implementation of waste management & prevention programmes and changes to programmes, info on extended producer responsibility measures

A-B: General info

A5. Obligation Source Type	Legislative
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²⁴⁸ Commission staff working document accompanying Communication from the Commission to the Council and the European Parliament on Implementation of the Community Waste Legislation, [COM\(2009\)633 final](#).

<p>A6. Obligation and legal base</p>	<p>Article 27</p> <p>MS are required to produce and submit in an electronic form a tri-annual report to the Commission to inform the implementation of the Directive. This also includes information on the management of waste oil and on the progress achieved in the implementation of the waste prevention programmes and, as appropriate, information on measures as foreseen by Article 8 on extended producer responsibility.</p> <p>The Commission, in turn, publishes a report on the implementation of this Directive within nine months of receiving the sectoral reports from the Member States.</p>
<p>Reporting process and information required</p>	<p>The information needed to produce implementation reports is, to a certain extent, likely to be readily available by CAs as a result of the compliance checking process (i.e. permitting process, penalty system). In this context, WFD stipulates, for example, the obligation for CAs to undertake inspections (art 34) and draw up registers (art 36). Establishments, on their turn, are required to keep record of certain information (art 36) to be supplied to CAs as "documentary evidence that the management operations have been carried out".</p> <p>According to the Walloon Waste Office, the data needed to produce the tri-annual reports are usually already available as part of the environmental permitting procedure and their collection is, thus, not necessarily driven by Article 37. However, the RO usually requires the CAs to aggregate the data available, which generates a cost.</p> <p>Annual surveys are often organised in MS (e.g. Belgium) to complement available data. In those cases, the data collection process is often strongly intertwined with the reporting obligations of other environmental directives (e.g. LCP Directive, PRTR Directive, Waste Directive) or linked to other EU institutions (e.g. Eurostat).</p>
<p>A7. Inclusion in EIONET database</p>	<p>Yes</p>
<p>B1-B5. DPSIR Coverage</p>	<p>Primary focus: Response</p> <p>Secondary focus: Pressure</p>
<p>C. Type of content</p>	
<p>C1. Type of information reported</p>	<p>Text</p>
<p>C2. Thresholds/triggers for reporting</p>	
<p>D. Timing of reporting</p>	
<p>D1. Frequency of reporting</p>	<p>Every 3yrs</p>
<p>D2. Last deadline for reporting</p>	<p>9/30/2013</p>

D3. Next deadline for reporting	9/30/2016
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	6/30/2017
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	MS to ensure relevant stakeholders, authorities and general public have opportunity to participate in elaboration of waste management and waste prevention programmes, and have access to them once elaborated
H. Links to other reporting requirements	

H1 – H3. Links to reporting requirements in other legislation	Directive 94/62/EC and Directive 1999/31/EC
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: inform the implementation of the Directive.	
Benefits: accessibility of information, comparability between MS. In practice the usefulness of reporting has been limited and the CE package proposes to repeal this obligation	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: In countries where a decentralised regulatory system is in place (e.g. Germany, Belgium), the reporting process may involve multiple steps (regional reporting followed by centralisation of information and reporting to the EC). The RO requires devolved authorities (e.g. in charge of waste management) and companies to report to a central (regional/national) authority. According to the Walloon Waste Office, the stakeholders involved in that process could potentially represent thousands of actors. EC: 1
Time required (T)	MS CAs: 45 ²⁴⁹ (30 days to establish the report and 15 days of additional follow up) both for RO 26.1 and 26.2. The Walloon Waste Office estimated the annual time dedicated to aggregate the data on waste at around 5 days. The work is usually performed by an economist/engineer. EC: 40 ²⁵⁰ days on average (5 days to establish the report, 10 days to check the data reported by MS and ask additional questions, 20 days for the translation of the incoming 20 pages reports from the MS and the report produced by the EC and 5 days for the adoption procedure).
Frequency of action (F)	MS CAs: year x + 3 EC: year x + 3 (the EC produces a summary of the sectoral reports nine months after receiving the sectoral reports).
Other costs types	Creation/design of the data collection tool for the annual survey might involve the highest – one-off – costs. Time required for data collection is usually automated and as a consequence is quite limited.

²⁴⁹ EC, 2014. Op. Cit., p.14. Available at: http://eur-lex.europa.eu/resource.html?uri=cellar:0c4bbc1d-02ba-11e4-831f-01aa75ed71a1.0001.02/DOC_6&format=PDF

²⁵⁰ EC, 2014. Op. Cit., p.14.

SCM equation(s)	MS CAs: $Q('x') \times T(45 \text{ days} \times \text{tariff}) \times 0.33$ EC: $Q(1) \times T(40 \text{ days} \times \text{tariff}) \times 0.33$
Existing estimates of costs	<p>Despite significant efforts to streamline and simplify reporting obligations related to this Directive, the EC IA study²⁵¹ indicated that there is still room to improve and further streamline the obligation linked to the Waste Directives. In practice, these reports which are mainly qualitative have a very limited added value compared to the administrative burden they involve.</p> <p>A survey²⁵² conducted by the EEA²⁵³ across different MS aims to compare the costs of policy implementation with the cost on monitoring and reporting. The total administrative costs (AC) linked to monitoring and reporting of the Waste Statistics Directive (WSD)²⁵⁴ for the sample of nine countries was estimated at 8,271,000 €. It has been further indicated that these costs represent less than 5% of the costs of monitoring and reporting related to air, water and biodiversity investigated. This estimate should only be used as a matter of comparison and cannot be seen as representative estimate of the costs of monitoring and reporting of the WFD as such.</p>
Significance of admin burden	Significant seeing the time required to produce the report and the multiple stakeholders involved in the reporting process.
Current or recent trends affecting RO	<p>As part of the Circular Economy Strategy, the EC submitted a proposal for a Directive of the European Parliament and of the Council to amend Directive 2008/98/EC on waste²⁵⁵. This proposal includes, among others, a proposal to simplify and streamline the reporting obligations on waste, including repeal of this obligation.</p> <p>This COM report will be replaced by annual data reporting on requirements under the Directive (targets) and information on implementation on the ground will be collected in a targeted way in particular under compliance promotion initiative.</p>

²⁵¹ EC, 2014. Impact Assessment accompanying the document Directive of the EP and of the Council amending Directives 2008/98/EC on waste, 94/62/EC on packaging and packaging waste, 1999/31/EC on the landfill of waste, 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment. [online]. Available at: http://eur-lex.europa.eu/resource.html?uri=cellar:0c4bbc1d-02ba-11e4-831f-01aa75ed71a1.0001.02/DOC_4&format=PDF

²⁵² In August 2007, the EEA asked the NFP's to come forward with every kind of information on costs (for monitoring and reporting) that can be supplied with, including highly aggregated numbers.

²⁵³ EEA, 2008. On Costs for Monitoring and Reporting.

²⁵⁴ Although no reference to an official legislation has been provided, it was assumed that the WSD refers to Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics.

²⁵⁵ EC, 2015. Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste. Available at: http://eur-lex.europa.eu/resource.html?uri=cellar:c2b5929d-999e-11e5-b3b7-01aa75ed71a1.0018.02/DOC_1&format=PDF

RO 27.2: MS to report on targets in the Directive

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 11 & 37</p> <p>Every three years, in accordance with Article 37, Member States shall report to the Commission on their record with regard to meeting the targets. If targets are not met, this report shall include the reasons for failure and the actions the Member State intends to take to meet those targets. There is some overlap with RO 27.1.</p>
Reporting process and information required	<p>The information needed to produce implementation reports is, to a certain extent, likely to be readily available by CAs as a result of the compliance checking process (i.e. permitting process, penalty system). In this context, WFD stipulates, for example, the obligation for CAs to undertake inspections (art 34) and draw up registers (art 36). Establishments, in turn, are required to keep record of certain information (art 36) to be supplied to CAs as “documentary evidence that the management operations have been carried out”.</p> <p>According to the Walloon Waste Office, the data needed to produce the tri-annual reports are usually already available as part of the environmental permitting procedure and their collection is, thus, not necessarily driven by Article 37. However, the RO usually requires the CAs to aggregate the data available, which generates a cost.</p> <p>Annual surveys are often organised in MS (e.g. Belgium) to complement available data. In those cases, the data collection process is often strongly intertwined with the reporting obligations of other environmental directives (e.g. LCP Directive, PRTR Directive, Waste Directive) or linked to other EU institutions (e.g. Eurostat).</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	<p>Primary focus: Response</p> <p>Secondary focus: State</p>
C. Type of content	
C1. Type of information reported	Numerical
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 3yrs
D2. Last deadline for reporting	9/30/2013

D3. Next deadline for reporting	9/30/2016
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	6/30/2017
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	Eurostat
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Data input
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None

H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: inform the implementation of the Directive. Report on MS record with regard to meeting the targets and remedial action.	
Benefits: accessibility of information. Statistical data reported by MS are essential for the Commission to assess compliance with waste legislation.	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: In countries where a decentralised regulatory system is in place (e.g. Germany, Belgium), the reporting process may involve multiple steps (regional reporting followed by centralisation of information and reporting to the EC). The RO requires devolved authorities (e.g. in charge of waste management) and companies (e.g. large combustion plants, nuclear plants) to report to a central (regional/national) authority. According to the Walloon Waste Office, the stakeholders involved in that process could potentially represent thousands of actors. EC: 1
Time required (T)	MS CAs: 45 ²⁵⁶ (30 days to establish the report and 15 days of additional follow up) both for RO 26.1 and 26.2. The Walloon Waste Office estimated the annual time dedicated to aggregate the data on waste at around 5 days. The work is usually performed by an economist/engineer. On top of that, creation/design of the data collection tool for the annual survey might involve the highest – one-off – costs. Time required for data collection is usually automated and as a consequence is quite limited. EC: 40 ²⁵⁷ days on average (5 days to establish the report, 10 days to check the data reported by MS and ask additional questions, 20 days for the translation of the incoming 20 pages reports from the MS and the report produced by the EC and 5 days for the adoption procedure)
Frequency of action (F)	MS CAs: year x + 3 EC: year x + 3 (the EC produces a summary of the sectoral reports nine months after receiving the sectoral reports).
Other costs types	Creation/design of the data collection tool for the annual survey might involve the highest – one-off – costs. Time

²⁵⁶ EC, 2014. Op. Cit., p.14. Available at: http://eur-lex.europa.eu/resource.html?uri=cellar:0c4bbc1d-02ba-11e4-831f-01aa75ed71a1.0001.02/DOC_6&format=PDF

²⁵⁷ EC, 2014. Op. Cit., p.14.

	required for data collection is usually automated and as a consequence is quite limited.
SCM equation(s)	MS CAs: $Q('x') \times T(45 \text{ days} \times \text{tariff}) \times 0.33$ EC: $Q(1) \times T(40 \text{ days} \times \text{tariff}) \times 0.33$
Existing estimates of costs	<p>Despite significant efforts to streamline and simplify reporting obligations related to this Directive, the EC IA study²⁵⁸ indicated that there is still room to improve and further streamline the obligation linked to the Waste Directives. In practice, these reports which are mainly qualitative have a very limited added value compared to the administrative burden they involve.</p> <p>A survey²⁵⁹ conducted by the EEA²⁶⁰ across different MS aims to compare the costs of policy implementation with the cost on monitoring and reporting. The total administrative costs (AC) linked to monitoring and reporting of the Waste Statistics Directive (WSD)²⁶¹ for the sample of nine countries was estimated at 8,271,000 €. It has been further indicated that these costs represent less than 5% of the costs of monitoring and reporting related to air, water and biodiversity investigated. This estimate should only be used as a matter of comparison and cannot be seen as representative estimate of the costs of monitoring and reporting of the WFD as such.</p>
Significance of admin burden	Burden is considered jointly for RO26.1 and 26.2. This is likely to be moderate to significant seeing the time required to produce the report and the multiple stakeholders involved in the reporting process.
Current or recent trends affecting RO	<p>As part of the Circular Economy Strategy, the EC submitted a proposal for a Directive of the European Parliament and of the Council to amend Directive 2008/98/EC on waste²⁶². This proposal includes, among others, a proposal to simplify and streamline the reporting obligations on waste. The proposal includes the following amendments:</p> <p>Frequency: maintain article 37, but increase the frequency of reporting on article 11 from a tri-annual to an annual basis²⁶³, and to a biennial basis for data relative to article 9;</p> <p>Definition of municipal waste: Definition of municipal waste in Directive 2008/98/EC should be in line with the definition</p>

²⁵⁸ EC, 2014. Impact Assessment accompanying the document Directive of the EP and of the Council amending Directives 2008/98/EC on waste, 94/62/EC on packaging and packaging waste, 1999/31/EC on the landfill of waste, 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment. [online]. Available at: http://eur-lex.europa.eu/resource.html?uri=cellar:0c4bbc1d-02ba-11e4-831f-01aa75ed71a1.0001.02/DOC_4&format=PDF

²⁵⁹ In August 2007, the EEA asked the NFP's to come forward with every kind of information on costs (for monitoring and reporting) that can be supplied with, including highly aggregated numbers.

²⁶⁰ EEA, 2008. On Costs for Monitoring and Reporting.

²⁶¹ Although no reference to an official legislation has been provided, it was assumed that the WSD refers to Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics.

²⁶² EC, 2015. Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste. Available at: http://eur-lex.europa.eu/resource.html?uri=cellar:c2b5929d-999e-11e5-b3b7-01aa75ed71a1.0018.02/DOC_1&format=PDF

²⁶³ Idem, p.23.

	used for statistical purposes by the European Statistical Office and the Organisation for Economic Co-operation and Development; Targets: Report recycling rates on the basis of the output of sorting facilities and not input (as is currently the case).
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RO 27.3: MS to notify Commission "without delay" deviations from the list of waste

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 7 A MS shall notify the EC of any adaptation or potential change on the list of hazardous waste. In the light of notifications received, the list shall be reviewed in order to decide on its adaptation.
Reporting process and information required	The RO involves a simple notification backed by evidence describing the rules applying at national level and the reasons for change.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: Pressure
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	When a case is identified by the MS
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA

D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: inform the changes of application of the Directive.	

Benefits: accessibility of information. In practice the COM has not received any report under this RO.	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: 28
Time required (T)	Not known
Frequency of action (F)	Ad hoc
Other costs types	None expected
SCM equation(s)	MS CAs: $Q('x') \times T('x' \text{ hours} \times \text{tariff}) \times (\text{report/yr})$
Existing estimates of costs	None found.
Significance of admin burden	Likely to be insignificant considered ad-hoc reporting and no/few involvement of stakeholders in the process.
Current or recent trends affecting RO	None found.

RO 27.4: MS to inform Commission of general rules specifying types & quantities of waste that may be covered by a permit exemption as per Article 24, method of treatment to be used, and specific conditions for exemptions relating to hazardous waste

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 25 Member States shall inform the Commission of the general rules laid down enabling exemptions from permit requirements to be applied on certain types and quantities of waste inside their territory.
Reporting process and information required	No collection of information required. The RO involves a simple notification describing the rules applying at national level.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	MS decision to allow an exemption
D. Timing of reporting	

D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	

H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: To inform the COM about exemptions granted from permit requirements set out in Article 23 - No MS has ever informed the COM accordingly	
Benefits: accessibility of information.	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: 28
Time required (T)	Not known
Frequency of action (F)	Ad hoc
Other costs types	None expected
SCM equation(s)	MS CAs: $Q('x') \times T('x' \text{ hours} \times \text{tariff}) \times (\text{report/yr})$
Existing estimates of costs	None found.
Significance of admin burden	Likely to be insignificant considered ad-hoc reporting and no involvement of stakeholders in the process.
Current or recent trends affecting RO	None found.

RO 27.5: MS to notify Commission of case by case decisions on whether certain waste has ceased to be waste (in accordance with Directive 98/34/EC)

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 6 Notification to the EC of case by case decision whether certain waste has ceased to be waste in accordance with Art 3(1)
Reporting process and information required	The RO involves a simple notification describing the rules applying at national level. This notification shall be made in accordance with Directive 98/34/EC laying down a

	procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: Pressure
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	MS decision on whether certain waste has ceased to be waste
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None

E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	Directive 98/34/EC
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: To inform the COM about national end-of-waste criteria set up in cases where there are not criteria set up at EU level. This allows the COM to check if the national criteria are in conformity with EU requirements.	
Benefits: accessibility of information.	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: 28
Time required (T)	Not known
Frequency of action (F)	Ad hoc
Other costs types	None expected
SCM equation(s)	MS CAs: $Q('x') \times T('x') \text{ hours} \times \text{tariff}) \times (\text{report/yr})$
Existing estimates of costs	None found.
Significance of admin burden	Likely to be insignificant, as requires MS to compile a limited amount of existing information
Current or recent trends affecting RO	None found.

RO 27.6: MS to notify Commission of any decision to limit incoming shipments of waste destined to incinerators that are classified as recovery

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 16 By way of derogation from Regulation (EC) No 1013/2006, MS shall notify the EC of any decision to limit incoming shipments of waste destined to incinerators that are classified as recovery, where it has been established that such shipments would result in national waste having to be disposed of or waste having to be treated in a way that is not consistent with their waste management plans. Such decisions in relation to outgoing shipments limitation shall also be notified.
Reporting process and information required	The MS decision to limit incoming shipments should enable the Community to protect its network as a whole to become self-sufficient in waste disposal. The information needed to make the decision stems from the 'Notification package' which is sent to all relevant parties at various stages in the overall process. The CAs of the dispatch and destination MSs are one of these relevant parties - they are directly involved in the processes and receive copies of all documents being sent as part of these processes, either as the principal recipient or as a stakeholder. For this reason, the information to be reported are likely to be readily available by MS CAs.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: Pressure
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	MS decision to limit incoming shipment of waste
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No

D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	no
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	

H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: inform the changes of application of the Directive, monitor implementation. Benefits: accessibility of information.	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: the number of CAs per country is likely to vary according to the regulatory system in place (ex: Belgium has three regional competent authorities in charge of overseeing the permit delivery in the three regions)
Time required (T)	Not known
Frequency of action (F)	Ad hoc
Other costs types	None expected
SCM equation(s)	MS CAs: $Q('x') \times T('x' \text{ hours} \times \text{tariff}) \times (\text{report/yr})$
Existing estimates of costs	None found.
Significance of admin burden	Likely to be insignificant, as requires MS to compile a limited amount of existing information
Current or recent trends affecting RO	None found.

29 Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Eco-label and individual decisions establishing criteria for the 26 product groups

[Regulation \(EC\) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Eco-label + individual decisions establishing criteria for the 26 product groups](#)

Overview: The Regulation lays down rules for the establishment and application of the voluntary EU eco-label scheme to goods and services in the Community market. The aim is to contribute to reducing the negative impact of consumption and production on the environment, health, climate and natural resources by promoting those products with a higher level of environmental performance through award of the EU eco-label. It also aims to raise awareness, understanding and respect for the EU eco-label, bring about more eco-labelled products, and reduce administrative costs and burdens on business.

Any operator may apply to a competent body for award of the eco-label to any goods or services (except medicinal products and devices, and goods containing various toxic or hazardous substances). Each Member State must designate a competent body (or bodies) responsible for ensuring the verification process is carried out correctly. Operators' applications for use of the EU eco-label must state the product group and contain a full description of the product along with any additional information requested by the competent body. The competent body charges an application fee to the operator and assigns a registration number to a product once it has been verified as complying with the relevant eco-label criteria and assessment requirements. Annex IV of the Regulation includes a standard contract covering the terms of use of the label. An annual fee may be charged to the operator for use of the label. The form of the EU eco-label is shown in Annex II. The competent body is responsible for verifying

that the product remains compliant with the EU eco-label criteria and assessment requirements. In cases of non-compliance, use of the EU eco-label will be prohibited.

The European Union Eco-labelling Board (EUEB) contributes to the development and revision of EU eco-label criteria and to any review of the eco-label scheme, and provides advice and assistance to the Commission.

The Regulation sets out a series of general requirements for EU eco-label criteria. Criteria must be based on the environmental performance of products, and must set out the environmental requirements to be met in order for a product to bear the EU eco-label. After consulting the EUEB, the Commission, Member States, competent bodies or other stakeholders may initiate and lead the development or revision of EU eco-label criteria. The standard procedure for developing or revising criteria is laid out in Annex I of the Regulation. Once draft criteria have been developed for a product group, the Commission must adopt measures to establish specific EU eco-label criteria within nine months. These measures must be published in the Official Journal of the EU.

Four ROs have been identified under the Regulation in the RO Inventory.

RO 28.1: MS to notify Commission of provisions/rules on penalties applicable to infringements of the Regulation's provisions, and to notify Commission of any subsequent amendment affecting them

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 17 MS to notify Commission of provisions/rules on penalties applicable to infringements of the Regulation's provisions, and to notify Commission of any subsequent amendment affecting them.
Reporting process and information required	The MS must notify the Commission of the provisions/rules on penalties that they put in place in the case of infringements of the Regulation's provisions. This is initially a one-off RO, but the MS must also inform the Commission of any subsequent changes to the provisions/rules.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	MS adoption of provisions/rules on penalties, and any subsequent amendment of them
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA

D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None

H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Purpose: To provide the Commission with information on the provisions/rules regarding penalties for infringements of the Regulation in the MS. The objective is to make it clear to EU Ecolabel licence holders the consequences of infringing the conditions of their licences and to ensure that economic operators are aware of the consequences of the misuse of the label or the logo in products, services or in advertising activities.</p> <p>Benefits: The RO provides information on possible infringements to the provisions established by the EU Ecolabel Regulation foreseen by MS.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	<p>MS: 28</p> <p>EC: The Regulation does not specify what the Commission should do with the information submitted by the MS.</p>
Time required (T)	<p>This is an ad-hoc reporting requirement. The provisions/rules must be set in place to implement the Regulation, so the RO only really refers to the notification to the Commission. The time required should therefore be limited.</p> <p>MS: estimated 2 days</p> <p>EC: The Regulation does not specify any action by the Commission, so no time estimate is provided.</p>
Frequency of action (F)	<p>MS: initially one-off, ad-hoc thereafter when there are changes</p> <p>EC: The Regulation does not specify any action by the Commission.</p>
Other costs types	None identified
SCM equation(s)	<p>MS: $Q(28) \times T(2\text{days} \times \text{tariff}) \times F(1, \text{one-off, and an additional } 1 \text{ when changes made})$</p> <p>EC: The Regulation does not specify any action by the Commission, so equation is given</p>
Existing estimates of costs	No information found
Significance of admin burden	The burden is likely to be insignificant, since the RO simply requires the MS to notify the Commission of the provisions/rules – most of the time commitment will be in drawing up the actual provisions/rules, not during the reporting to the Commission.
Current or recent trends affecting RO	None identified

RO 28.2: Competent body awarding the EU Ecolabel to a product to notify the Commission thereof

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 9. Competent body awarding the EU Ecolabel to a product to notify the Commission thereof
Reporting process and information required	The competent body that awards the EU Ecolabel to a product must notify the Commission of the award. The Commission must establish a common register – which must be publicly available on a website dedicated to the EU Ecolabel – and update it regularly.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Decision of competent authority to award the EU Ecolabel to a product or a service
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	In Q2 2016, the Commission will submit to the European Parliament and to the Council a report on the implementation of the EU Ecolabel scheme, pursuant to Article 14. Information on the number of EU Ecolabel licenses and products/services will be included in the report.
D6. Date of most recent Commission report	Report due by 19 February 2015. In progress due to alignment with the Fitness Check timing.
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of	Based on the provisions of Article 14 of the EU Ecolabel Regulation, a report should have been issued by 19 February 2015. This report has been delayed to be aligned

days) (+ comment if applicable)	with the timing of the Fitness Check currently in progress. Both should be finalized in Q2 2016.
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Commission shall establish a common register and update it regularly. That register shall be publicly available on a website dedicated to the EU Ecolabel (https://webgate.ec.europa.eu/ecat_admin).
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Purpose: To keep the Commission informed of products that have been awarded the EU Ecolabel. The objective is to maintain a transparent and public register of EU Ecolabel licences, products and services at the EU level.</p> <p>Benefits: A regularly updated and publicly available common register of products that have been awarded the EU Ecolabel. This can help to promote the visibility and therefore the purchase of such products. It allows the Commission to assess the success of each set of EU Ecolabel criteria.</p>	
Analysis of costs	

Type and number of reporting entities (Q)	MS competent bodies: 28 EC: 1
Time required (T)	This is an ad-hoc RO, triggered when a product is awarded an EU Ecolabel. The time required should be relatively limited, since the RO only includes notification to the Commission of the award of the EU Ecolabel to a product (not the process of awarding the Ecolabel itself). MS competent bodies: 2 days
Frequency of action (F)	MS competent bodies: ad-hoc EC: ad-hoc
Other costs types	None identified
SCM equation(s)	MS competent bodies: $Q(28) \times T(2\text{days} \times \text{tariff}) \times F(1, \text{ad-hoc})$ EC: $Q(1) \times T(2\text{days} \times \text{tariff}) \times F(1, \text{ad-hoc})$
Existing estimates of costs	No information identified
Significance of admin burden	The burden is likely to be insignificant, since the RO simply requires the MS competent body to notify the Commission of the award of an EU Ecolabel. Most of the time commitment will be in the procedures behind the actual award of the label, not during the reporting to the Commission.
Current or recent trends affecting RO	None identified

RO 28.3: Competent body to inform all other competent bodies & Commission of prohibition of use of the EU Ecolabel on a product

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 10 Competent body to inform all other competent bodies and the Commission of prohibition of use of the EU Ecolabel on a product
Reporting process and information required	When a competent body finds that a product bearing the EU Ecolabel does not comply with the relevant product group criteria or that the EU Ecolabel is not being used in accordance with Article 9 of the Regulation, the competent body shall either prohibit use of the EU Ecolabel on the product or inform the competent body that awarded it. The competent body must inform all other competent bodies and the Commission of the prohibition without delay.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none

C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Decision of competent authority to prohibit use of EU Ecolabel on a product or a service
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	

F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Purpose: to keep MS competent bodies and the Commission updated with prohibitions to use the EU Ecolabel. The aim is to prevent non EU Ecolabel compliant products and services to use the EU Ecolabel logo.</p> <p>Benefits: up-to-date information on products that have been prohibited from using the EU Ecolabel. This can help to ensure that products cannot continue to claim EU Ecolabel status when it has been removed, so they are not able to gain benefits from false claims. It allows the Commission to keep an updated registration of EU Ecolabel licences and to prevent the misuse of the EU Ecolabel logo.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS competent bodies: 28 EC: 1
Time required (T)	<p>This is an ad-hoc RO, triggered when a competent body prohibits the use of an EU Ecolabel. The time required should be relatively limited, since the RO only includes notification to the other MS competent bodies and the Commission of the prohibition (and not the time/effort spent on carrying out the actual prohibition).</p> <p>MS competent bodies:</p> <p>Notifying competent body: 2 days</p> <p>Competent bodies receiving the notification: 1 hour each (to update records)</p> <p>EC: 1 day (to log information and update the public web-based register. NB this is estimated as less time than for the award of an Ecolabel because it requires the updating of existing records rather than the creation of new ones)</p>
Frequency of action (F)	MS competent bodies: ad-hoc EC: ad-hoc
Other costs types	None identified

SCM equation(s)	MS competent bodies: Notifying competent body: $Q(1) \times T(2\text{days} \times \text{tariff}) \times F(1, \text{ad-hoc})$ Competent bodies receiving the notification: $Q(27) \times T(1\text{hour} \times \text{tariff}) \times F(1, \text{ad-hoc})$ EC: $Q(1) \times T(1\text{day} \times \text{tariff}) \times F(1, \text{ad-hoc})$
Existing estimates of costs	None identified
Significance of admin burden	The admin burden should be relatively insignificant, since the RO only includes notification to the other MS competent bodies and the Commission of the prohibition (and not the time/effort spent on carrying out the actual prohibition).
Current or recent trends affecting RO	None identified

29 Regulation (EC) No 1013/2006 - Shipments of waste

[Regulation \(EC\) No 1013/2006 of the European Parliament and the Council on shipments of waste](#)

Overview: The Regulation establishes a system for the supervision and control of shipments of waste within EU borders and with the EFTA, OECD and third countries which are party to the Basel Convention. The Basel Convention is a global environmental treaty which regulates the transboundary movements of hazardous wastes and provides obligations to Parties to ensure that such wastes are managed and disposed of in an environmentally sound manner.

The Regulation requires MS to apply a system of prior authorization for the shipment of waste for disposal or for recovery. This includes a common, compulsory notification system and a standard consignment note for shipments of waste. MS are obliged to inspect, sample and monitor waste shipments.

The Regulation specifies two key processes for controlling waste shipments: the procedure of prior written notification and consent (Art.4) and the general information requirements (Art.18).

Documents associated with these processes comprise what is termed a 'Notification package' and are sent to all relevant parties at various stages in the overall process. The CAs of the dispatch and destination MSs are one of these relevant parties - they are directly involved in the processes and receive copies of all documents being sent as part of these processes, either as the principal recipient or as a stakeholder. This notification and tracking process and the provision of such information to CAs is not a RO, but can involve significant administrative costs. In a majority of MS all such communication between MS is carried out using post or fax, rather than electronic media.

Eight ROs have been identified under the regulation in the 1 RO Inventory.

RO 29.1: MS report to Basel Convention Secretariat & Commission on waste shipments

A-B: General info

A5. Obligation Source Type	Legislative
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A6. Obligation and legal base	Under Article 51(1), MS are required to electronically submit a copy to the EC of the annual report submitted to the Basel Convention Secretariat. In turn the Commission produces a report based on MS reports (re. RO 28.1 & 28.2) every three years, as required by Art 51(4).
Reporting process and information required	No additional information needs to be collected by MS – they simply copy the existing annual report under the Basel Convention. The Commission report is based on information contained within the MS reports.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Annual
D2. Last deadline for reporting	12/31/2015
D3. Next deadline for reporting	12/31/2016
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	12/17/2018
D6. Date of most recent Commission report	12/17/2015
D7. Deadline of MS report on which the most recent Commission report is based on	6/18/2014
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	547
E. Format and process requirement	
E1. Reporting partner/service provider	

E2. Information provision requirement to international organisation	Secretariat of the Basel Convention
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	International
H4. Possible data overlaps with other reporting requirements	Basel Convention
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Purpose: provide statistical information (e.g. on volumes of waste), provide information actions to reduce waste/improve disposal, information on key contacts and other agreements</p> <p>Benefits: Ensure the comparability of quantitative (statistical) and qualitative data on transboundary waste movement, measures adopted to tackle hazardous waste, etc. However, by the time the COM prepares its triannual report, the information is already outdated.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: 28 MS EC: 1
Time required (T)	MS CAs: Submit existing Basel Convention annual reports to the Commission – estimated at less than 1 hour per MS. EC: May be a number of days or weeks – assumed to be 10 days

Frequency of action (F)	MS CAs: Report to Commission annually EC: Produce a summary report once every three years
Other costs types	None expected
SCM equation(s)	MS CAs: $Q(28) \times T(1\text{hour} \times \text{tariff}) \times F(1\text{report/yr})$ EC: $Q(1) \times T(10\text{days} \times \text{tariff}) \times F(0.3\text{report/yr})$
Existing estimates of costs	None available
Significance of admin burden	Insignificant (MS are only required to copy an existing report to the EC)
Current or recent trends affecting RO	IT systems for the notification process have been identified as solutions for reducing the ABs of the notification process. This is also recognised as having benefits for the AB of the ROs - the IT systems can be set up to generate the required reports automatically. A DG Environment study (TRASYS S.A, 2014) to examine the feasibility of establishing an Electronic Data Interchange (EDI) for Waste Shipments to reduce the inefficiency and AB of the notification process that would be implemented by all MS reported in September 2014. Such a system, if implemented, would bring the above stated RO AB benefits to all MS.

RO 29.2: MS additional report to Commission on waste shipments

A-B: General info

A5. Obligation Source Type Legislative

A6. Obligation and legal base Article 51(2)

As required by Art 51(2), an 'additional' report is to be submitted electronically to the Commission annually. Information to be included is specified in Annex IX of the Regulation and is in addition to that required for the Basel Convention Report. This requires additional information to that of RO1, including on: prohibitions, objectives or exceptions and measures taken; individual objections, decisions and illegal shipments; number of checks of shipments and number of illegal shipments; provisions of any law with regards financial guarantee or equivalent insurance; MS' system for supervision and control of shipments of waste within their jurisdiction; customs offices. These link closely to Articles regarding the notification process to ensure compliant shipment of waste.

Art 51(4) requires the Commission to produce a report based on MS reports (re. RO 28.1 & 28.2) every three years (the Commission report is covered under RO 28.1).

Reporting process and information required The information required for the RO is held within the 'notification package' documents associated with the notification and tracking processes required. MS CAs receive

	<p>all such documents as part of compliance with these processes. To satisfy the RO, MS CAs must extract specific information from these notification packages to populate tables, as detailed in the regulation. No new information needs to be generated or compiled by MS CAs.</p> <p>The ease with which the information can be extracted for the RO will depend on the volume of shipments relevant to an MS (e.g. Germany (ZKS Central Waste agency) > 360 000 shipments/year; compared to Sweden > 60 000 shipments/year) and the quality of the document storage system employed (Currently, 7 MS have in place an information system supporting the notification and/or movement-related processes and another 7 MS have local databases in place. Yet 14 MS do not have any IT system in place. A majority of CAs typically use post for notification-related communication (97%) and fax to receive and exchange the movement-related documents (78%)).²⁶⁴</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Annual
D2. Last deadline for reporting	12/31/2015
D3. Next deadline for reporting	12/31/2016
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	12/17/2018
D6. Date of most recent Commission report	12/17/2015
D7. Deadline of MS report on which the most recent	6/18/2014

²⁶⁴ TRASYS S.A (2014). Feasibility Study for the establishment of an Electronic Data Interchange for Waste Shipments Project Charter [Pages 9-10]. DG Environment of the European Commission under Specific Contract N° 009633-070307/2013/654373/ETU/A2 implementing Framework Contract DI/06772-00

Commission report is based on	
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	547
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes - Annex IX of Directive
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Purpose: provide information on implementation and extent of compliance and enforcement of the notification/movement processes of the regulation.</p> <p>Benefits: ensure comparability of the information on measures taken by MS to prohibit waste, on supervision and control, etc. However, by the time the COM prepares its triannual report, the information is already outdated.</p>	

Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: 28 MS CAs report to Commission
Time required (T)	<p>MS CAs: Requires extraction of information from documents already received by the CAs – a few days to more than a week. Likely to be variable depending on volume of waste shipments and quality of document storage system.</p> <p>The preparation of the reports involves a rather long procedure. First, Eurostat gathers the information sent by Member States and works with an external contractor for the preparation of figures and tables. These are processed by the Commission (or another contractor) to assist in the preparation of the triannual COM report. Contractor costs are estimated at EUR 50,000.</p> <p>Estimating the time necessary by Member State authorities and Eurostat, would require contacts to be made with MS and Eurostat to enable a reasonable estimation of the time and costs involved. Waste shipment correspondents and competent authorities are listed at http://ec.europa.eu/environment/waste/shipments/links.htm</p>
Frequency of action (F)	MS CAs: Report to the Commission annually
Other costs types	Contractor costs are estimated at EUR 50,000.
SCM equation(s)	$MS\ CAs = Q(28MS) \times T(\text{'?hours} \times \text{tariff}) \times (1\text{report/yr})$
Existing estimates of costs	None available
Significance of admin burden	Moderate – reports are compiled by MS and are likely to involve existing data; the time taken will depend on the form of this data and effort required to compile it
Current or recent trends affecting RO	IT systems for the notification process have been identified as solutions for reducing the ABs of the notification process. This is also recognised as having benefits for the AB of the ROs - the IT systems can be set up to generate the required reports automatically. A DG Environment study (TRASYS S.A, 2014) to examine the feasibility of establishing an Electronic Data Interchange (EDI) for Waste Shipments to reduce the inefficiency and AB of the notification process that would be implemented by all MS reported in September 2014. Such a system, if implemented, would bring the above stated RO AB benefits to all MS

RO 29.3: MS to inform Commission of deviations from the export prohibition provision of Art 36

A-B: General info

A5. Obligation Source Type	Legislative
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A6. Obligation and legal base	Article 36(5)
	<p>MS shall notify cases of export of prohibited waste to the Commission before the end of each calendar year. The Commission shall forward the information to all MS and to the Secretariat of the Basel Convention (as required under Article 13(2b) of the Convention). On the basis of the information provided, the Commission may make comments and, where appropriate, adapt Annex V in accordance with Article 58.</p>
Reporting process and information required	<p>The information required for the RO is held within the 'notification package' documents associated with the notification and tracking processes required. MS CAs receive all such documents as part of compliance with these processes. To satisfy the RO, MS CAs must extract specific information from these notification packages regarding prohibited waste shipments. No new information needs to be generated or compiled by MS CAs.</p> <p>The Basel Convention requires similar information on shipment of prohibited waste, although the detail of information required is not specified. It is likely that in the absence of the RO, such information would still need to be collated by MS to satisfy the Article 13(2b) of the Basel Convention, although the scope of the detail necessary may feasibly be less – as it would not need to be used by the Commission to adapt the regulation.</p> <p>The EC is expected to make comment on cases reported by MS and to update Annex V (prohibited waste lists) of the regulation based on this information. This action is not considered to be part of the RO, but as a substantial action associated with enforcement of the legislation (i.e. MS application of Article 36) and maintaining the legislation (Annex V).</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	<p>Primary focus: Response</p> <p>Secondary focus: Pressure</p>
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Annual
D2. Last deadline for reporting	12/31/2015

D3. Next deadline for reporting	12/31/2015
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	The Commission shall forward the information to all Member States and to the Secretariat of the Basel Convention.
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None

H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: provide information on implementation, to inform updates to the legislation and confirm extent of compliance and enforcement. Ensuring proper enforcement of the ban amendment	
Benefits: Accessibility to national rules implementing the dispositions contained in the Directive.	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: 28 MS CAs report to Commission
Time required (T)	MS CAs: Requires extraction of information from documents already received by the CAs. Whilst no data could be found, it is assumed that the number of shipments relevant to this RO (i.e. involving shipment of prohibited waste) is just a fraction of the total – hence the required to 'notify the Commission of such cases', rather than to compile a more general report. The time required to report such cases is likely amount to no more than a few hours per case.
Frequency of action (F)	MS CAs: Notify the EC of such cases within one calendar year. Total number if unknown, but EEA comments that it is not a regular obligation and applies only in specific circumstances.
Other costs types	None expected
SCM equation(s)	$MS\ CAs = Q(28MS) \times T('hours \times tariff) \times ('notifications/yr)$
Existing estimates of costs	None available
Significance of admin burden	Likely to be insignificant, as requires MS to compile a limited amount of existing information
Current or recent trends affecting RO	See previous comments re IT systems.

RO 29.4: MS with overseas countries/territories to notify Commission if they apply national procedures to shipments from those overseas countries & territories

A-B: General info

A5. Obligation Source Type	Legislative
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A6. Obligation and legal base	Article 46: Overseas countries and territories and the MS to which they are linked shall notify the EC of the national procedures applied to shipments from the overseas country or territory to that MS.
Reporting process and information required	No collection of information required. Only the national procedures shall be described.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Application of national procedures by a MS to shipments from its overseas countries/territories
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No

E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: provide information on implementation, to inform updates to the legislation and confirm extent of compliance and enforcement. To ensure coherence of the national procedures with the Regulation	
Benefits: Accessibility to national rules implementing the dispositions contained in the Directive.	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: There are four MS with EU overseas countries and territories: Denmark, France, the Netherlands and the United Kingdom. The total number of OCTs is 25.
Time required (T)	MS CAs: may be a number of days – assumed to be in the order of 1 day per OCT.
Frequency of action (F)	Ad-hoc
Other costs types	None expected
SCM equation(s)	$MS\ CAs = Q(25) \times T(\text{'hours} \times \text{tariff}) \times (\text{'notifications/yr})$
Existing estimates of costs	None available

Significance of admin burden	Likely to be insignificant, as requires MS to compile a limited amount of existing information.
Current or recent trends affecting RO	See previous comments re IT systems.

RO 29.5: MS to notify Commission of national legislation relating to prevention & detection of illegal shipments & penalties for such shipments

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 50(1) Member States shall notify the EC of their national legislation relating to prevention and detection of illegal shipments and penalties for such shipments.
Reporting process and information required	No collection of information required. Only the national procedures shall be described.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Application of national procedures by a MS to shipments from its overseas countries/territories
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent	

Commission report is based on	
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: provide information on implementation, to inform updates to the legislation and confirm extent of compliance and enforcement. To ensure that such legislation exists and that penalties are effective, dissuasive and proportional.	
Benefits: Accessibility to national rules implementing the dispositions contained in the Directive.	

Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: 28
Time required (T)	MS CAs: may be a number of days – assumed to be less than five days.
Frequency of action (F)	One-off
Other costs types	None expected.
SCM equation(s)	MS CAs = Q(28MS) x T('hours x tariff) x ('notifications/yr)
Existing estimates of costs	None available
Significance of admin burden	Likely to be insignificant considered one-off reporting and no involvement of stakeholders in the process.
Current or recent trends affecting RO	See previous comments re IT systems.

RO 29.6: MS to notify Commission of designations & details of: competent authorities (Art 53); correspondents (Art 54); and where appropriate customs offices (Art 55)

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 56:</p> <p>MS shall notify the EC with specific information regarding CAs (pursuant to Article 53), correspondents (pursuant to Article 54) and, where appropriate, customs offices of entry into and exit from the Community (pursuant to Article 55).</p> <p>MS shall immediately notify the Commission of any changes in this information. They shall make this information available in an electronic as well as a paper version if so required.</p> <p>The EC shall publish on its web-site lists of the designated competent authorities, correspondents and customs offices of entry into and exit from the Community, and shall update these lists as appropriate.</p>
Reporting process and information required	The RO involves basic data collection. The information to be provided includes names, postal address(es), e-mail address(es), telephone number(s), fax number(s), and languages acceptable to the competent authorities.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	<p>Primary focus: Response</p> <p>Secondary focus: none</p>

C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Any change in any of the information
D. Timing of reporting	
D1. Frequency of reporting	Any change in any of the information
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	

F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Commission to maintain on its website updated lists of designated competent authorities, correspondents & customs office
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: To provide the relevant contact details in the Member States	
Benefits: Accessibility of details of CAs in charge of overseeing the dispositions contained in the Directive in their MS. Information is published on EUROPA and is used by the public	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: 28 EC: 1
Time required (T)	MS CAs: Basic data collection. May take a number of days – assumed to be less than five. EC: 1
Frequency of action (F)	Ad-hoc
Other costs types	None expected.
SCM equation(s)	$MS\ CAs = Q(28MS) \times T('hours \times tariff) \times ('notifications/yr)$
Existing estimates of costs	None available
Significance of admin burden	Likely to be insignificant considered irregular (ad-hoc) reporting and basic data needs.
Current or recent trends affecting RO	See previous comments re IT systems.

RO 29.7: MS to inform Commission of provisions of national law adopted pursuant to Art 6 on financial guarantee

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 6: MS shall inform the EC of provisions of national law adopted pursuant to the financial guarantee or equivalent insurance.
Reporting process and information required	No collection of information required. Only the national procedures shall be described.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	

E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: provide information on implementation on Article 6.	
Benefits: Accessibility to national rules implementing the dispositions contained in the Directive. MS prefer to use their own approaches as regards the calculation of the financial guarantee. A compilation document is published on EUROPA.	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: 28
Time required (T)	MS CAs: may be a number of days – assumed to be less than five days.

Frequency of action (F)	One-off
Other costs types	None expected.
SCM equation(s)	$MS\ CAs = Q(28MS) \times T(\text{'hours} \times \text{tariff}) \times (\text{'notifications/yr})$
Existing estimates of costs	None available
Significance of admin burden	Likely to be insignificant considering one-off reporting and no involvement of stakeholders in the process.
Current or recent trends affecting RO	See previous comments re IT systems.

RO 29.8: MS to inform Commission of their system for supervision & control of shipments of waste exclusively within their jurisdiction

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 33: MS shall inform the EC of their system for supervision and control of shipments of waste established within their jurisdiction. The Commission shall inform the other MS thereof.
Reporting process and information required	No collection of information required. Only the national procedures shall be described.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No

D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	The Commission shall inform the other MS of each MS's system
H. Links to other reporting requirements	
H1 - H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	

H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: To ensure coherence with the procedures for transboundary shipments within the EU.	
Benefits: Accessibility to national rules implementing the dispositions contained in the Directive.	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: 28 EC: 1
Time required (T)	MS CAs: may be a number of days – assumed to be less than five days. EC: may be a number of days – assumed to be less than five days.
Frequency of action (F)	One-off
Other costs types	None expected.
SCM equation(s)	$MS\ CAs = Q(28MS) \times T(\text{'hours} \times \text{tariff}) \times (\text{'notifications/yr})$
Existing estimates of costs	None available
Significance of admin burden	Likely to be insignificant considered one-off reporting and no involvement of stakeholders in the process.
Current or recent trends affecting RO	See previous comments re IT systems.

30 Directive 2006/66/EC of the European Parliament and of the Council - batteries and accumulators and waste batteries and accumulators

[Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators](#)

Overview: The main objective of the Directive 2006/66/EC is to minimize the negative impact of batteries and accumulators and waste batteries and accumulators on the environment, hence to contribute to the protection, preservation and improvement of the quality of the environment. It further aims at harmonizing the requirements concerning the heavy metal content and labelling of batteries and accumulators, thus ensuring the smooth functioning of the internal market and avoiding distortion of competition within the Community.

The Directive establishes the rules for prohibiting the placing on the market of certain batteries and accumulators containing mercury or cadmium and sets up specific rules for the collection, treatment, recycling and disposal of waste batteries and accumulators to supplement relevant Community legislation on waste and to promote a high level of collection and recycling of waste batteries and accumulators. The Directive further requires MS to lay down rules on penalties pursuant to the Directive and to adopt necessary measures to ensure their implementation.

To ensure that a high proportion of spent batteries and accumulators are recycled, Member States must take whatever measures are needed (including economic instruments) to promote and maximise separate waste collections and prevent batteries and accumulators being thrown away as unsorted municipal refuse.

Seven ROs have been identified under the regulation in the RO Inventory:

RO 30.1: MS implementation reports.

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 22 Under Article 22, MS are required to send to the Commission a report on the implementation of the Directive.
Reporting process and information required	<p>The reports by the MS shall be drawn up on the basis of a questionnaire or outline established in accordance with the procedure referred to in Article 24(2). The questionnaire or the outline shall be sent to MS six months in advance prior to the reporting due time.</p> <p>MS are also obliged to report any measures they undertake to encourage developments affecting the impact of batteries and accumulators on the environment. These include: developments (including voluntary steps taken by producers, reducing quantities of heavy metals and other hazardous substances contained in batteries and accumulators); new recycling and treatment techniques; economic operators' participation in environmental management schemes; research in those fields and measures taken to promote waste prevention. The report shall be made available to the Commission no later than nine months after the end of the three-year period concerned or, in the case of the first report, no later than 26 June 2013.</p> <p>Additionally, the Commission shall publish a report in accordance to Article 22(4) on the implementation of the Directive and on the impact of the Directive on the environment and on the functioning of the internal market, no later than nine months after receiving the reports from Member States.</p> <p>Commission Decision 2009/851/EEC established the questionnaire for Member States reports on the implementation of Directive. The questionnaire contains sections asking about transposition into national law, steps taken to improve environmental performance, collection schemes, collection targets, measures taken to encourage treatment and recycling and the levels achieved, disposal, exports, financing, inspections and enforcement.</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Response

Secondary focus: Pressure	
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 3yrs
D2. Last deadline for reporting	6/26/2013
D3. Next deadline for reporting	6/26/2016
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	3/26/2017
D6. Date of most recent Commission report	
D7. Deadline of MS report on which the most recent Commission report is based on	6/26/2013
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Decision 2008/763/EC and Regulation (EU) No 493/2012

E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Purpose: This RO aims to establish the progress on the implementation of this Directive at both a national and EU level and provide information.</p> <p>The reliability of the recorded data from the questionnaires might be weak in some countries.</p> <p>Benefits: Monitoring of the implementation of this Directive. This RO is proposed to be deleted under the CE Package, as the information provided is seen as not particularly crucial.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28 EC: 1
Time required (T)	MS: The time required to report on the implementation of this Directive can be estimated to 60 days per reporting period. EC: Time estimated to 120 days
Frequency of action (F)	MS: Report to the Commission once every three years EC: Report on the implementation of the Directive every three years
Other costs types	None expected
SCM equation(s)	MS = $Q(28) \times T(60\text{days} \times \text{tariff}) \times F(0.3\text{report/yr})$ EC = $Q(1) \times T(120\text{days} \times \text{tariff}) \times F(0.3\text{report/yr})$
Existing estimates of costs	In the frame of analysis of economic, social and environmental impacts of the policy options proposed, the Implementation cost (industry costs and MS administrative costs) have been evaluated by means of expert consultation

	(Portable battery industry representatives and industry associations) and literature review. The administrative burden is considered limited for all policy options and therefore it should not lead to compliance issues. The administrative costs for MS are evaluated to have insignificant impact ²⁶⁵ .
Significance of admin burden	Moderate (MS are required once every 3 years to compile information for drafting the report based on a questionnaire or outline).
Current or recent trends affecting RO	Proposals under the new Circular Economy Package will remove Article 22 and therefore repeal this RO.

RO 31.2: MS reports on compliance with batteries collection targets

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 10 The Directive sets a minimum collection target for MS for waste batteries and accumulators. MS are required to report the compliance with batteries collection targets.
Reporting process and information required	MS are obliged to monitor collection rates on a yearly basis according to the scheme set out in Annex I and to report to the Commission how the data to calculate the collection rate were obtained. MS are obliged to achieve the minimum collection rates: 25 % by 26 September 2012 and 45 % by 26 September 2016. Further, MS are obliged to transmit reports to the Commission on the monitored collection rates within six months of the end of the calendar year concerned. The reports have to indicate how the data necessary to calculate the collection was obtained.
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: Pressure
C. Type of content	
C1. Type of information reported	Numerical
C2. Thresholds/triggers for reporting	
D. Timing of reporting	

²⁶⁵ http://eur-lex.europa.eu/resource.html?uri=cellar:4ef22053-2443-4c5b-a4bf-a9e3e906cc71.0001.01/DOC_3&format=PDF

D1. Frequency of reporting	Annual
D2. Last deadline for reporting	6/30/2015
D3. Next deadline for reporting	6/30/2016
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	
D7. Deadline of MS report on which the most recent Commission report is based on	Na
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	

H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: provide statistical information on collection rates and on compliance with batteries collection targets.	
Benefits: Monitoring of collection rates	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: 28 MS to monitor the collection rates MS: 28 MS report to the Commission
Time required (T)	MS CAs: Time estimated to report on the collection rates – 30 days/year MS: Provision of available data to the Commission - estimated at a few days per MS. Assumed 3 days.
Frequency of action (F)	Annual
Other costs types	If transitional arrangements have been made to address difficulties that some of the MS might experience as a result of specific national circumstances.
SCM equation(s)	MS CAs: $Q(28x?) \times T(30days \times tariff) \times (1report/yr)$ MS: $Q(28) \times T(3days \times tariff) \times (1report/yr)$
Existing estimates of costs	See RO 30.1
Significance of admin burden	Likely moderate – data on collection rate are compiled by MS; the time taken will depend on the form of data collected and effort required to compile it and calculate the rate.
Current or recent trends affecting RO	See RO 30.1. RO 30.2 will be reviewed as the Directive is evaluated as part of the Circular Economy package.

RO 30.3: MS reports on compliance with batteries recycling targets

A-B: General info

A5. Obligation Source Type	Legislative
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A6. Obligation and legal base	Article 12(5)
	MS are obliged to report on compliance with batteries recycling targets and the levels of recycling achieved.
Reporting process and information required	<p>MS shall report on the levels of recycling achieved in each calendar year concerned and whether the efficiencies referred to in Annex III, Part B have been met.</p> <p>Recycling processes shall achieve the following minimum recycling efficiencies:</p> <p>(a) recycling of 65 % by average weight of lead-acid batteries and accumulators, including recycling of the lead content to the highest degree that is technically feasible while avoiding excessive costs;</p> <p>(b) recycling of 75 % by average weight of nickel-cadmium batteries and accumulators, including recycling of the cadmium content to the highest degree that is technically feasible while avoiding excessive costs; and</p> <p>(c) recycling of 50 % by average weight of other waste batteries and accumulators.</p> <p>MS shall submit the information to the Commission within six months of the end of the calendar year concerned.</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	<p>Primary focus: Response</p> <p>Secondary focus: Pressure</p>
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Annual
D2. Last deadline for reporting	6/30/2015
D3. Next deadline for reporting	6/30/2015
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	

D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: provide statistical information on recycling rates and on compliance with the set recycling targets.	

Benefits: To achieve compliance with recycling targets.	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: 28 MS: 28
Time required (T)	MS CAs: Time estimated to monitor the implementation of recycling targets – 30 days/year MS: Provision of available data to the Commission - estimated at a few days per MS. Assumed 3 days.
Frequency of action (F)	Annual
Other costs types	None expected
SCM equation(s)	MS CAs: $Q(28 \times ?) \times T(30 \text{ days} \times \text{tariff}) \times (1 \text{ report/yr})$ MS: $Q(28) \times T(3 \text{ days} \times \text{tariff}) \times (1 \text{ report/yr})$
Existing estimates of costs	See RO 30.1
Significance of admin burden	Likely insignificant to moderate – data on recycling rate are compiled by MS; the time taken will depend on the form of data collected and effort required to compile it and calculate the rate.
Current or recent trends affecting RO	See RO 30.1 The Commission comments that this RO is extremely difficult to implement, and that the resulting reports may be unreliable. RO 29.2 will be reviewed as the Directive is evaluated as part of the Circular Economy package.

RO 30.4: MS to transmit to Commission voluntary agreements related to Arts 8, 15 & 20, and to report to the Commission on their results

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 27 MS may transpose the provisions set out in Articles 8, 15 and 20 by means of agreements between the competent authorities and economic operators concerned. The results achieved must be monitored regularly, and reported to the competent authorities and the Commission, and made available to the public under the conditions set out in the agreement.
Reporting process and information required	These agreements shall meet the following requirements: (a) they shall be enforceable;

	<p>(b) they must specify objectives with the corresponding deadlines;</p> <p>(c) they must be published in the national official journal or an official document equally accessible to the public and transmitted to the Commission.</p> <p>The competent authorities shall ensure that the progress made under such agreements is examined.</p> <p>In cases of non-compliance with the agreements, Member States shall implement the relevant provisions of this Directive by legislative, regulatory or administrative measures.</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Adoption of voluntary agreement; periodic monitoring of the results of a voluntary agreement
D. Timing of reporting	
D1. Frequency of reporting	Adoption of voluntary agreement; periodic monitoring of the results of a voluntary agreement
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	

E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Voluntary agreements, and results achieved by voluntary agreements, must be made available to the public
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: Adoption of voluntary agreements; periodic monitoring of the results of a voluntary agreement.	
Benefits: Increased awareness and information as well as potential positive effects on the environment and human health.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28
Time required (T)	Time for MS to report whether they transpose provisions under Art. 8, 15 & 20 can be estimated at 1 day as MS only need to forward relevant information to the Commission. Time for MS to report on the results of the agreements can be estimated at 10 days.

Frequency of action (F)	Ad-hoc
Other costs types	Monitoring costs for implementation of the agreements.
SCM equation(s)	MS: $Q(28) \times T(1\text{day} \times \text{tariff}) \times F(\text{Ad-hoc})$ MS: $Q(28) \times T(10\text{days} \times \text{tariff}) \times F(\text{Ad-hoc})$
Existing estimates of costs	See RO 30.1
Significance of admin burden	Likely to be small to moderate (MS to adopt voluntary agreements, to monitor the results, compile a report to the Commission and publish them for the wider audience)
Current or recent trends affecting RO	See RO 30.1

RO 30.5: MS to notify Commission of measures related to the implementation of any economic instruments to promote the collection of waste batteries/ accumulators or to promote the use of batteries/ accumulators containing less polluting substances

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 9 MS shall notify the measures related to the implementation of the economic instruments to the Commission
Reporting process and information required	MS may use economic instruments to promote the collection of waste batteries and accumulators or to promote the use of batteries and accumulators containing less polluting substances, for instance by adopting differential tax rates. If they do so, they shall notify the measures related to the implementation of those instruments to the Commission.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Adoption by a MS of an economic instrument
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA

D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None

H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Purpose: Decision of MS to adopt an economic instrument and to allow the Commission to examine the measures in the light of existing provisions following in each case the procedure under the above Directive.</p> <p>Benefits: Implementing of economic instruments will to promote the collection of waste batteries and accumulators and the use of batteries and accumulators containing less polluting substances. In addition, the Commission can monitor the effectiveness of different policy measures across MS, as the Directive is flexible in terms of the instruments that MS must utilize.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: 28
Time required (T)	MS to compile a draft of the intended measures and to notify the EC – 10-15 days
Frequency of action (F)	Ad-hoc (when MS have a decision to adopt an economic instrument).
Other costs types	None expected
SCM equation(s)	$MS\ CAs = Q(28) \times T(10-15\ days \times\ tariff) \times F(Ad-hoc)$
Existing estimates of costs	See RO 30.1
Significance of admin burden	Likely to be insignificant, as requires MS only to compile a draft of measures and to notify when a decision has been made to implement economic instruments.
Current or recent trends affecting RO	See RO 30.1

RO 30.6: MS to notify Commission & other MS of draft measures (and grounds for proposing them) to exempt small producers from Article 16(1) requirements

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 18</p> <p>MS may exempt small producers from Article 16 (1) and shall make public such draft measures and the grounds for proposing them and notify them to the Commission and</p>

	other Member States through the Committee referred to in Article 24(1). The Commission shall, within six months of notification approve or reject the draft measures.
Reporting process and information required	<p>MS may exempt producers which, relative to the size of the national market place very small quantities of batteries or accumulators on the national market, from the requirements of Article 16(1), on the condition that this does not impede the proper functioning of the collection and recycling schemes set up on the basis of Articles 8 and 12.</p> <p>The Commission shall, within six months of notification as referred to in paragraph 2, approve or reject the draft measures after having verified that they are consistent with the considerations set out in paragraph 1 and do not constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States. In absence of a decision by the Commission within this period, the draft measures shall be deemed to have been approved.</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	<p>Primary focus: Response</p> <p>Secondary focus: none</p>
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Decision of MS to exempt small producer(s)
D. Timing of reporting	
D1. Frequency of reporting	Decision of MS to exempt small producer(s)
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting	NA

and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	MS to make public such draft measures and the grounds for proposing them
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Exemption of small producers from article 16 (1); notification of the Commission and other MS	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: 28 MS to report to the Commission and other MS EC: 1

Time required (T)	MS CAs: the effort allocated for this reporting can be estimated at a number of days, assumed 7 days EC: to draft a decision on the proposed measures – assumed not more than 3 days
Frequency of action (F)	Ad-hoc
Other costs types	None expected
SCM equation(s)	MS CAs = $Q(?MS) \times T(7days \times tariff) \times F(Ad-hoc)$ EC = $Q(1) \times T(3days \times tariff) \times F(Ad-hoc?)$
Existing estimates of costs	See RO 30.1
Significance of admin burden	Likely to be insignificant, as requires MS to publicize the draft measures and notify the Commission. For EC the AB is also estimated as insignificant.
Current or recent trends affecting RO	See RO 30.1

RO 30.7: MS to notify Commission of draft measures to allow disposal of certain types of batteries/ accumulators in landfills or underground storage

A-B: General info

A5. Obligation Source Type Legislative

A6. Obligation and legal base Article 12(1)

MS are required to notify the Commission on draft measures allowing disposal of certain types of batteries/ accumulators in landfills or underground storage.

Reporting process and information required

MS shall ensure that, no later than 26 September 2009:

(a) producers or third parties set up schemes using best available techniques, in terms of the protection of health and the environment, to provide for the treatment and recycling of waste batteries and accumulators; and

(b) all identifiable batteries and accumulators collected in accordance with Article 8 of this Directive or with Directive 2002/96/EC undergo treatment and recycling through schemes that comply, as a minimum, with Community legislation, in particular as regards health, safety and waste management.

However, Member States may, in accordance with the Treaty, dispose of collected portable batteries or accumulators containing cadmium, mercury or lead in landfills or underground storage when no viable end market is available. Member States may also, in accordance with the Treaty, dispose of collected portable batteries or accumulators containing cadmium, mercury or lead in landfills or underground storage as part of a strategy to

	phase out heavy metals which, on the basis of a detailed assessment of the environmental, economic, and social impacts, shows that this disposal option should be preferred over recycling. MS shall make public this assessment and notify draft measures to the Commission
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Decision of MS to allow landfill/underground disposal of certain types of batteries/ accumulators
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No

E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	MS to make public this assessment
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: To inform Commission and the public on implementation of the Directive. Benefits: Provides information to the Commission and the public on use of landfill/underground disposal of certain types of batteries/ accumulators	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: 28
Time required (T)	MS CAs: Time for MS CAs to send notification to the Commission and make the assessment publically available can be estimated at a number of days – 5 days
Frequency of action (F)	MS CAs: Ad-hoc
Other costs types	None expected
SCM equation(s)	$MS\ CAs = Q(?MS) \times T(5\ days \times\ tariff) \times (Ad-hoc)$
Existing estimates of costs	See RO 30.1

Significance of admin burden	Likely to be insignificant, as requires MS only to notify of the draft measures and make them available to the public
Current or recent trends affecting RO	See RO 30.1

31 Directive 94/62/EC on packaging and packaging waste

Directive 94/62/EC on packaging and packaging waste

Overview: This Directive aims to harmonize national measures concerning the management of packaging and packaging waste in order, on the one hand, to prevent any impact thereof on the environment of all Member States as well as of third countries or to reduce such impact, thus providing a high level of environmental protection, and, on the other hand, to ensure the functioning of the internal market and to avoid obstacles to trade and distortion and restriction of competition within the Community.

To this end this Directive lays down measures aimed, as a first priority, at preventing the production of packaging waste and, as additional fundamental principles, at reusing packaging, at recycling and other forms of recovering packaging waste and, hence, at reducing the final disposal of such waste.

This Directive covers all packaging placed on the market in the Community and all packaging waste, whether it is used or released at industrial, commercial, office, shop, service, household or any other level, regardless of the material used.

Six ROs have been identified under this Directive in the RO Inventory.

RO 31.1 MS implementation reports

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 17 MS shall report to the Commission on the application of this Directive
Reporting process and information required	MS should do so in accordance with Article 5 of Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment. The first report had to cover the period 1995 to 1997. Although still in force, it must be noted that COM is considering repeal of this directive and replacing with new reporting obligations under Circular Economy package. The reporting is based on a standardised questionnaire ²⁶⁶ and does not involve reporting of numerical information (statistical information is covered in RO31.2). Commission Decision 97/622/EC establishes questionnaires for Member States reports on the implementation of this

²⁶⁶ <http://eur-lex.europa.eu/legal-content/EN-BG/TXT/?uri=CELEX:31997D0622&from=EN>

	Directive as well as that on hazardous waste. The questionnaire includes sections on implementation in national law and measures and targets established in the application of the Directive.
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 3yrs
D2. Last deadline for reporting	9/30/2013
D3. Next deadline for reporting	9/30/2016
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	
D6. Date of most recent Commission report	1/17/2013
D7. Deadline of MS report on which the most recent Commission report is based on	9/30/2010
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	840
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template

E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	MS to require all economic operators involved to provide competent authorities with reliable data on their sector, as required by the Directive
F2. Public information provision	MS to publish measures to attain the Article 6 targets; the measures & targets shall also be the subject of an information campaign for the general public and economic operators
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	Overlaps with the yearly reporting on the recycling and recovery targets under the PPWD
H5. Potential informal links with other policy areas/legislation	None
H6. Existing links with voluntary reporting	None
Purpose and benefits of RO	
<p>Purpose: Inform EC how well MS are progressing with the Directive’s implementation. To inform about the state of compliance, progress made and new measures introduced during the 3 year reporting period</p> <p>Benefits: This information was designed to be used by EC to gauge the effectiveness of the Directive’s provisions, and may also serve as a basis for litigation of any non-compliant MS. However, MS send almost the same information every time unless there was an important change. Furthermore, by the time the COM prepares its report the data is already outdated. Therefore, the Circular Economy package includes a proposal to remove this RO. Where needed targeted information on implementation on the ground will be collected through studies etc.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28 EC: 1
Time required (T)	MS do not need to report numerical information, but still may need to collate a reasonable amount of information to do with how the Directive’s implementation has progressed. What is more, this reporting is high-priority as it concerns how well MS have managed to adhere to the Directive’s requirements. Member State interviewees confirmed that 30 days is a reasonable estimate.

Frequency of action (F)	Every 3 years
Other costs types	None identified. Monitoring costs are covered in RO30.2
SCM equation(s)	MS: $Q(28) \times T(30 \text{ days} \times \text{tariff}) \times F(0.33 \text{ report/yr})$ EC: $Q(1) \times T(90 \text{ days} \times \text{tariff}) \times F(0.33 \text{ report/yr})$
Existing estimates of costs	From a Communication on the proposal for the amendment of this Directive ²⁶⁷ : "Implementation reports prepared by Member States every three years have not proved to be an effective tool for verifying compliance and ensuring good implementation, and are generating unnecessary administrative burden. It is therefore appropriate to repeal provisions obliging Member States to produce such reports and for compliance monitoring purposes use exclusively the statistical data which Member States report every year to the Commission."
Significance of admin burden	Small to moderate, as MS may need to evaluate a reasonable amount of information, plus also because the reporting is on a high-priority topic, but this is done only every 3 years.
Current or recent trends affecting RO	This Directive was amended by Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags (Text with EEA relevance). This Directive is currently being addressed by the Circular Economy package which will likely repeal this RO.

RO 31.2 Waste packaging yearly statistics report

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 12(3) MS shall provide the Commission with their available data on waste packaging
Reporting process and information required	MS need to notify the Commission on amounts of packaging waste of various types. Producers, waste management operators and EPR schemes need to supply this information to competent authorities (Article 12(6)), who themselves relay this to MS. In some instances economic operators only need to report to EPR schemes they are part of. Commission Decision 2005/270/EC established the formats relating to the database system pursuant to this Directive. It sets definitions to guide the measurement of different types of packaging waste and their treatment. It specifies a tabular format for recording the treatment, recycling and

²⁶⁷ http://eur-lex.europa.eu/resource.html?uri=cellar:b68494d2-999f-11e5-b3b7-01aa75ed71a1.0019.03/DOC_1&format=HTML&lang=EN&parentUrn=CELEX:52015PC0596

	recovery of different materials, within and outside each MS and the EU.
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: Pressure
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Annual
D2. Last deadline for reporting	6/30/2015
D3. Next deadline for reporting	6/30/2016
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	Eurostat
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Data input
E4. Reference / Link to reporting template	Yes

E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	MS to require all economic operators involved to provide competent authorities with reliable data on their sector, as required by the Directive
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	Partly overlaps with the 3-yearly implementation report under the PPWD
H5. Potential informal links with other policy areas/legislation	None
H6. Existing links with voluntary reporting	None
Purpose and benefits of RO	
<p>Purpose: To inform, on a yearly basis, on the recycling and recovery rates achieved and to assess compliance with the targets defined in the Directive.</p> <p>Benefits: EC to be able collect and harmonize the available statistics from all MS in order to have a clear view on the types and quantities of packages and packaging waste produced. Through the report the COM gets the information about the achievement of the targets by the MS. The COM does not prepare a report on the data submitted by MS. The data is available to EUROSTAT's web-page for anybody interested</p>	
Analysis of costs	
Type and number of reporting entities (Q)	<p>Operators (O): 28x 8000. It is estimated that there is an average of around 8,000 operators per MS</p> <p>EPR schemes: 28 x 5. An average of around 5 EPR schemes per MS is estimated. There are between 1 (BE, FR, ESP) and 30 (UK) EPR schemes per MS, however, MS with more than 10 EPR schemes are the exception.</p> <p>MS CAs: 28</p> <p>EUROSTAT: 1</p> <p>In most MS, economic operators placing packaging on the market normally have to report the relevant quantities to their affiliated packaging recovery organization and to the national waste register. In some other MS (e.g. Germany, Denmark) economic operators provide this information</p>

	<p>indirectly by reporting to the national statistics office on the quantities of empty and filled packaging they have placed on the market. The number of economic operators obliged to report varies considerably, not only due to the different size of MS population and economies, but also due to a lack of harmonized de minimis criteria for producers required to report.</p> <p>A number of actors collecting and treating/recycling packaging waste have been identified in relation to their relevant reporting obligations. It is up to these entities to provide the necessary primary data to MS environment agencies and/or packaging recovery organizations so that total recycling rates can be established. Collectors of waste packaging are by far the most widespread of those entities. In view of the evidence available, it is difficult to estimate the total number of these entities in the EU.</p> <p>Two key government institutions are normally involved in the reporting process – the environmental ministry and environmental protection agency. The former is normally in charge of forwarding the data to the EC, whereas the latter collates it from Operators and EPR schemes. In addition, most MS have developed a national register for waste management and producer responsibility activities. It could either be an electronic application managed by one of the above authorities or a separate institutional entity.</p>
Time required (T)	<p>Operators: Producers/importers of e.g. packaged goods are estimated to need up to 15-20 person days to collect and compile the necessary data.</p> <p>EPR Schemes: Packaging recovery organizations expend significant resources to process the data reported by obligated economic operators. Administrative burdens ranging from 240 to 680 person days have been reported.</p> <p>MS CAs: The estimated time requirement is approximately 30 person days. Collation and checking of information from a large number of entities, and reporting to the MS authorities. It is difficult to provide a total estimate, due to the vast number of economic operators in each country.</p>
Frequency of action (F)	Annual
Other costs types	See below
SCM equation(s)	<p>O: $Q(28 \times 8000) \times [T(7 \text{ days} \times \text{tariff})] \times F(1 \text{ times/year})$</p> <p>EPR schemes: $Q(28 \times 5) \times T(20 \text{ days} \times \text{tariff}) \times F(1 \text{ times per year})$</p> <p>MS CAs: $Q(28 \times 1) \times (30 \text{ days} \times \text{tariff}) \times F(1 \text{ times/year})$</p> <p>EUROSTAT: $Q(1) \times T(60 \text{ days} \times \text{tariff}) \times F(1 \text{ times/year})$</p>
Existing estimates of costs	<p>There are two key types of costs, associated with PPW reporting obligations – costs for maintaining a national waste register and costs for the collection, reporting and auditing of waste collection data. Results from an online survey among different MS shows that only a few estimates for administrative costs related to the reporting process are available. For example, the costs for running the National</p>

	<p>Waste register in Austria are estimated at 70 000 EUR per annum.</p> <p>Maintaining electronic reporting systems for EPR schemes is also costly. For example, a packaging recovery organization in Bulgaria estimates that the maintenance of their on-line reporting system costs 15 000 EUR per annum.</p> <p>Annually, the Danish EPA contracts a consultancy company to calculate the quantity of packaging placed on the market based on the information from Statistics Denmark. The cost for this is approximately 40,000€. Similarly, in Germany, the data for the reporting are determined by a research project, awarded by the federal environment agency. This costs about 75,000 € annually.</p> <p>The impact assessment for an amendment to this Directive found that there are no quantitative estimates that purely encompass this RO. Public authorities are likely to face additional costs related to monitoring (in particular to ensure compliance by retailers with reporting obligations), but this would be a small part of the costs already borne by Member States in the context of reporting on existing targets for packaging and packaging waste. The conclusion for the amendment is that overall, there would be a reduction in administrative burden in particular for small establishments²⁶⁸.</p>
<p>Significance of admin burden</p>	<p>The burden is significant, as a large amount of information needs to be gathered from multiple parties and be reported.</p>
<p>Current or recent trends affecting RO</p>	<p>Interviews established a perceived need to increase transparency (at national and EU level), to harmonize reporting practices and to ensure consistency in collected data. Reporting practices were found to be complex and variable. It is perceived that reporting methodologies still vary widely and there is a lack of in-depth verification/validation of final results.</p> <p>This Directive was amended by Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags (Text with EEA relevance).</p> <p>The Circular Economy package will update reporting requirements and supersede the SRD requirements. In particular, relevant measures under Circular Economy package include:</p> <ul style="list-style-type: none"> • simplification and harmonization of definitions and calculation methods • special rules for Member States facing the biggest implementation challenges • simplification of reporting obligations and alleviating obligations faced by small and medium enterprises

²⁶⁸ http://eur-lex.europa.eu/resource.html?uri=cellar:b68494d2-999f-11e5-b3b7-01aa75ed71a1.0019.03/DOC_1&format=HTML&lang=EN&parentUrn=CELEX:52015PC0596

The proposals will reduce the administrative burden, in particular for SMEs, as well as for public administrations, by improving definitions and simplifying reporting requirements.

RO 31.3: Waste packaging hazardous contents report and other voluntary data on packaging and packaging waste

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 12 MS are required to report annually on the data gathered for RO31.2 to EC.
Reporting process and information required	No information is required additional to RO31.2, MS need to report to EC, the format specified by a Commission Decision ²⁶⁹ .
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Pressure Secondary focus: Response
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Annual
D2. Last deadline for reporting	6/30/2015
D3. Next deadline for reporting	6/30/2016
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent	NA

²⁶⁹ <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32005D0270>

Commission report is based on	
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	Eurostat
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Purpose: EC can keep track of the performance of each MS to do with implementing this Directive. This data would serve as the basis for any litigation of MS on behalf of EC given non-compliance. MS should collect information on magnitude, characteristics and evolution of packaging and packaging waste flows, including on toxicity, and make these data available with the national 3-yearly implementation reports.</p>	

Benefits: MS do generally not provide, in the 3-yearly reporting, detailed information on these particular issues. In the Circular economy proposal is proposed to delete the 3-yearly report. The COM does not prepare a report	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28
Time required (T)	MS would need to handle a large amount of information. Estimated at 30 days.
Frequency of action (F)	Annual
Other costs types	None identified.
SCM equation(s)	$MS = Q(28) \times T(30 \text{ days} \times \text{tariff}) \times F(1\text{times}/\text{yr})$
Existing estimates of costs	None identified.
Significance of admin burden	Reasonably significant, as MS need to annually report a large amount of information.
Current or recent trends affecting RO	<p>This Directive was amended by Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags (Text with EEA relevance).</p> <p>Circular economy package will update reporting requirements and supersede the SRD requirements</p> <p>This Directive is currently being addressed by the Circular Economy package which will likely repeal this RO.</p>

RO 31.4: Before adopting economic instruments, MS to notify Commission of drafts the intended measures

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 16</p> <p>MS can adopt different economic instruments to meet the obligations of this Directive. Before these are adopted, the EC needs to be notified.</p>
Reporting process and information required	The drafts of the intended measures would serve a purpose for other goals in the Directive, such as meeting objectives. Thus, we can assume that these are already available for this RO, so them MS need only forward them to EC.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	<p>Primary focus: Response</p> <p>Secondary focus: none</p>

C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Decision of MS to adopt an economic instrument
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	

F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	If the proposed measure is also a technical measure within the meaning of Directive 83/189/EEC (replaced by Regulation 1025/2012), the MS may indicate, when notifying the Commission, that the notification is equally valid for Directive 83/189/EEC.
H4. Possible data overlaps with other reporting requirements	Almost fully overlaps with the reporting requirements of Regulation 1025/2012. for which an IT notification system exists and which is commonly used by the MS.
H5. Potential informal links with other policy areas/legislation	None
H6. Existing links with voluntary reporting	None
Purpose and benefits of RO	
<p>Purpose: This RO helps to monitor the effectiveness of different policy measures across MS, as the Directive is flexible in terms of the instruments that MS must utilise. This is not really reporting, but notification. Measures have to be notified in draft stage so that possible incompatibilities with EU law can be remedied in an early stage.</p> <p>Benefits: In principle this RO is useful. However, most measures under this obligation also qualify as technical measures to be notified under Regulation 1025/2012 for which an IT tool (TRIS) is available. MS hardly ever notify under the provision of the PPWD. The COM does not prepare a report</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28
Time required (T)	Informing the Commission should not take more than 0.5 days.
Frequency of action (F)	Ad-hoc, as different instruments may be adopted over the course of the Directive's implementation.
Other costs types	None identified.
SCM equation(s)	MS: $Q(28) \times T(0.5\text{days} \times \text{tariff}) \times F(?)$
Existing estimates of costs	None identified.
Significance of admin burden	Insignificant.
Current or recent trends affecting RO	This Directive was amended by Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags (Text with EEA relevance).

Circular economy package will update reporting requirements and supersede the SRD requirements

RO 30.5: MS to inform Commission if they have, or will, set programmes going beyond the targets of Article 6

A-B: General info

A5. Obligation Source Type Legislative

A6. Obligation and legal base Article 6 (10)

Given that MS adopt more ambitious targets than those set in the Directive, they must notify the Commission.

Reporting process and information required No additional information is needed, MS simply notify the Commission.

A7. Inclusion in EIONET database No

B1-B5. DPSIR Coverage Primary focus: Response
Secondary focus: none

C. Type of content

C1. Type of information reported Text

C2. Thresholds/triggers for reporting Presence of more ambitious targets in the MS

D. Timing of reporting

D1. Frequency of reporting Ad-hoc

D2. Last deadline for reporting NA

D3. Next deadline for reporting NA

D4. MS information published in a Commission report No

D5. Next deadline for Commission reporting based on the data NA

D6. Date of most recent Commission report NA

D7. Deadline of MS report on which the most recent Commission report is based on NA

D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	None
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Purpose: To enable the COM to assess compliance with EU law of the measures (i.e. that they do not lead to distortions of the internal market or hinder compliance by other MS). EC can also establish whether room and desire exist within the Community for more ambitious targets.</p> <p>Benefits: In the more than 20 years of existence of the PPWD, this mechanism has been used only 4 times by 3 MS (three times in 1999 and once in 2003). The COM does not prepare a report.</p>	

Analysis of costs	
Type and number of reporting entities (Q)	MS : 28
Time required (T)	Informing the Commission should not take more than 1 day.
Frequency of action (F)	Ad-hoc
Other costs types	None available
SCM equation(s)	MS: $Q(28) \times T(1\text{day} \times \text{tariff}) \times F(\text{ad hoc})$
Existing estimates of costs	None identified.
Significance of admin burden	Insignificant
Current or recent trends affecting RO	This Directive was amended by Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags (Text with EEA relevance). Circular economy package will update reporting requirements and supersede the SRD requirements

RO 31.6: MS to communicate to Commission the text of their national standards on essential requirements

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 9 MS are required to adopt national standards for packaging that must comply with certain requirements. MS must communicate the text of their standards to the EC.
Reporting process and information required	The text itself would fulfil other requirements of this Directive to do with compliance and meeting targets. We can thus assume it is already available for this Ro in which case no additional information is required and it can simply be forwarded to EC.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Adoption of national standards

D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Commission shall forward such texts forthwith to the other MS. MS shall publish the references of these standards.

	Commission shall ensure they are published in the Official Journal.
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	In most cases a national standard is also a technical measure within the meaning of Regulation 1025/2012 and therefore must be notified to the Commission under this regulation.
H4. Possible data overlaps with other reporting requirements	None
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Purpose: To enable the COM to assess compliance with EU law of the measures (i.e. that they do not lead to distortions of the internal market or hinder compliance by other MS)</p> <p>Benefits: The provision seems to be a dead letter as not used by the MS. The harmonized standards on packaging seem to make national standards redundant. The COM does not prepare a report but has to publish the references of these standards in the Official Journal.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS : 28
Time required (T)	Informing the Commission should not take more than 0.5 days.
Frequency of action (F)	One-off
Other costs types	None identified
SCM equation(s)	MS: $Q(28) \times T(0.5\text{days} \times \text{tariff}) \times F(1)$
Existing estimates of costs	None identified.
Significance of admin burden	Insignificant
Current or recent trends affecting RO	None identified.

32 Directive 96/59/EC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT)

[Directive 96/59/EC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls \(PCB/PCT\)](#)

Overview: Directive 96/59/EC on the disposal of PCBs and PCTs aims at disposing completely of PCBs and equipment containing PCBs as soon as possible. This Directive

sets the requirements for an environmentally sound disposal of PCBs. Member States have to make an inventory of equipment containing at least a certain amount of PCBs, have to adopt a plan for disposal of inventoried equipment, and a proposal (“outlines”) for the collection and disposal of non-inventoried equipment (small electrical equipment very often present in household appliances manufactured before the ban on marketing of PCBs). The PCB Directive further mandated that Member States had to dispose of equipment with a certain amount of PCBs by the end of 2010 at the latest. The Commission was required to verify the implementation of this provision.

One RO has been identified under this Directive.

RO 32.1: MS to draw up: plans for decontamination and/or disposal of inventoried equipment and its PCBs; and outlines for collection & subsequent disposal of equipment not subject to inventory

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 11</p> <p>Article 11: Member States shall communicate the plans for the decontamination and/or disposal of inventoried equipment and the PCBs contained therein and outlines for the collection and subsequent disposal of equipment not subject to inventory.</p> <p>Article 12: Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field governed by this Directive.</p>
Reporting process and information required	No additional information needs to be collected by MS – they simply copy the existing plans, outlines and legal texts.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	<p>Primary focus: Response</p> <p>Secondary focus: Pressure</p>
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	9/16/1999
D3. Next deadline for reporting	NA

D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	

H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: The notifications should help the EC monitor implementation. Benefits: Accessibility to national plans/outlines implementing the dispositions contained in the Directive. While this was a useful requirement, it had to be fulfilled within 3 years of adoption of the Directive, i.e. in 1999. The provision now only applies to new MS entering the EU in the future.	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: 28
Time required (T)	Likely to be insignificant (estimated at less than 1 hour per MS) as it only implies a copy-paste of existing plans/outlines/legal texts.
Frequency of action (F)	Article 11: Within three years of the adoption of this Directive. Article 12: No later after 18 months after the adoption of the Directive in national law. Both requirements were one-off and have presumably been completed.
Other costs types	None expected.
SCM equation(s)	MS CAs: $Q(28) \times T(1\text{hour} \times \text{tariff}) \times 1$
Existing estimates of costs	<i>None found.</i>
Significance of admin burden	One-off and completed, Likely to be insignificant as it only required a copy paste of existing documents happening only once.
Current or recent trends affecting RO	<i>None found.</i>

33 Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles

[Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles](#)

Overview: This Directive lays down measures which aim, as a first priority, at the prevention of waste from vehicles and, in addition, at the reuse, recycling and other forms of recovery of end-of life vehicles and their components so as to reduce the disposal of waste, as well as at the improvement in the environmental performance of all of the economic operators involved in the life cycle of vehicles and especially the operators directly involved in the treatment of end-of life vehicles.

Five ROs have been identified under the Directive in the RO Inventory.

RO 33.1: MS implementation reports

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 9(1) requires MS to submit a report to the Commission on the implementation of this Directive at three-year intervals.</p> <p>Based on these reports, the Commission shall publish a report on the implementation on this Directive.</p>
Reporting process and information required	<p>The report shall be drawn up on the basis of a questionnaire drafted by the Commission in accordance with the procedure laid down in Article 6 of Directive 91/692/EEC(8) with a view on establishing database on end-of life vehicles and their treatment. Commission Decision 2001/753/EC provides the questionnaire for Member States reports on the implementation of Directive.</p> <p>The questionnaire shall be sent to the Member States six months before the start of the period covered by the report. The report shall be made to the Commission within nine months of the end of the three-year period covered by it. The first report shall cover the period of three years from 21 April 2002.</p> <p>The questionnaire includes sections about the incorporation of the Directive into national law, and the implementation of the Directive (including measures taken, number of vehicles collected and treated, number of treatment facilities, rates of recycling, reuse and recovery, etc.).</p> <p>Based on the above information, the Commission shall publish a report on the implementation of this Directive within nine months of receiving the reports from the Member States.</p> <p>Although still in force, it must be noted that COM is considering repeal of this provision of a tri-annual report and replacing with new reporting obligations under Circular Economy package.</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	<p>Primary focus: Response</p> <p>Secondary focus: none</p>
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 3yrs

D2. Last deadline for reporting	1/21/2015
D3. Next deadline for reporting	1/21/2018
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	10/21/2018
D6. Date of most recent Commission report	
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	MS to require relevant economic operators to publish information on: design of vehicles/components (re recoverability & recyclability); environmentally sound treatment of ELVs; development & optimisation of ways to reuse, recycle and recover ELVs and components; and progress achieved on recovery & recycling
F2. Public information provision	The producer must make the information in column F1 accessible to prospective buyers of vehicles and include it in

	promotional literature used in the marketing of the new vehicle
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Purpose: Provide information on the implementation of this Directive. The questionnaire provides a basis for reporting by MS linked to transposition/implementation of the ELV Directive</p> <p>Benefits: To monitor compliance with the targets .An updated track of the implementation of this Directive can be kept and reviewed by the Commission. This information serves as a base for the three-year report, issued by the Commission. The COM does not produce a report, but publishes the targets reported by the MS</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: 28 MS EC: 1
Time required (T)	<p>MS CAs: Collect and compile information from the operators, fill in templates provided by the Commission and submit a report once every 3 years. Estimated time – 10 days per year per MS (30 days per report). There may be additional burdens for operators providing data to the CAs.</p> <p>EC: Compile the information from MS and publish a report once every 3 years. Estimated time 60 days per report.</p>
Frequency of action (F)	<p>MS CAs: Report to Commission once every 3 years.</p> <p>EC: Produce a summary report once every 3 years. The latest report on the EC website is for 2008.</p>
Other costs types	None expected, unless work is undertaken by contractors
SCM equation(s)	<p>MS CAs: $Q (28) \times T (30 \text{ days} \times \text{tariff}) \times F (0.3 \text{ report/yr})$</p> <p>EC: $Q (1) \times T (60 \text{ days} \times \text{tariff}) \times F(0.3\text{report/yr})$</p>
Existing estimates of costs	<p>Most of the questions on the implementation questionnaire are linked to the transposition of the Directive which has already taken place and has been checked by conformity checks.</p> <p>Implementation reports prepared by MS every three years have not proved to be an effective tool for verifying compliance and ensuring good implementation, and are generating unnecessary administrative burden. It is therefore considered appropriate to repeal provisions</p>

	obliging MS to produce such reports and for compliance monitoring purposes use exclusively the statistical data which MS report every year to the Commission.
Significance of admin burden	It can be estimated as moderate, as MS may need to evaluate a reasonable amount of information but this is done only every 3 years. Additional burdens on operators are unknown – it is unclear whether reporting requires collection of information from operators or whether this information is available to the authorities as a result of compliance with other provisions in the Directive.
Current or recent trends affecting RO	Proposed amendments to this Directive under the Circular Economy Package will delete Article 9(1), thus repealing this RO.

RO 33.2: ELV reuse/recycling/ recovery targets compliance report

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 7(2) Commission to report on the implementation of the targets set up by this Directive
Reporting process and information required	<p>Article 7(2) states that by 31 December 2005 at the latest the European Parliament and the Council shall re-examine the targets on the basis of a report of the Commission, accompanied by a proposal. In its report the Commission shall take into account the development of the material composition of vehicles and any other relevant environmental aspects related to vehicles.</p> <p>The Commission shall, in accordance with the procedure laid down in Article 11, establish the detailed rules necessary to control compliance of Member States with the targets set out. In doing so the Commission shall take into account all relevant factors, inter alia the availability of data and the issue of exports and imports of end-of life vehicles. The Commission shall take this measure not later than 21 October 2002. On the basis of a proposal from the Commission, the European Parliament and the Council shall establish targets for reuse and recovery and for reuse and recycling for the years beyond 2015.</p> <p>Commission Decision 2005/293/EC lays down detailed rules on the monitoring of the reuse/recovery and reuse/recycling targets set out in the Directive. It specifies a tabular reporting format for provision of MS data on rates of recycling, reuse and recovery of different materials. It states that these data tables shall be completed by the Member States on an annual basis, starting with data for 2006 and shall be sent to the Commission within 18 months of the end of the relevant year.</p>

A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Annual
D2. Last deadline for reporting	6/30/2015
D3. Next deadline for reporting	6/30/2016
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	Eurostat
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes

E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Purpose: To report on compliance with the reuse/recovery/recycling targets of the ELV Directive. MS to inform Commission on the achievement of targets, and the methodologies employed to assess rates of recycling/ reuse/ recovery.</p> <p>Benefit: The Commission can monitor compliance with targets, keep a track of the MS data and prepare its overview report on the end-of-vehicles recycling in the EU. There is no COM report, only publication of the targets reported by the MS</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS (28) EC: 1
Time required (T)	<p>The initial EC report ²⁷⁰ takes into account the development of the material composition of vehicles together with any other relevant environmental aspects related to vehicles and prepares a report, accompanied by a proposal for re-examination of the targets. Time estimated – 45 to 60 days, pre-2005. No ongoing requirement.</p> <p>Annual reporting of data is required by MS in accordance with Commission Decision 2005/293/EC. It is estimated that these data could take approximately 20 days per MS to compile.</p>

²⁷⁰ Report from the Commission to the Council and the European Parliament on the targets contained in article 7(2)(b) of directive 2000/53/EC on end-of-life vehicle {SEC(2007)14} {SEC(2007)15} /* COM/2007/0005 final */

	<p>A summary of these data is published annually by Eurostat:</p> <p>http://ec.europa.eu/eurostat/statistics-explained/index.php/End-of-life_vehicle_statistics</p>
Frequency of action (F)	Annual
Other costs types	None expected
SCM equation(s)	MS: $Q(28) \times T(20 \text{ days} \times \text{tariff}) \times F(1/\text{year})$
Existing estimates of costs	None available
Significance of admin burden	Likely to be significant for the Commission as a great amount of information has to be considered and analysed.
Current or recent trends affecting RO	See RO 33.1

RO 33.3: MS to transmit to Commission agreements to transpose provisions of Arts 4(1), 5(1), 7(1), 8(1), 8(3) & 9(2) and to specify detailed rules of implementation of Art 5(4), and to report to Commission on their results

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 10</p> <p>MS Shall transmit to Commission agreements to transpose provisions of the listed articles, to specify detailed rules of implementation of Art 5(4), and report to Commission on their results</p>
Reporting process and information required	<p>Member States shall communicate to the Commission the text of the main provisions of domestic law, which they adopt in the field governed by this Directive.</p> <p>Provided that the objectives set out in this Directive are achieved, Member States may transpose the provisions set out in Articles 4(1), 5(1), 7(1), 8(1), 8(3) and 9(2) and specify the detailed rules of implementation of Article 5(4) by means of agreements between the competent authorities and the economic sectors concerned. Such agreements shall meet the following requirements: Agreements shall be published in the national official journal or an official document equally accessible to the public and transmitted to the Commission</p> <p>The results achieved under an agreement shall be monitored regularly, reported to the competent authorities and to the Commission and made available to the public under the conditions set out in the agreement</p>

A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Adoption of agreement; periodic monitoring of the results achieved under an agreement
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No

E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Agreements, and results achieved by those agreements, must be made available to the public
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: MS inform the Commission regarding the transposition of this Directive, as well as for the implementation and results achieved.	
Benefit: The Commission can keep a track of a track of the implementation and results in the MS.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28
Time required (T)	MS: MS shall transmit the text of the official documents transposing this Directive. Single event, assumed to be more than 1 day. MS: MS shall monitor the achieved results and report them regularly. Time assumed – 10 days per period
Frequency of action (F)	Ad-hoc, and not regularly done. This is also related to the tri-annual implementation report.
Other costs types	None expected
SCM equation(s)	MS = Q (28) x T (1 day x tariff) x F (Ad-hoc) MS = Q (28) x T (10 days x tariff) x F (Ad-hoc)
Existing estimates of costs	None available
Significance of admin burden	Small overall, but up to moderate if monitoring is considered.

Current or recent trends affecting RO See RO 33.1

RO 33.4: MS making use of Art 5(3) must inform Commission of the reason why

A-B: General info

A5. Obligation Source Type Legislative

A6. Obligation and legal base Article 5(3)
 Member States which do not have a deregistration system at the date of entry into force of this Directive shall set up a system according to which a certificate of destruction is notified to the relevant competent authority when the end-of life vehicle is transferred to a treatment facility and shall otherwise comply with the terms of this paragraph. Member States making use of this subparagraph shall inform the Commission of the reasons thereof.

Reporting process and information required
 Member States shall set up a system according to which the presentation of a certificate of destruction is a condition for deregistration of the end-of life vehicle. This certificate shall be issued to the holder and/or owner when the end-of life vehicle is transferred to a treatment facility. Treatment facilities, which have obtained a permit in accordance with Article 6, shall be permitted to issue a certificate of destruction. Member States may permit producers, dealers and collectors on behalf of an authorised treatment facility to issue certificates of destruction provided that they guarantee that the end-of life vehicle is transferred to an authorised treatment facility and provided that they are registered with public authorities.
 Issuing the certificate of destruction by treatment facilities or dealers or collectors on behalf of an authorised treatment facility does not entitle them to claim any financial reimbursement, except in cases where this has been explicitly arranged by Member States.
 Member States which do not have a deregistration system at the date of entry into force of this Directive shall set up a system according to which a certificate of destruction is notified to the relevant competent authority when the end-of life vehicle is transferred to a treatment facility and shall otherwise comply with the terms of this paragraph. Member States making use of this subparagraph shall inform the Commission of the reasons thereof.
 Commission Decision 2002/151/EC specifies minimum requirements for the certificate of destruction issued in accordance with Article 5(3).

A7. Inclusion in EIONET database No

B1-B5. DPSIR Coverage Primary focus: Response
 Secondary focus: none

C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	MS decision to make use of Article 5(3)
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	

F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Purpose: Inform Commission about the countries which do not have a deregistration system at the date of entry into force of this Directive, as well as the set up system according to which the end-of-life vehicles are further processed.</p> <p>Benefit: The Commission can keep a track of the MS which make use of this subparagraph.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28
Time required (T)	MS making use of this subparagraph shall notify the Commission and other MS only once. Time estimated – 1 day
Frequency of action (F)	One-off event
Other costs types	None expected
SCM equation(s)	MS: $Q (?MS) \times T (1\text{day} \times \text{tariff}) \times F (1)$
Existing estimates of costs	None available
Significance of admin burden	Insignificant, because MS should send a simple notification only once.
Current or recent trends affecting RO	See RO 33.1

RO 33.5: MS to inform Commission & other MS of reason for laying down lower targets for vehicles produced before 1 Jan 1980

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 7(2) MS shall inform the Commission and other MSs if they make use of the paragraph allowing MS to set lower recycling targets for vehicles produced before 1 January 1980
Reporting process and information required	Member States shall take the necessary measures to ensure that the following targets are attained by economic operators: <ul style="list-style-type: none"> • No later than 1 January 2006, for all end-of life vehicles, the reuse and recovery shall be increased to a minimum of 85 % by an average weight per vehicle and year. Within the same time limit the reuse and recycling shall be increased to a minimum of 80 % by an average weight per vehicle and year; • For vehicles produced before 1 January 1980, Member States may lay down lower targets, but not lower than 75 % for reuse and recovery and not lower than 70 % for reuse and recycling. Member States making use of this subparagraph shall inform the Commission and the other Member States of the reasons therefore.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	MS decision to lay down lower targets for vehicles produced before 1 Jan 1980
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA

D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	

Purpose: Inform Commission and other MS for lower recycling targets set for this type of vehicle.	
Benefit: The Commission can keep a track of the MS with lower recycling targets for this type of vehicles.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28
Time required (T)	MS CAs: MS to inform the Commission and other MS if lowering the targets for reuse/recycle/recovery/ and the reasons thereof. Estimated time 3 days
Frequency of action (F)	One-off, completed
Other costs types	None expected
SCM equation(s)	MS: $Q (?MS) \times T (3days \times tariff) \times F (1)$
Existing estimates of costs	None available
Significance of admin burden	Insignificant as MS only need to inform the Commission and other MS on the reasons for lowering the targets.
Current or recent trends affecting RO	See RO 33.1

34 Directive 2012/19/EU by 14/2/2014 of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE)

[Directive 2012/19/EU by 14/2/2014 of the European Parliament and of the Council on waste electrical and electronic equipment \(WEEE\)](#)

Overview: This Directive lays down measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste from electrical and electronic equipment (WEEE) and by reducing overall impacts of resource use and improving the efficiency of such use in accordance with Articles 1 and 4 of Directive 2008/98/EC, thereby contributing to sustainable development.

Seven ROs have been identified under this Directive in the RO Inventory.

RO 34.1: MS implementation reports

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 16 (5) Under Article 16(5), MS shall send a report to the Commission on the implementation of this Directive and on the information they have collected.
Reporting process and information required	MS must report to the Commission on the implementation of this Directive. The information needed would be available

	<p>from RO34.2. The reporting is via a standardised questionnaire.</p> <p>The Commission must publish a report on the implementation of this Directive within nine months after receiving the reports from MS</p> <p>In practice, the information collected by MS is submitted on annual basis to EUROSTAT. Current practice is already as it is in the proposed amendment of the Directive 2012/19/EU in the Circular Economy package:</p> <p>"Member States report the data concerning the implementation of Article 16(4) annually to the Commission (Eurostat). They shall report this data electronically within 18 months of the end of the reporting year for which the data are collected. The data shall be reported in the format established by the Commission."</p> <p>The data reported by the Member State in accordance with this Article are accompanied by a quality check report.</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 3yrs
D2. Last deadline for reporting	9/30/2013
D3. Next deadline for reporting	9/30/2016
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	6/30/2017
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting	NA

and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	
F2. Public information provision	
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: To establish how each MS is progressing with implementation of the Directive	
Benefits: Monitoring of the compliance with the requirements of this Directive, which can inform implementation and the need for follow up by the EC in cases of non-compliance. However, MS send almost the same information every time unless there was an important change. Therefore, under the Circular economy proposal it is proposed to delete this report	
Analysis of costs	

Type and number of reporting entities (Q)	MS: 28 EC: 1
Time required (T)	MS: A large volume of information would have to be handled, plus the report has a large significance, as it informs EC on the progress of MS to do with the directive. 35 days are given as an estimate. Individual MS authorities consulted provided a range of estimates from 5 days (Sweden) to 70 days (UK). EC: Would have to handle a large volume of information, plus the report is of significant importance, same as MS. 90 days are given as an estimate. DG Environment contracts an external consultant to compile the data from MS and ultimately prepare a consolidated report to the Commission. The consultant requires ca. two persons for two months to compile the data. In addition, there are two persons from DG Environment working on the report received from the consultant.
Frequency of action (F)	MS: Once every 3 years EC: once every 3 years
Other costs types	None expected
SCM equation(s)	MS: $Q(28) \times T(35 \text{ days} \times \text{tariff}) \times F(0.3 \text{ report/yr})$ EC: $Q(1) \times T(90 \text{ days} \times \text{tariff}) \times F(0.3 \text{ report/yr})$
Existing estimates of costs	Implementation reports prepared by Member States every three years have not proved to be an effective tool for verifying compliance and ensuring good implementation, and are generating unnecessary administrative burden. It is therefore appropriate to repeal provisions obliging Member States to produce such reports and for compliance monitoring purposes use exclusively the statistical data which Member States report every year to the Commission ²⁷¹ .
Significance of admin burden	Moderate – a large volume of information of high significance needs to be reported, every three years.
Current or recent trends affecting RO	Proposals under the Circular Economy Package will delete Article 6(5) and therefore remove the requirement for three yearly implementation reports. However, instead, MS will be required to report annually to the Commission on the data collected under Art 16(4). These relate to the quantities and categories of EEE placed on their markets, collected through all routes, prepared for re-use, recycled and recovered within the Member State, and on separately collected WEEE exported, by weight. These data will be reported electronically and in an agreed format, and accompanied by a quality check report.

²⁷¹ <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=COM:2015:593:FIN&from=EN>

RO 34.2: MS to collect information on quantities & categories of EEE placed on their markets, collected through all routes, prepared for re-use, recycled & recovered within the MS, and on separately collected WEEE exported, by weight

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 16(4)</p> <p>MS are required to collect and report information on quantities and categories of EEE placed on their markets, collected through all routes, prepared for re-use, recycled & recovered within the MS, and on separately collected WEEE exported, by weight.</p>
Reporting process and information required	<p>The information required herein is needed for reporting for RO34.1.</p> <p>This RO refers to how MS collect the information that they submit to the Commission. Producers, waste management operators and EPR schemes may report such data to MS in different reporting periods. Details are set out in the:</p> <p>Study on harmonisation of the format for registration and reporting of producers of electrical and electronic equipment (EEE) to the national register and on the frequency of reporting"</p> <p>Commonly, the WEEE put on the market, collected and recycled/recovered is reported to a national register either directly or through collective schemes. Data from the register is typically compiled by the environment agency which further reports to Eurostat. However, it should be noted that the system of reporting at a national level varies significantly between MS.</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	<p>Primary focus: Response</p> <p>Secondary focus: Pressure</p>
C. Type of content	
C1. Type of information reported	Numerical
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Annual
D2. Last deadline for reporting	6/30/2015
D3. Next deadline for reporting	6/30/2016

D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	6/30/2017
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	Eurostat
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	

H5. Potential informal links with other policy areas/legislation

H6. Existing links with voluntary reporting

Purpose and benefits of RO

Purpose: To collect data on quantities and categories of EEE and on separately collected WEEE. To report on the achievement of the targets set out in the Directive

Benefits: This data is the basis of reporting by MS on the implementation of the Directive and the achievement of the targets set out in the Directive. Through the report the COM gets the information about the achievement of the targets that MS have from the WEEE Directive. The COM does not prepare a report on the data submitted by MS. The data is available to EUROSTAT's web-page for anybody interested.

The reporting obligations are seen as a suitable instrument to ensure the implementation of the legislation, to create a level playing field for the competing schemes and ultimately to compare results among different MS.

Analysis of costs

Type and number of reporting entities (Q)

Operators (O): 28 x 2000 producers/ importers. 2000 is the estimated average per MS, though this number varies. For example, Croatia has 1400 operators and Sweden 2500.

MS: 28

Two key government institutions are usually involved in the reporting process – the environment ministry and the environmental protection agency. The former is normally in charge of forwarding data to the EC, while the latter collects it from operators and EPR schemes.

EUROSTAT: 1

MS provide the necessary data to EUROSTAT, which validates it before forwarding it to DG Environment.

Time required (T)

O: time required can vary significantly between entities. Survey results indicate that this may average 30 days for larger operators, but that less time is taken by small operators. An average of 7 days per operator is considered realistic overall.

According to a case study in Bulgaria, it takes the relevant Environmental Authority approximately 30 person days to compile the necessary data.

EUROSTAT: It takes ca. 2 months after the deadline for all reports to arrive, 2 months for the initial data validation effort, and another month for final validation.

Frequency of action (F)

Annual obligation of MS to collect the information.

Operators may report such data to MS in different reporting periods. Details are set out in the Study on harmonisation of the format for registration and reporting of producers of electrical and electronic equipment (EEE) to the national register and on the frequency of reporting

Other costs types

None expected

SCM equation(s)	O: $Q(28 \times 2000) \times T(7 \text{ days} \times \text{tariff}) \times F(1 \text{ times per year})$ EPR schemes: $Q(28 \times 5) \times T(20 \text{ days} \times \text{tariff}) \times F(1 \text{ times per year})$ MS: $Q(28 \times 1) \times T(30 \text{ days} \times \text{tariff}) \times F(1 \text{ times per year})$ EUROSTAT: $Q(1) \times T(60 \text{ days} \times \text{tariff}) \times F(1 \text{ times per year})$
Existing estimates of costs	<p>Essentially, there are two main types of costs associated with the collection of data for WEEE – annual costs for maintaining a register and costs for the collection, reporting and auditing of WEEE collection data. Results from an online survey among different MS demonstrate that very few estimates for administrative costs related to the reporting process are available.</p> <p>The costs Eurostat faces to run the WEEE reporting system are about 135 000 Euro/year, while for MS this number generally varies between 15 000 Euro/year and 75 000 Euro/year. In the UK, an Impact Assessment of the Directive estimated that in 2016 the central cost of collecting, monitoring, reporting and auditing WEEE collection data was £0.56m (EUR 0.62m) annually.</p> <p>The following is from the impact report for the previous WEEE directive:</p> <p>“Of the unnecessary costs identified in the operation of the Directive the most significant come from uncertainty on the scope of the Directive and requirements for producers to register and report in each Member State they sell in. Specific activity required by business from these, and other avoidable administrative costs are estimated at €66m /year using the EU's standard cost method.</p> <p>These are set to continue. Differences in implementation practice on registration also lead to unwanted free-riding by distance-sellers, who pass their costs on to registered producers.</p> <p>For cutting unnecessary administrative costs from the process of registration and reporting and to avoid duplication and differences in registration and reporting by producers, a few options have been considered. Either the introduction of an EU Clearing House or single EU register would certainly provide the functions required for cutting the unnecessary costs: the single EU register would do so at much greater cost to the European Commission (and so taxpayer) with some benefit from reduced costs of operations by Member States. Introduction of legal requirements for interoperability of Member State registers stands a good chance of achieving the same result for producers’ registration, avoids the need for extra resourcing for the European Commission, but is unlikely to provide services for reconciling flows of funding for treatment between schemes with actual cross-border treatment of WEEE.”</p> <p>This directive does not establish an EU-wide register, but uses national registers. It is unclear as to whether this new</p>

	directive addresses some of the concerns above, such as the need for producers to report in every MS they sell in.
Significance of admin burden	Is likely to be significant, because a potentially large amount of information would need to be collected, plus also due to the comments to do with reporting requirements above. It is perceived that reporting methodologies still vary widely and there is a lack of in-depth validation of final results.
Current or recent trends affecting RO	See RO 34.1

RO 34.3: MS to report to Commission if they set more ambitious rates for separate collection of WEEE

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 7 (1) Member States may set more ambitious rates for separate collection of WEEE and shall in such a case report this to the Commission.
Reporting process and information required	There is a certain rate for separate collection for WEEE that MS must achieve. MS can set more ambitious rates and must notify the Commission if this is the case. No additional information is required.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	MS decision to set more ambitious separate collection rates for WEEE
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No

D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 - H3. Links to reporting requirements in other legislation	
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	

H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: the RO informs the COM of MS decision to set more ambitious separate collection rates for WEEE.	
Benefits: It is important for the COM to know if MS set more ambitious rates for separate collection of WEEE than those of the Directive.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28
Time required (T)	As MS only need to notify EC, no more than 4 hours.
Frequency of action (F)	MS: Ad-hoc, though presumably one off (a single, more ambitious rate, is set when the Directive is transposed into national law)
Other costs types	None expected
SCM equation(s)	MS CAs: $Q(?) \times T(4\text{hours} \times \text{tariff}) \times F(1)$
Existing estimates of costs	See RO 34.1
Significance of admin burden	Insignificant
Current or recent trends affecting RO	See RO 34.1

RO 34.4: MS to transmit to Commission agreements to transpose provisions of Arts 8(6), 14(2) & 15, and to report to Commission on their results

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 24(3)</p> <p>Provided that the objectives set out in this Directive are achieved, MS may transpose the provisions set out in Article 8(6), Article 14(2) and Article 15 by means of agreements between the competent authorities and the economic sectors concerned and report to the Commission on their results.</p> <p>These articles are to do with (respectively):</p> <p>encouraging establishments or undertakings which carry out treatment operations to introduce certified environmental management systems</p> <p>provision of information to private users to do with 1) requirements for separate collection of WEEE; 2) return and collection systems available; 3) their role to contributing to</p>

	WEEE reuse and reduction; 4) potential environmental and human health effects of WEEE; 5) the meaning of the symbol from Annex IX – a crossed-out wheeled bin Information for treatment facilities
Reporting process and information required	<p>These agreements shall meet the following requirements:</p> <p>(a) agreements shall be enforceable;</p> <p>(b) agreements shall specify objectives with the corresponding deadlines;</p> <p>(c) agreements shall be published in the national official journal or an official document equally accessible to the public and transmitted to the Commission;</p> <p>(d) the results achieved shall be monitored regularly, reported to the competent authorities and the Commission and made available to the public under the conditions set out in the agreement;</p> <p>(e) the competent authorities shall ensure that the progress achieved under the agreement is examined;</p> <p>(f) in the case of non-compliance with the agreement, Member States must implement the relevant provisions of this Directive by legislative, regulatory or administrative measures.</p> <p>There should be periodic monitoring of the results achieved under an agreement.</p> <p>Agreements, and results achieved by those agreements.</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Adoption of agreement; periodic monitoring of the results achieved under an agreement
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA

D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Agreements, and results achieved by those agreements, must be made available to the public
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	

Purpose: To inform the COM of adoption of agreements; periodic monitoring of the results achieved under an agreement.

Benefits: Information relevant for the estimation of the status of implementation of the Directive. Increased awareness and information of the producers, operators and households on the proper disposal of WEEE and their role in the re-use, recycling and other forms of recovery of WEEE, as well as potential effects on the environment and human health as a result of the presence of hazardous substances in EEE. Further these agreements will encourage the introduction of certified environmental management systems.

Analysis of costs

Type and number of reporting entities (Q)	MS: 28
Time required (T)	MS to report if they transpose provisions under Article 8(6), Article 14(2) and Article 15 – 1 day, as MS only need to forward the relevant text to the Commission MS to report results of the agreements to the Commission. The reporting itself should not take overly long, taken at 10 days.
Frequency of action (F)	Ad-hoc
Other costs types	Monitoring costs for implementation of the agreements.
SCM equation(s)	MS: $Q(28) \times T(1\text{day} \times \text{tariff}) \times F(\text{Ad-hoc})$ MS: $Q(28) \times T(10\text{days} \times \text{tariff}) \times F(\text{Ad-hoc})$
Existing estimates of costs	See RO 34.1
Significance of admin burden	Small overall, but up to moderate if monitoring is considered.
Current or recent trends affecting RO	See 34.1

RO 34.5: MS to notify Commission of provisions rules on penalties applicable to infringements of the national provisions adopted pursuant to the Directive, and notify Commission of any subsequent amendment affecting them

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 22 The Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented.
Reporting process and information required	The Member States shall notify those provisions to the Commission by 14 February 2014 at the latest and shall notify it without delay of any subsequent amendment affecting them.

No additional information is required.	
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	MS adoption of provisions/rules on penalties, and any subsequent amendment of them
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	2/14/2014
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No

E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	none
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: Provide information on the implementation of this Directive, with focus on the penalties provided by the national provisions and the relevant subsequent amendments.	
Benefits: An updated track of the implementation and penalty measures can be kept and reviewed by the Commission.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28
Time required (T)	As far as the deadline for the initial reporting (14 February 2014) has already passed, time for this reporting is not taken into account. Reporting on the subsequent amendments affecting those provisions may require different time allocation, depending on the number of amendments. Time can be estimated to a few hours per amendment, 4 hours as a rough estimate.
Frequency of action (F)	Ad-hoc Due to the irregular character of the amendments, a specific frequency cannot be determined.
Other costs types	None expected
SCM equation(s)	MS: $Q (28) \times T (4 \text{ hours} \times \text{tariff}) \times F (\text{Ad-hoc})$

Existing estimates of costs	See RO 34.1.
Significance of admin burden	Likely to be insignificant
Current or recent trends affecting RO	See RO 34.1.

RO 34.6: MS making use of derogation from Art 5(2)(b) (return of WEEE to distributor) to inform the Commission

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 5(2)(b)</p> <p>MS making use of derogation from Article 5(2)(b) are required to inform the Commission.</p> <p>This derogation is for a provision that distributors are responsible for ensuring that WEEE from private households can be returned to the distributor at least free of charge on a one-to-one basis as long as the equipment is of equivalent type and has fulfilled the same functions as the supplied equipment. Derogation is allowed provide that they ensure that returning the WEEE is not thereby made more difficult for the final holder and that it remains free of charge for the final holder.</p>
Reporting process and information required	No additional information is required, MS simply notify the Commission
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	<p>Primary focus: Response</p> <p>Secondary focus: none</p>
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	MS decision to use derogation
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No

D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 - H3. Links to reporting requirements in other legislation	none
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	

H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: To keep the Commission informed when derogating from Article 5 (2)(b)	
Benefits: Information helps to monitor implementation of the Directive.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28
Time required (T)	MS are only required to inform the Commission when they decide to use this derogation, estimated at 2 hours
Frequency of action (F)	One-off
Other costs types	None expected
SCM equation(s)	MS CAs: $Q(?) \times T(4 \text{ hours} \times \text{tariff}) \times F(1)$
Existing estimates of costs	See RO 34.1.
Significance of admin burden	Insignificant
Current or recent trends affecting RO	See RO 34.1.

RO 34.7: MS which opt to set up minimum quality standards for treatment of collected WEEE shall inform the Commission thereof

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 8(5) MS which opt to set up minimum quality standards for the treatment of the WEEE that has been collected are required to inform the Commission. The Commission shall publish these standards.
Reporting process and information required	No additional information is required, MS simply notify the Commission.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	MS decision to set up minimum quality standards for treatment of WEEE

D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Member States shall publish the standards

H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
To inform the EC of implementation of the Directive, particularly with regard to minimum quality European standards on environmental protection and proper treatment of WEEE.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28
Time required (T)	No more than 4 hours
Frequency of action (F)	One-off
Other costs types	None available
SCM equation(s)	MS: $Q(?) \times T(4 \text{ hours} \times \text{tariff}) \times F(1)$
Existing estimates of costs	See RO 34.1.
Significance of admin burden	Likely to be insignificant (MS are only required to inform the Commission).
Current or recent trends affecting RO	See RO 34.1.

35 Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (recast)

[Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment \(recast\)](#)

Overview: This Directive lays down rules on the restriction of the use of hazardous substances in electrical and electronic equipment (EEE) with a view to contributing to the protection of human health and the environment, including the environmentally sound recovery and disposal of waste EEE.

One RO has been identified under the regulation in the RO Inventory.

RO 35.1: MS to notify Commission of provisions re rules on penalties applicable to infringements of the national provisions adopted pursuant to the Directive, and notify Commission of any subsequent amendment affecting them

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 23 MS shall notify Commission on the national provisions on penalties applicable to infringements, adopted pursuant to this Directive and any subsequent amendment affecting them.
Reporting process and information required	MS are required to adopt rules on penalties for infringements of the provisions in this Directive. MS must notify the Commission on these provisions, as well as on any amendments. No additional information is necessary.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	MS adoption of provisions/rules on penalties, and any subsequent amendment of them
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	1/2/2013
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA

D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Purpose: Provide information on the implementation of this Directive, with focus on the penalties provided by the national provisions until 2 January 2013 and the relevant subsequent amendments.</p> <p>Benefits: An updated track of the implementation and penalty measures can be kept and reviewed by the Commission. However, having a snapshot of the penalties does not improve the way RoHS is enforced; many other aspects would be needed (inspections, cooperation)</p>	

Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: 28
Time required (T)	<p>MS CAs: As far as the deadline for the initial reporting (2 January 2013) has already passed, time for this reporting is not taken into account.</p> <p>Reporting on the subsequent amendments affecting those provisions may take different time, depending on the number of amendments.</p> <p>The time required to report such cases is likely amount to no more than a few hours per amendment.</p>
Frequency of action (F)	Ad-hoc. Because of the irregular character of the amendments, a specific frequency cannot be determined.
Other costs types	None expected
SCM equation(s)	MS CAs: $Q (28) \times T (? \text{ hour} \times \text{tariff}) \times F (\text{Ad-hoc})$
Existing estimates of costs	The RoHS Directive does not foresee explicit reporting obligations for Member States or for information supply requirements by manufacturers in RoHS and in most cases Member States have not introduced such legal obligations at national level either for manufacturers. In this respect, a strict interpretation of the "administrative cost" definition could lead us to the conclusion that RoHS does not create any administrative burden for manufacturers, as far demonstration of compliance is concerned ²⁷²
Significance of admin burden	Likely to be insignificant (MS are only required to collect the relative amendments and send them to the Commission).
Current or recent trends affecting RO	<p>First market surveillance activities have revealed a potentially high (up to 44% in one MS) proportion of non-compliant EEE on the market which increases the risk of future environmental harm. This could indicate need for possible further measures for enforcing the national laws implementing the RoHS Directive and some ineffectiveness of proportionate and dissuasive penalties.</p> <p>Costs and effectiveness of the enforcement action that Member States do take would improve and synergies created by better communication through the internal market. Unequal treatment of EEE on the internal market and resulting additional, unnecessary administrative costs as Member States have taken divergent approaches with respect to national enforcement.²⁷³</p>

²⁷² <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52008SC2930&from=EN>

²⁷³ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52008SC2930&from=EN>

36 Regulation (EC) no 1102/2008 of the European Parliament and of the Council of 22 October 2008 on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury

REGULATION (EC) No 1102/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 October 2008 on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury

Overview: This Regulation lays down the rules for on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury.

A [proposal for a new regulation](#) on mercury repealing Regulation (EC) No 1102/2008 was issued on 2 February 2016. When adopted this will repeal existing reporting obligations but introduce a new obligation for Member States to prepare, update and publish online a report with information concerning the implementation of the Regulation, information needed to fulfil the reporting obligation established under Article 21 of the Minamata Convention, a summary of the information gathered in accordance with Article 12 (reporting of mercury waste from large sources), and a list of individual stocks of mercury exceeding 50 metric tonnes and sources of mercury supply generating annual stocks of mercury exceeding 10 metric tonnes.

RO 36.1: MS to submit to Commission a copy of any permit issued for a facility designated to store metallic mercury temporarily or permanently, accompanied by the respective safety assessment pursuant to Art 4(1)

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 5(1) Member States shall submit to the Commission a copy of any permit issued for a facility designated to store metallic mercury temporarily or permanently, accompanied by the respective safety assessment pursuant to Article 4(1) of this Regulation.
Reporting process and information required	Member States shall submit to the Commission a copy of any permit issued for a facility designated to store metallic mercury temporarily or permanently (disposal operations D 15 or D 12 respectively, as defined in Annex II A of Directive 2006/12/EC), accompanied by the respective safety assessment pursuant to Article 4(1) of this Regulation. Both permit and safety assessment must be elaborated under the requirements of this Regulation.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: Pressure
C. Type of content	

C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Issue of a permit for a facility to store metallic mercury
D. Timing of reporting	
D1. Frequency of reporting	Issue of a permit for a facility to store metallic mercury
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	

F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: EC can keep a track of the movements of the substances concerned by this Regulation.	
Benefit: This allows the Commission to assess implementation of the Regulation and to identify any good or bad practices in issuing permits. The COM report is generally useful as it provides an overview of: 1) the implementation status quo 2) implementation challenges and 3) next steps	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: 28
Time required (T)	MS CAs shall only send a copy of already existing documents. Assumed to be 1 day per report.
Frequency of action (F)	Unknown, depending on the number of permits issued
Other costs types	None expected.
SCM equation(s)	MS CAs: $Q (28) \times T (1 \text{ day} \times \text{tariff}) \times F (? \text{ report/yr})$
Existing estimates of costs	No quantitative estimates of costs solely to do with reporting, but the impact report ²⁷⁴ for this regulation notes that: "Additional administrative burden both to business and public administration (e.g. customs officers, landfill checks), as estimated under the Section 6.9 'Administrative costs', are expected to be rather negligible."
Significance of admin burden	Can vary from insignificant to significant, depending on the number of permits issued

²⁷⁴ http://ec.europa.eu/smart-regulation/impact/ia_carried_out/docs/ia_2006/sec_2006_1369_en.pdf

Current or recent trends affecting RO	<p>Presumably, if this Regulation is effective, the use and thus storage of metallic mercury would decrease over time, so the regulatory burden would lessen. There is a global trend toward reduced mercury use, particularly in the chlor-alkali industry, which lends credence to this.</p> <p>However, diffuse and smaller-scale uses, such as artisanal gold mining, which are partly illegal and difficult to control and monitor, may not adhere to this, and may make the overall aim of reducing mercury exposure more difficult to achieve²⁷⁵. Perhaps, increased monitoring and thus permitting of these operations may be expected, and so a larger administrative burden stemming from this. However, this is merely a supposition.</p> <p>The newly proposed mercury regulation which will replace the existing one will no longer include this reporting obligation.</p>
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RO 36.2: MS to inform Commission on application & market effects of the Regulation in their territory

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 5(2)</p> <p>MS to inform Commission on application & market effects of the Regulation in their territory (Article 5(2))</p>
Reporting process and information required	<p>By 1 July 2012, Member States shall inform the Commission on the application and market effects of this Regulation in their respective territories. Member States shall, upon request from the Commission, submit that information earlier than that date.</p> <p>Under this RO it is required importers, exporters & operators of activities referred to in Article 2 (as appropriate) to send to Commission & competent authorities data on: volumes, prices, originating country & destination country, and intended use of metallic mercury entering the Community; and volumes, originating country & destination country of metallic mercury considered as waste that is traded cross-border within the Community.</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	<p>Primary focus: Impact</p> <p>Secondary focus: Pressure</p>
C. Type of content	
C1. Type of information reported	Text

²⁷⁵ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52008SC2933&from=EN>

C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	One-off
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	Article 5(3) requires importers, exporters & operators of activities referred to in Article 2 (as appropriate) to send to Commission & competent authorities data on: volumes,

	prices, originating country & destination country, and intended use of metallic mercury entering the Community; and volumes, originating country & destination country of metallic mercury considered as waste that is traded cross-border within the Community.
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>EC can monitor the implementation of this Regulation and the market effects coming out if it.</p> <p>Benefits: EC is able to gauge the effectiveness of the Regulation for reducing mercury use, but also whether there have been any unintended economic side-effects. This may serve as a basis for subsequent revisions. The COM report is generally useful as it provides an overview of: 1) the implementation status quo 2) implementation challenges and 3) next steps</p>	
Analysis of costs	
Type and number of reporting entities (Q)	<p>Operators (O): ? Includes all 3rd parties reporting under this directive</p> <p>MS CAs: (28x?)</p> <p>MS: 28</p>
Time required (T)	<p>O – The information required should already be logged, as it concerns trading. So, the burden would be for collating, standardising and reporting to CAs. The exact time should differ between O, depending on e.g. the number of mercury transactions that have taken place. 4 days is given as a rough average estimate.</p> <p>MS CAs – CAs must collect, standardise and report information from a potentially large number of entities. This would vary between MS, we give 12 days as a rough average estimate.</p> <p>MS – MS must compile and report on a large amount of information, similar to CAs. 20 days is given as a rough estimate.</p> <p>The above estimates are deliberately kept low, as the impact assessment²⁷⁴ for the regulation notes that a flexible system of reporting, as provided (in lieu of a rigid</p>

	questionnaire format), should keep administrative costs to a minimum.
Frequency of action (F)	Once (single event), completed
Other costs types	None expected
SCM equation(s)	$O = Q(?) \times T(4\text{days} \times \text{tariff}) \times F(1)$ $MS \text{ CAs} = Q(28x?) \times T(12\text{days} \times \text{tariff}) \times F(1)$ $MS = Q(28) \times T(20\text{days} \times \text{tariff}) \times F(1)$
Existing estimates of costs	See RO 36.1
Significance of admin burden	The report is sent only once, but is based on a potentially large volume of information. The overall significance is given as moderate.
Current or recent trends affecting RO	The newly proposed mercury regulation which will replace the existing one will no longer include this reporting obligation.

RO 36.3: Mercury importers, exporters and relevant economic operators to submit to the Commission and to MS concerned information on mercury volume, price and countries of origin and of destination and on the expected use of mercury and info on the volume, price and countries of origin and of destination of mercury waste when transported within the EU

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 5 (3)</p> <p>Mercury importers, exporters and relevant economic operators to submit to the Commission and to MS information regarding mercury trade, transport, usage, and price.</p>
Reporting process and information required	<p>By 31 July 2012, importers, exporters, and operators shall send to the Commission and to Competent Authorities data on:</p> <p>a) volumes, prices, originating country and destination country as well as the intended use of metallic mercury entering the Community;</p> <p>b) volumes, originating country and destination country of metallic mercury considered as waste that is traded crossborder within the Community.</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	<p>Primary focus: State</p> <p>Secondary focus: none</p>

C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Mercury importer/exporter and economic operators referred to in Art. 2
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	7/1/2012
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	
E3. Format for reporting	
E4. Reference / Link to reporting template	
E5. References / link to additional reporting guidance(s)	
E6. Electronic reporting required/facilitated	
F. Relevance to 3rd parties and the public	

F1. Reporting requirements on 3rd parties	
F2. Public information provision	
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: Monitoring of trade volumes; improvement of outcomes Benefits: Transparency; accountability. The COM report is generally useful as it provides an overview of: 1) the implementation status quo 2) implementation challenges and 3) next steps	
Analysis of costs	
Type and number of reporting entities (Q)	Operators (O):?.
Time required (T)	MS: Estimate 4 days to compile relevant information.
Frequency of action (F)	O: Once.
Other costs types	None identified.
SCM equation(s)	O: $Q(?) \times T(4 \text{ days} \times \text{tariff}) \times F(1)$
Existing estimates of costs	None identified.
Significance of admin burden	O: Minor.
Current or recent trends affecting RO	The newly proposed mercury regulation which will replace the existing one will no longer include this reporting obligation.

RO 36.4: Economic operators targeted in Art. 2 to submit to Commission and MS information on quantity of mercury that is still used, stored and gained and on volume of mercury waste sent to waste storage facilities and contact details of such facilities

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 6</p> <p>The companies concerned in in the chlor-alkali industry, as well as in the industry sectors that gain mercury from the cleaning of natural gas or as a by-product from non-ferrous mining and smelting operations shall send shall send to the Commission and the competent authorities of the Member States concerned data regarding quantities of mercury as described below in the next section.</p>
Reporting process and information required	<p>1. The companies concerned in the chlor-alkali industry shall send the following data related to the decommissioning of mercury in a given year to the Commission and the competent authorities of the Member States concerned:</p> <p>(a) best estimate of total amount of mercury still in use in chlor-alkali cell;</p> <p>(b) total amount of mercury stored in the facility;</p> <p>(c) amount of waste mercury sent to individual temporary or permanent storage facilities, location and contact details of these facilities.</p> <p>2. The companies concerned in the industry sectors that gain mercury from the cleaning of natural gas or as a by-product from non-ferrous mining and smelting operations shall send the following data related to mercury gained in a given year to the Commission and the competent authorities of the Member States concerned:</p> <p>(a) amount of mercury gained;</p> <p>(b) amount of mercury sent to individual temporary or permanent storage facilities as well as location and contact details of these facilities.</p> <p>3. The companies concerned shall send the data referred to in paragraphs 1 and 2, as applicable, for the first time by 4 December 2009, and thereafter each year by 31 May.</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	<p>Primary focus: State</p> <p>Secondary focus: Response</p>
C. Type of content	
C1. Type of information reported	Numerical
C2. Thresholds/triggers for reporting	Economic operators referred to in Art. 2
D. Timing of reporting	
D1. Frequency of reporting	Economic operators referred to in Art. 2

D2. Last deadline for reporting	5/31/2015
D3. Next deadline for reporting	5/31/2016
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	Companies in the chlor-alkali industry to send following data related to decommissioning of mercury in a given year to Commission & competent authorities of MS concerned: est. total amount of mercury still in use in chlor-alkali cell; total amount of mercury stored in the facility; amount of waste mercury sent to individual temporary or permanent storage facilities, location & contact details of these facilities.

	<p>Companies in industry sectors that gain mercury from cleaning of natural gas or as a by-product from non-ferrous mining & smelting operations to send following data related to mercury gained in a given year to the Commission & competent authorities of MS concerned: amount of mercury gained; amount of mercury sent to individual temporary or permanent storage facilities, location & contact details of these facilities.</p> <p>Companies concerned to send data for the first time by 4 December 2009, and thereafter each year by 31 May.</p>
F2. Public information provision	Commission to make the information in column F1 publicly available in accordance with Regulation (EC) No 1367/2006
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>EC can keep a track of the movements of the substances concerned by this Regulation.</p> <p>Benefits: Non-compliant businesses can be held accountable by MS, but this data may also serve as the basis of litigation from EC regarding failure to apply the Regulation in MS. The public provision of information is in line with the Aarhus convention and aims to foster public participation in environmental matters, plus inform those directly or indirectly impacted by relevant environmental matters.</p> <p>The COM report is generally useful as it provides an overview of: 1) the implementation status quo 2) implementation challenges and 3) next steps</p>	
Analysis of costs	
Type and number of reporting entities (Q)	<p>Operators (O) – There are 34 yearly reports by chlor-alkali companies (since 2011) and potentially 5 reports from natural gas cleaning and 1 from non-ferrous mining.</p> <p>DG ENV believes there is significant under-reporting regarding natural gas and non-ferrous mining.</p> <p>The data gathered through this RO is available at http://ec.europa.eu/environment/chemicals/mercury/regulation_en.htm</p>
Time required (T)	The information required should already mostly be available, the burden then being for compiling and reporting. Is likely to vary between businesses, 4 days is given as a rough average estimate.

Frequency of action (F)	Annual
Other costs types	None expected
SCM equation(s)	$Q (?) \times T (4\text{days} \times \text{tariff}) \times F (1 \text{ report/yr})$
Existing estimates of costs	None identified
Significance of admin burden	<p>Depends on the number of reporting entities, and is potentially large, because annual reporting is required.</p> <p>In all cases, good control by the operator of the amounts of mercury handled is critical for ensuring good management of the facilities. Hence, operators can be expected to gather data as part of good practice. Hence the main additional administrative burdens are likely to relate to the dispatch of this data to the MS CAs and the Commission. In the chlor-alkali sector, Eurochlor facilitates the reporting process.</p>
Current or recent trends affecting RO	The newly proposed mercury regulation which will replace the existing one requires producers of mercury waste from larger sources to report annually on mercury waste, and for Member States to compile this information in online reports on implementation (Arts 12, 15).

RO 36.5: MS to notify Commission of provisions re rules on penalties applicable to infringements of the Regulation, and notify Commission of any subsequent amendment affecting them

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 7</p> <p>MS to notify Commission of provisions regarding rules on penalties applicable to infringements of the Regulation, and notify Commission of any subsequent amendment affecting them.</p>
Reporting process and information required	Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are applied. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission by 4 December 2009 and shall notify it without delay of any subsequent amendment affecting them.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	<p>Primary focus: Response</p> <p>Secondary focus: none</p>
C. Type of content	

C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	MS adoption of provisions/rules on penalties, and any subsequent amendment of them
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	12/4/2009
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	

F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Purpose: Provide information on the implementation of this Regulation, with focus on the penalties provided by the national provisions until 4 December 2009 and the relevant subsequent amendments.</p> <p>Benefits: An updated track of the implementation and penalty measures can be kept and reviewed by the Commission. The COM report is generally useful as it provides an overview of: 1) the implementation status quo 2) implementation challenges and 3) next steps</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS CAs: 28
Time required (T)	<p>As far as the deadline for the initial reporting (4 December 2009) has already passed, time required for this reporting is not taken into account.</p> <p>Reporting on the subsequent amendments affecting those provisions may take different time, depending on the number of amendments.</p> <p>The time required to report such cases is likely amount to no more than a few hours per amendment.</p>
Frequency of action (F)	Ad-hoc. Because of the irregular character of the amendments, a specific frequency cannot be determined.
Other costs types	None expected
SCM equation(s)	MS CAs: $Q (28) \times T (? \text{ hours} \times \text{tariff}) \times F (\text{Ad-hoc})$
Existing estimates of costs	None identified.
Significance of admin burden	Likely to be insignificant (MS are only required to collect the relative amendments and send them to the Commission).

Current or recent trends affecting RO	The newly proposed mercury regulation which will replace the existing one will no longer include this reporting obligation.
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37 Directive 2004/42/CE of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC

Directive 2004/42/CE of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC

Overview: The purpose of this Directive is to limit the total content of VOCs in certain paints and varnishes and vehicle refinishing products in order to prevent or reduce air pollution resulting from the contribution of VOCs to the formation of tropospheric ozone.

To achieve the objective set out in paragraph 1, this Directive approximates the technical specifications for certain paints and varnishes and vehicle refinishing products.

This Directive shall apply to the products set out in Annex I:

- coatings applied to buildings, their trim and fittings, and associated structures for decorative, functional and protective purpose
- coating of road vehicles as defined in Directive 70/156/EEC, or part of them, carried out as part of vehicle repair, conservation or decoration outside of manufacturing installations

This Directive does not prejudice or affect measures, including labelling requirements, taken at Community or national level to protect the health of consumers and of workers and their working environment.

One RO has been identified under the Directive in the RO Inventory.

RO 37.1: MS required to report to the Commission periodically on (i) their monitoring of compliance and (ii) quantities of products licensed under a derogation.

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 7 MS shall report the results of the monitoring programme and the categories and quantities of products licensed.
Reporting process and information required	Member States must monitor VOC from paints and varnishes, as provisioned in this Directive. Article 7 obliges MS to report these results for all categories and quantities of products licenced according to Article 3(3), plus report on the compliance with the Directive. The first two reports must be submitted to the Commission 18 months after the dates for compliance with the VOC content limit values laid

	<p>down in Annex II; subsequently a report must be submitted every five years.</p> <p>The Commission develops in advance a common format for the submission of monitoring data in accordance with the procedure referred to in Article 12(2). Annual data must be made available to the Commission upon request.</p> <p>All monitoring information should be available from monitoring efforts in this Directive. MS must then compile the reports on 1) results of the monitoring programme; 2) the categories and quantities of products licenced.</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Pressure Secondary focus: Driver and Response
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 5yrs
D2. Last deadline for reporting	7/1/2011
D3. Next deadline for reporting	7/1/2016
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	
D6. Date of most recent Commission report	10/16/2013
D7. Deadline of MS report on which the most recent Commission report is based on	7/1/2011
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	838 Late delivery of reports from Member States (Malta's is dated December 2012).
E. Format and process requirement	
E1. Reporting partner/service provider	EEA

E2. Information provision requirement to international organisation	No
E3. Format for reporting	Other
E4. Reference / Link to reporting template	Template
E5. References / link to additional reporting guidance(s)	Commission Directive 2010/693
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: To provide information on placing on the market and use of prohibited substances in articles that are still in use; based on MS reports	
Benefits: Commission can keep a track of the implementation of the different MS and the quantities of products that are produced/registered/available on the market. Knowledge of presence of POPs in articles is important for appropriate disposal and for recycling.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28
Time required (T)	As far as the monitoring system shall be already established before the reporting, it is assumed that data shall be available. MS shall compile these data and report it. Time required is assumed to be 20 days per report per year.
Frequency of action (F)	Once every 5 years

Other costs types	None expected
SCM equation(s)	$MS = Q(28) \times T(100 \text{ days} \times \text{tariff}) \times F(0.2 \text{ report/yr})$
Existing estimates of costs	None available
Significance of admin burden	Likely to be moderate. Although the report is required once on a 5 years period, MS shall collect information annually that has to be provided to the Commission upon request. Hence, significance can increase if the Commission requests annual data, as stated in Article 7. It is assumed that product monitoring costs are required to achieve compliance with the standards required by the Directive, and are not therefore the result of the reporting obligation.
Current or recent trends affecting RO	None available

38 Regulation (EC) No 850/2004 of 29 April 2004 on persistent organic pollutants.

[Regulation \(EC\) No 850/2004 of 29 April 2004 on persistent organic pollutants.](#)

Overview: The Regulation contains provisions regarding production, placing on the market and use of persistent organic pollutants (POPs), management of stockpiles and wastes, and measures to reduce unintentional releases of POPs. Furthermore, Member States must set up emission inventories for unintentionally produced POPs, national implementation plans (NIPs) and monitoring and information exchange mechanisms.

5 ROs were identified in the Task 1 inventory.

RO 38.1 MS to inform Commission in cases where prohibited substances occur in products already in use

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 4.2 Article 4 creates exemptions to the ban on placing on the market or use of products containing POPs; 4.2 exempts constituents of products already on the market from the ban, but requires Member States to inform the Commission if they become aware of any such products; the Commission then informs the Secretariat to the Stockholm Convention.
Reporting process and information required	Identification of the relevant products by the Member State. Detailed information requirements are not in place, but at least information on the articles that contain the POPs and on the nature of the POPs constituents, an estimate of their quantity and information on management measures are needed.
A7. Inclusion in EIONET database	No

B1-B5. DPSIR Coverage	Primary focus: Pressure Secondary focus: Driver
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Occurrence of substances in products already in use
D. Timing of reporting	
D1. Frequency of reporting	Occurrence of substances in products already in use
D2. Last deadline for reporting	
D3. Next deadline for reporting	
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	
D6. Date of most recent Commission report	
D7. Deadline of MS report on which the most recent Commission report is based on	
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	Occurrence of substances in products already in use
E3. Format for reporting	None
E4. Reference / Link to reporting template	
E5. References / link to additional reporting guidance(s)	

E6. Electronic reporting required/facilitated	None
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Provision of information to the Convention level on presence of products containing POPs, which raises awareness in all parties and allows them to take appropriate action.	
Analysis of costs	
Type and number of reporting entities (Q)	Obligation is placed on member states; in practice, competent authorities at sub-Member State level would be responsible for identifying relevant cases
Time required (T)	0.5 days per case
Frequency of action (F)	Ad hoc – unlikely to be more than very occasional now that the regulation has been in place for 12 years.
Other costs types	None identified
SCM equation(s)	Difficult to estimate. Assuming (say) a maximum of 1 case per year, then costs will be < =: MS CAs: $Q1 * T (0.5 * \text{tariff})$ EC: $Q1 * T (0.5 * \text{tariff})$
Existing estimates of costs	None identified
Significance of admin burden	Negligible; although given the likely infrequency of the requirement, the main burden is likely to arise from checking what needs to be done in each case.
Current or recent trends affecting RO	Latest report on implementation – dated 2011, covering the period 2007-2009 – did not identify any cases of a notification under article 4.2

RO 38.2: Obligation to inform the Commission on derogations granted under article 7 (4)

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 7.4 Article 7 specifies waste management requirements in respect of contamination with banned substances; article 7 (4) creates a derogation allowing Member States to use permanent storage, rather than destruction, for particular categories of waste containing banned substances, and requires the Member State to inform the Commission and other Member States of the derogation and its justification. Commission was required to review by 2009 derogations granted.
Reporting process and information required	No specific format has been established for communication of this information, which will depend on a case-by-case assessment by competent authorities
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: Pressure
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Granting of a derogation under article 7(4)
D. Timing of reporting	
D1. Frequency of reporting	Granting of a derogation under article 7(4)
D2. Last deadline for reporting	
D3. Next deadline for reporting	
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	5/20/2016
D6. Date of most recent Commission report	8/1/2011
D7. Deadline of MS report on which the most recent	

Commission report is based on	
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	
E3. Format for reporting	None
E4. Reference / Link to reporting template	
E5. References / link to additional reporting guidance(s)	
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	yes
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	waste legislation
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: To provide information on the use of a derogation for treatment of waste that contains prohibited substances; based on MS reports.	
Benefits: Knowledge about use of the derogation for waste that contains POPs is crucial due to the potential impact on environment	
Analysis of costs	

Type and number of reporting entities (Q)	Obligation is placed on member states; in practice, competent authorities at sub-Member State level would be responsible for identifying relevant cases
Time required (T)	Difficult to distinguish cost of the reporting obligation from the costs of the regulatory activity. As a simple estimate, we assume the finalisation for transmission of a justification for the derogation would take around 1 day of scientifically qualified staff time.
Frequency of action (F)	Ad hoc. The 2007-2009 implementation report records 2 cases of communication of derogations, in Germany and Finland.
Other costs types	
SCM equation(s)	Assuming 1 case per year: $Q1 * T(1 * \text{tariff})$
Existing estimates of costs	None identified
Significance of admin burden	Negligible; main burden arises from the regulatory activity associated with granting exemptions, and appears to be infrequent.
Current or recent trends affecting RO	Latest report on implementation (2011, covering 2007-2009) noted 2 cases of MS communication under article 7(4), although MS reports are not complete.

RO 38.3: Information on application, including infringements and penalties

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 12.1 A general requirement on Member States to report on the application of the regulation
Reporting process and information required	A simple reporting format is specified by Commission Decision 2007/639, which also covers RO 37.4. Member States are required to report on stockpiles; the existence of an action plan for release reduction; measures adopted to identify, characterise, and minimise sources of substances; the existence of an information plan and a monitoring programme; exchanges of information; and the application of penalties. Commission is required to prepare a synthesis report, which combines the information provided under RO 37.3 and RO 37.4.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: Pressure
C. Type of content	

C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 3yrs
D2. Last deadline for reporting	5/20/2013
D3. Next deadline for reporting	5/20/2016
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	5/20/2016
D6. Date of most recent Commission report	5/20/2016
D7. Deadline of MS report on which the most recent Commission report is based on	5/20/2010
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	438 Many MS reports were submitted after the deadline, sometimes more than 6 months later.
E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	Article 15 of the Stockholm Convention
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Template
E5. References / link to additional reporting guidance(s)	Commission Decision 2007/639
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	

F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: To provide information on MS implementation; based on MS reports	
Benefits: It is very important to know whether MS fully implement the regulation and where problems occur	
Provides public information on application of the legislation, and identification of potential future needs for legislative change. Certain information is used by the Member States and by the Commission to report towards the Convention.	
Analysis of costs	
Type and number of reporting entities (Q)	Member States (28); although where there are a number of competent authorities in a member state, compilation of the report will require action by all the competent authorities
Time required (T)	We estimate 3-5 days per Member State, plus an additional day per competent authority (we assume the number of competent authorities is roughly 60). Preparation by the Commission of the Union synthesis report is estimated to require 30 days, covering also the requirement to report on information provided under RO 38.4.
Frequency of action (F)	Every 3 years.
Other costs types	None identified
SCM equation(s)	MS $Q(28) \cdot (4 \cdot \text{tariff}) \cdot (\text{once every three years})$ MS CAs $Q \approx (60) \cdot (1 \cdot \text{tariff}) \cdot (\text{once every three years})$ EC $Q(1) \cdot (30 \cdot \text{tariff}) \cdot (\text{once every three years})$
Existing estimates of costs	None identified
Significance of admin burden	Likely to be a more significant burden for smaller Member States, which may have limited technical expertise on POPs, and may need to use staff who do not work exclusively in this area of legislation. In other cases, relatively limited burden, although as the incidence of POPs banned under

	the regulation declines, the availability of relevant specialist staff may become more difficult.
Current or recent trends affecting RO	Latest report on implementation (2011, covering 2007-2009) notes that Member State compliance with reporting requirements is patchy.

RO 38.4: Data on volumes produced / placed on the market

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 12.2 A requirement on Member States to report annually on volumes of POPs produced or placed on the market.
Reporting process and information required	A simple reporting format is specified by Commission Decision 2007/639. Member States are required to report on production of POPs, volumes of production, placing on the market and exports. Commission is required to include summary information on these reports in its regular (every 3 years) report, covered under RO 37.3 above
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Pressure Secondary focus: none
C. Type of content	
C1. Type of information reported	Numerical
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Annual
D2. Last deadline for reporting	5/20/2015
D3. Next deadline for reporting	5/20/2016
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	5/20/2016
D6. Date of most recent Commission report	8/1/2011
D7. Deadline of MS report on which the	5/20/2010

most recent Commission report is based on	
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	438 Many MS reports were submitted after the deadline, sometimes more than 6 months later.
E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	Article 15 of the Stockholm Convention
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Template
E5. References / link to additional reporting guidance(s)	Commission Decision 2007/639
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: To provide information to the Convention on production and use of POPs; based on MS reports	
Benefits: It is very important to know the quantities for effectiveness evaluation and as a basis for further measures	

Provides public information on application of the legislation, and identification of potential future needs for legislative change. Certain information is used by the Member States and by the Commission to report towards the Convention.	
Analysis of costs	
Type and number of reporting entities (Q)	Member States (28). Limited consequential burden on competent authorities, assuming this information is in any case already communicated by them to the Member State level.
Time required (T)	Information should be readily available to the authorities in their role in implementing the legislation; we estimate 1 day per Member State
Frequency of action (F)	Annual
Other costs types	None identified
SCM equation(s)	MS Q (28)*(1*tariff)*(1 (annual)) EC costs included in RO 37.3 above
Existing estimates of costs	None identified
Significance of admin burden	Negligible
Current or recent trends affecting RO	Latest report on implementation (2011, covering 2007-2009) notes that Member State compliance with reporting requirements is patchy.

RO 38.5: Summary information on impacts

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 12.3 A general requirement on Member States to report on the application of the regulation
Reporting process and information required	A simple reporting format is specified by Commission Decision 2007/639, which also covers RO 37.4. Member States are required to report on stockpiles; the existence of an action plan for release reduction; measures adopted to identify, characterise, and minimise sources of substances; the existence of an information plan and a monitoring programme; exchanges of information; and the application of penalties. Commission is required to prepare a synthesis report, which combines the information provided under RO 37.3 and RO 37.4.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Pressure Secondary focus: none
C. Type of content	

C1. Type of information reported	Geospatial
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 3yrs
D2. Last deadline for reporting	5/20/2013
D3. Next deadline for reporting	5/20/2016
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	5/20/2016
D6. Date of most recent Commission report	8/1/2011
D7. Deadline of MS report on which the most recent Commission report is based on	5/20/2010
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	438 Many MS reports were submitted after the deadline, sometimes more than 6 months later.
E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	Article 15 of the Stockholm Convention
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Template
E5. References / link to additional reporting guidance(s)	Commission decision 2007/639
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	

F1. Reporting requirements on 3rd parties	Yes
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	NEC Directive
H4. Possible data overlaps with other reporting requirements	Data gathered under NEC Directive can be used as basis for parts of this reporting
H5. Potential informal links with other policy areas/legislation	Policy and legislation on air pollution and protection of arctic regions
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Public information on application of the legislation, and identification of potential future needs for legislative change. Certain information is used by the Member States and by the Commission to report towards the Convention.	
Analysis of costs	
Type and number of reporting entities (Q)	Member States (28); although where there are a number of competent authorities in a member state, compilation of the report will require action by all the competent authorities
Time required (T)	We estimate 3-5 days per Member State, plus an additional day per competent authority (we assume the number of competent authorities is roughly 60). Preparation by the Commission of the Union synthesis report is estimated to require 30 days, covering also the requirement to report on information provided under RO 37.4.
Frequency of action (F)	Every 3 years.
Other costs types	None identified
SCM equation(s)	MS $Q(28) \cdot (4 \cdot \text{tariff}) \cdot (\text{once every three years})$ MS CAs $Q \approx (60) \cdot (1 \cdot \text{tariff}) \cdot (\text{once every three years})$ EC $Q(1) \cdot (30 \cdot \text{tariff}) \cdot (\text{once every three years})$
Existing estimates of costs	None identified
Significance of admin burden	Likely to be a more significant burden for smaller Member States, which may have limited technical expertise on POPs, and may need to use staff who do not work exclusively in this area of legislation. In other cases, relatively limited burden, although as the incidence of POPs banned under the regulation declines, the availability of relevant specialist staff may become more difficult.

Current or recent trends affecting RO	Latest report on implementation (2011, covering 2007-2009) notes that Member State compliance with reporting requirements is patchy.
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39 Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and establishing a European Chemicals Agency.

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02006R1907-20150601&from=EN>

Overview:

Regulation (EC) No 1907/2006 concerning the registration, evaluation, authorisation and restriction of chemicals (REACH) places specific requirements on Member States, the European Chemicals Agency (ECHA), the European Commission (EC) and industrial organisations to report on the implementation and operation of the Regulation.

REACH requires business to fully ascertain the risks posed by the use of chemicals. For certain dangerous substances this means that a company will need to define in detail exactly how to safely use a chemical. This imposes considerable regulatory and technical complexity both on the business operators and Competent Authorities ensure the implementation of the Regulation.

Another of REACH's mechanisms is an authorisation process for substances identified as being of very high concern to human health or the environment. Authorisation will mean the hazardous chemical can only be used in ways that are authorised by the REACH central authority. Unlike other EC Regulations, REACH does not require transposition into national law. Nonetheless, there is evidence from the 2010 reporting cycle as well as external evaluations of significant inconsistencies in the implementation and enforcement of the Regulation between Member States.

The regulation has one reporting obligation.

RO 39.1: Report on the operation of the legislation

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 117(4) (a) of REACH obliges the Commission to publish a general report on experience with the operation of REACH. Paragraphs 1-3, together with Article 127, set out the reporting obligations for Member States and the European Chemicals Agency (ECHA) to the EC, in relation to this report.</p> <p>Each Member State is required to submit a report to the EC every 5 years on the operation of REACH in its territory, including sections on evaluation and enforcement activities (for which MS authorities have exclusive competency beyond implementation). Every five years, the ECHA shall submit to the Commission a report on the operation of this Regulation, within one year of receipt of the MS reports.</p>
Reporting process and information required	The Regulation requires Member States to submit every five years a report on the operation of the Regulation in their respective territories, including sections on evaluation and enforcement. In relation to enforcement, the report shall include the results of official inspections, the monitoring

work carried out by MS authorities, penalties provided for non-compliance and other measures with regard to the imposition of official controls and in cases of non-compliance.

The 2015 MS reports are in the form of an online questionnaire, with 243 questions covering a wide range of implementation activities. This includes detailed data on registrations. Inspections and enforcement activities.

The common issues to be covered in the reports by MS are agreed by the Forum for Exchange of Information on Enforcement, a network of Member State authorities tasked with ensuring dissemination of good practice and promotion of harmonised approaches to enforcement.

Compared to previously existing chemicals legislation, REACH has marked a fundamental change in responsibility of the duty holders. The proper risk management of chemicals lies now fully with industry instead of with the Member State competent authorities. It is reported that enforcement of a particular duty under REACH can be different between the EEA Member States. REACH has produced a new distribution of enforcement tasks between existing and new stakeholders in the enforcement chain.

The enforcement of REACH involves multiple actors at multiple levels, i.e. at local, regional, national and supra-national level. Some aspects of the enforcement may therefore be highly relevant at one level, but not so relevant at other levels. Nevertheless, all enforcement activities at all levels together comprise the full picture of the enforcement of REACH (Warmenhoven, et al., 2015)

Article 127:

The report referred to in Article 117(1) shall, in relation to enforcement, include the results of the official inspections, the monitoring carried out, the penalties provided for and the other measures taken pursuant to Articles 125 and 126 during the previous reporting period. The common issues to be covered in the reports shall be agreed by the Forum. The Commission shall make these reports available to the Agency and the Forum.

A7. Inclusion in EIONET database No

B1-B5. DPSIR Coverage Primary focus: Pressure
Secondary focus: none

C. Type of content

C1. Type of information reported Text

C2. Thresholds/triggers for reporting

D. Timing of reporting

D1. Frequency of reporting Every 5yrs

D2. Last deadline for reporting	6/1/2015
D3. Next deadline for reporting	6/1/2020
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	6/1/2017
D6. Date of most recent Commission report	2/5/2013
D7. Deadline of MS report on which the most recent Commission report is based on	6/1/2010
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	980 Commission also needs to take into account report from ECHA, deadline 01/06/2011
E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Example of completed template
E5. References / link to additional reporting guidance(s)	
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	

H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>The key benefit of the RO lies in increasing the levels of awareness-raising about chemical safety risk management throughout the upstream and downstream supply chain – in keeping with the ‘self-reporting’ spirit of the Regulation. A relatively ‘light touch’ enforcement regime within MS overall requires substantial investments in such educational and awareness raising measures, as well as investments in targeted inspection measures and institutional communication. As such, the RO supports dissemination of best practice in light of the recognised inconsistencies in implementation of the REACH between MS (Warhenhoven, et al, 2015).</p>	
Analysis of costs	
Type and number of reporting entities (Q)	<p>28 Member State authorities, typically with information requests and reporting requirements for dozens of regional and supporting authorities within each Member State. Based on Member State information provided to the EC, this includes trade, business, energy, environment and public health authorities so as to gain a full picture of enforcement activities. Analysis of responses indicates an average of 5 additional authorities that provide information to the CA per Member State, and 1-2 authorities engaged in the MS evaluation process every 5 years as per the requirements of the reporting cycle.</p> <p>Analysis of MS responses to the 2015 reporting cycle indicates that most Competent Authorities have an average of between 20-30 FTE staff working on REACH implementation.</p> <p>ECHA (1)</p>
Time required (T)	<p>Total reporting time is unknown. The MS reports contain 243 questions requiring detailed information to be completed on various implementing activities, including detailed data on inspection and enforcement actions. The time taken will vary depending on the number of regulatory authorities in each Member State. It is assumed that the data should be available to the authorities through records of implementing activities under Reach. An average of 50 days per MS for reporting in each 5 year cycle is assumed.</p> <p>MS reporting responses to the first (2010) reporting cycle suggest that around 5% of CA time is typically allocated to enforcement measures, and 15-20% in providing clarification to regional authorities on the requirements of the Articles, with the majority of the remaining authority</p>

	<p>time allocated to supporting business operators in the registration/pre-registration process. Additional time inputs on MA authorities are required for participation in the REACH Forum, which decides on the content of reporting for MS within each 5-year cycle.</p> <p>The ECHA report requires compilation, processing and analysis of the detailed information in the MS reports, and is assumed to take 100 days to compile every 5 years.</p>
Frequency of action (F)	<p>Member States: reporting every five years</p> <p>ECHA: reporting every five years</p>
Other costs types	<p>Due to the complexity of the Regulation and the wide range of upstream and downstream stakeholders involved in the reporting and enforcement of REACH, there are substantial costs associated with the training and familiarisation of enforcement officers to support reporting to the CA (Postle, et al, 2009).</p> <p>Information submitted to the ECHA in 2010 indicated that the majority of MS authorities undertook external evaluation of REACH implementation and enforcement in their territory – pointing to additional costs.</p>
SCM equation(s)	<p>MS CAs: $Q(28) \times T(50 \text{ days}) \times F(1\text{report}/5\text{yr})$</p> <p>ECHA: $Q(1) \times T(100 \text{ days}) \times F(1\text{report}/5\text{yr})$</p>
Existing estimates of costs	None found.
Significance of admin burden	The administrative burden of this RO is likely to be moderate. Detailed data needs to be reported by the MS every five years. While compiling this data may take a significant amount of time, particularly where several authorities involved, it is assumed that the data itself should be readily available through records of implementing activities.
Current or recent trends affecting RO	A number of Member States have developed REACH liaison groups or national strategies for implementation in recent years. The aim of these approaches (in the words of the UK submission to the EC) is to ensure high standards of compliance are achieved, but in ways which minimise the burden of verifying compliance for both businesses and public authorities.

40 Regulation (EC) No 1272/2008 of 16 December 2008 on classification, labelling and packaging of substances and mixture (CLP Regulation).

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:353:0001:1355:en:PDF>

Overview: The Regulation on Classification, Labelling and Packaging of substances and mixtures¹¹ (hereinafter CLP) entered into force on 20 January 2009 and complements the REACH Regulation. Its main objectives are to facilitate international trade in chemicals and to maintain the existing level of protection of human health and environment. The CLP Regulation aligned previous EU legislation on classification, labelling and packaging with the existing GHS (Globally Harmonised System of

Classification and Labelling of Chemicals, as developed by the United Nations), contributing to the GHS's aim to describe and label chemical hazards similarly around the world. The Regulation has two reporting obligations.

RO 40.1: Competent authorities to inform Commission, where relevant, of cancellation of authorisations

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 52 introduces a safeguard clause allowing competent authorities to cancel an authorisation, and requiring Member States to report to the Commission if they do so.
Reporting process and information required	Article 52 states that where a Member State has justifiable grounds for believing that a substance or a mixture, although satisfying the requirements of this Regulation, constitutes a serious risk to human health or the environment due to reasons of classification, labelling or packaging, it may take appropriate provisional measures. The Member State shall immediately inform the Commission, the Agency and the other Member States thereof, giving the reasons for its decision. Within 60 days of receipt of the information from the Member State, the Commission shall in accordance with the regulatory procedure referred to in Article 54(2) either authorise the provisional measure for a time period defined in the decision or require the Member State to revoke the provisional measure.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Pressure Secondary focus: Impact
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Cancellation of an authorization
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	
D3. Next deadline for reporting	
D4. MS information published in a Commission report	No

D5. Next deadline for Commission reporting based on the data	
D6. Date of most recent Commission report	
D7. Deadline of MS report on which the most recent Commission report is based on	
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	
E3. Format for reporting	None
E4. Reference / Link to reporting template	
E5. References / link to additional reporting guidance(s)	
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	Yes
F2. Public information provision	No
H. Links to other reporting requirements	
H1 - H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	

H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
The primary purpose of the RO is to enable MS to safeguard human health and the environment by withdrawing authorisation of a product when necessary; by requiring MS to report such cases and to seek authorisation from the Commission the RO helps to ensure that any such removal of an authorisation is undertaken for legitimate purposes, in order to minimise distortion of trade.	
Analysis of costs	
Type and number of reporting entities (Q)	The primary reporting entity is the Competent Authority in each Member State.
Time required (T)	Not known.
Frequency of action (F)	Ad hoc
Other costs types	
SCM equation(s)	MS CAs: $Q(28) \times T(\text{unknown}) \times F(\text{ad hoc})$
Existing estimates of costs	None available
Significance of admin burden	<p>Likely to be moderate as involves regular compilation and reporting by MS of already held information.</p> <p>In most MS, key stakeholders in the enforcement chain (such as customs officers) may have limited knowledge of human health risks relating to chemicals and thus the RO can be seen to have contributed to additional admin burden in terms of training, engagement and communication between authorities. Given the number of entities involved in reporting in many MS (20-30 individuals in competent authorities plus information requirements for regional and sectoral authorities) this can be thought to be significant and merits further analysis.</p>
Current or recent trends affecting RO	As mentioned above, there has been substantial investment in IT systems in a number of MS to support market surveillance, which is thought to have helped cut the administrative burden and cost of the RO.

RO 40.2: Member State report on implementation

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 46 deals with enforcement and reporting. It requires Member States to take all necessary measures, including maintaining a system of official controls, to ensure that substances and mixtures are not placed on the market, unless they have been classified, labelled, notified and packaged in accordance with the Regulation. Member States are required to report to the Agency on the controls and enforcement measures implemented.

Reporting process and information required	Member States shall submit a report to the Agency every five years by 1 July on the results of the official controls, and other enforcement measures taken. The first report shall be submitted by 20 January 2012. The Agency shall make those reports available to the Commission, which shall take them into account for its report under Article 117 of Regulation (EC) No 1907/2006.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary source: Pressure Secondary source: Response
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 5yrs
D2. Last deadline for reporting	1 September 2015
D3. Next deadline for reporting	1 September 2020
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	1 September 2016
D6. Date of most recent Commission report	
D7. Deadline of MS report on which the most recent Commission report is based on	
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement	

to international organisation	
E3. Format for reporting	None
E4. Reference / Link to reporting template	
E5. References / link to additional reporting guidance(s)	
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
The purpose is to inform the Commission and the public of control and enforcement measures and their effectiveness. This will help to inform implementation and enforcement over time.	
Analysis of costs	
Type and number of reporting entities (Q)	28 Member States
Time required (T)	Not known
Frequency of action (F)	Every 5 years
Other costs types	None identified
SCM equation(s)	MS $Q(28)*(?*tariff)*(once\ every\ 5\ years)$ EC $Q(1)*(?*tariff)*(once\ every\ 5\ years)$

Existing estimates of costs	No estimates identified
Significance of admin burden	The admin burden will depend on the level of detail required by the Commission.
Current or recent trends affecting RO	No information identified from the Commission and ECHA websites.

41 Regulation 649/2012 on the export and import of hazardous chemicals (prior informed consent)

[Regulation 649/2012 on the export and import of hazardous chemicals](#)

Overview: The Prior Informed Consent Regulation (PIC, Regulation (EU) 649/2012) governs the import and export of certain hazardous chemicals, and places obligations on companies who wish to export these chemicals to non-EU countries. It implements the Rotterdam Convention on a prior informed consent procedure for certain hazardous chemicals and pesticides in international trade. The PIC Regulation contains three sets of provisions linked to the export of chemicals:

- Chemicals listed in Annex I are subject to the export notification procedure (Part 1) and to the explicit consent requirement (Parts 2 and 3). These lists are updated regularly as a result of regulatory actions under EU legislation, and developments under the Rotterdam Convention.
- Chemicals listed in Annex V are banned for export.
- All chemicals that are exported have to comply with rules on packaging and labelling pursuant to the CLP Regulation (EC) 1272/2008 or any other relevant EU legislation.

2 ROs are identified in the inventory.

RO 41.1 Information on operation of procedures under the Regulation

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 22. Member States and the Agency shall forward information to the Commission every three years concerning the operation of the procedures provided for in this Regulation, including customs controls, infringements, penalties and remedial action, as appropriate.</p> <p>The Commission shall compile a report every three years on the performance of the functions provided for in this Regulation for which it is responsible and shall incorporate it in a synthesis report integrating the information provided by the Member States and the Agency under paragraph 1. A summary of that report, which shall be published on the internet, shall be forwarded to the European Parliament and to the Council.</p>
Reporting process and information required	The Commission shall adopt an implementing act laying down in advance a common format for reporting. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 27(2).
A7. Inclusion in EIONET database	No

B1-B5. DPSIR Coverage		Primary focus: Pressure Secondary focus: Response
C. Type of content		
C1. Type of information reported	Text	
C2. Thresholds/triggers for reporting		
D. Timing of reporting		
D1. Frequency of reporting	Every 3yrs	
D2. Last deadline for reporting		
D3. Next deadline for reporting	3/1/2017	
D4. MS information published in a Commission report	Yes	
D5. Next deadline for Commission reporting based on the data	3/1/2017	
D6. Date of most recent Commission report		
D7. Deadline of MS report on which the most recent Commission report is based on		
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)		
E. Format and process requirement		
E1. Reporting partner/service provider	Other	
E2. Information provision requirement to international organisation	No	
E3. Format for reporting	None	
E4. Reference / Link to reporting template	Will be published soon.	
E5. References / link to additional reporting guidance(s)		

E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	There is a weak link to Regulation (EC) 850/2004 as regards export of POPs.
H4. Possible data overlaps with other reporting requirements	None
H5. Potential informal links with other policy areas/legislation	There is a link with other areas that address import/export of chemicals.
H6. Existing links with voluntary reporting	There is a link with other areas that address import/export of chemicals.
Purpose and benefits of RO	
Purpose: MS reports will be used by COM to establish synthesis report	
Benefits: Reporting is important for evaluation of the procedures and of compliance.	
Analysis of costs	
Type and number of reporting entities (Q)	28 Member States
Time required (T)	The time required is not known but likely to involve a number of days' work for both MS and the EC
Frequency of action (F)	Every three years
Other costs types	Maintenance of a list of parties to the Convention that have requested information on transit movements.
SCM equation(s)	MS (28) * (time* tariff) * (1/3 years) EC 1 * (time*tariff) * 1/3 years
Existing estimates of costs	No estimates identified
Significance of admin burden	Likely to be moderate
Current or recent trends affecting RO	The latest Commission summary of information on implementation

RO 41.2: Information on quantities of chemicals exported

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 10 Member States are required to send information to the Commission every three years concerning the operation of the procedures provided for in this Regulation, including customs controls, infringements, penalties and remedial action.
Reporting process and information required	Commission Implementing Decision (EU) 2016/770 of 14 April 2016 establishes a common format for the reports; the first reports will be required by 01/03/2017. The Commission intends to make available an online questionnaire for the reporting.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: State Secondary focus: none
C. Type of content	
C1. Type of information reported	Numerical
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Annual
D2. Last deadline for reporting	First quarter of each year
D3. Next deadline for reporting	First quarter of each year
D4. MS information published in a Commission report	yes
D5. Next deadline for Commission reporting based on the data	
D6. Date of most recent Commission report	6/4/2015
D7. Deadline of MS report on which the most recent Commission report is based on	3/31/2014
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	430 Late submission of MS reports; verification of MS reports; processing of MS data and preparation of EU report.

E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Available on ECHA's website
E5. References / link to additional reporting guidance(s)	
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	Yes
F2. Public information provision	Yes
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	There is a very weak link to Regulation (EC) 850/2004 if POPs are still allowed to be exported
H4. Possible data overlaps with other reporting requirements	None
H5. Potential informal links with other policy areas/legislation	There is a link with other areas that address import/export of chemicals.
H6. Existing links with voluntary reporting	None
Purpose and benefits of RO	
<p>Purpose: Public and policymaker information on effectiveness of PIC controls, and measures taken to enforce the regulation, enabling future adaptation of the regulation where necessary. However, it should be noted that the automation of PIC processes provides an apparently reliable real-time flow of data on exports. MS reports will be used by ECHA to establish the Union report</p> <p>Benefits: Reporting is very useful to see the trends in exports</p>	
Analysis of costs	
Type and number of reporting entities (Q)	28 Member States
Time required (T)	Likely to require around 3 days, depending on the level of detail to be specified by the Commission.

Frequency of action (F)	Every 3 years
Other costs types	None identified
SCM equation(s)	MS Q(28)*(3*tariff)*(once every three years) EC Q(1)*(25*tariff)*(once every three years)
Existing estimates of costs	No estimates identified
Significance of admin burden	The admin burden will depend on the level of detail required by the Commission.
Current or recent trends affecting RO	No information identified from the Commission and ECHA websites.

42 Directive 2004/35/CE of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage

[Directive 2004/35/CE of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage](#)

Overview: The purpose of the Environmental Liability Directive (ELD) is to make those whose activities seriously damage, or threaten seriously to damage, the environment liable for preventing or remedying the damage based on the polluter pays principle. The Directive defines "environmental damage" as damage to protected species and natural habitats, damage to water and damage to soil. The Directive identifies the types of operators who might be liable for environmental damage to protected species or natural habitats (Annex III and non-Annex III operators).

The ELD entered into force on 30 April 2004 and its transposition across the EU was completed by July 2010. The ELD was amended three times through Directive 2006/21/EC on the management of waste from extractive industries, through Directive 2009/31/EC on the geological storage of carbon dioxide and amending several directives, and through Directive 2013/30/EU on safety of offshore oil and gas operations and amending Directive 2004/35/EC. The amendments broadened the scope of strict liability by adding the "management of extractive waste" and the "operation of storage sites pursuant to Directive 2009/31/EC" to the list of dangerous occupational activities in Annex III of the ELD. The Offshore Safety Directive, containing an amendment to the ELD (extension of the scope of damage to marine waters), was adopted in June 2013.

RO 42.1: Report on the experience gained in the application of this Directive

A-B: General info

A5. Obligation Source Type	Legislative
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A6. Obligation and legal base	Article 18 requires that Member States shall report to the EC on the experience gained in the application of this Directive by 30 April 2013 at the latest. The reports shall include the information and data set out in Annex VI.
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On that basis, the Commission shall submit a report to the European Parliament and to the Council before 30 April

	2014, which shall include any appropriate proposals for amendment.
Reporting process and information required	<p>Following Annex VI, the reports shall include a list of instances of environmental damage and instances of liability under this Directive, with the following information and data for each instance:</p> <ul style="list-style-type: none"> • Type of environmental damage, date of occurrence and/or discovery of the damage and date on which proceedings were initiated under this Directive; • Activity classification code of the liable legal person(s) • Whether there has been resort to judicial review proceedings either by liable parties or qualified entities. (The type of claimants and the outcome of proceedings shall be specified.) • Outcome of the remediation process. • Date of closure of proceedings. <p>The data needed to develop the reports are generally already known by the different competent authorities and only need to be collected centrally in each MS.</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	<p>Primary focus: Response</p> <p>Secondary focus: Pressure, State and Impact</p>
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Identification of "significance" at national level.
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	4/30/2013
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	4/30/2013
D6. Date of most recent Commission report	Current report under finalization. Publication date most likely in March 2016. Information will be provided as soon as possible.
D7. Deadline of MS report on which the most recent	4/30/2013

Commission report is based on	
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	Significant delay due to various reasons including late decision to carry out REFIT evaluation and delays in internal procedures.
E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	National and Commission reports under the Habitats Directive, Birds Directive, Water Framework Directive, Marine Strategy Framework Directive.
H4. Possible data overlaps with other reporting requirements	Non discernible
H5. Potential informal links with other policy areas/legislation	Primary with the EU environmental legislation forming the basis of the protection objectives (biodiversity, water, land damage: Habitats, Birds, Water Framework, Marine Strategy Framework Directives) and secondary legislation listed in Annex III (IED, waste legislation, water legislation, etc.)
H6. Existing links with voluntary reporting	None identified. However, further investigation needed, e.g. as regards statistics on accidents and other incidents causing environmental damage.
Purpose and benefits of RO	

Purpose: The information about activities in the MS is provided in order to allow a proper assessment of the functioning of the Directive, and the review and assessment of levels of compliance, as well as increase the effectiveness of the ELD.

Benefits: The Commission Staff Working Document on the ELD REFIT (EC, 2016) commented that the detailed legal analysis of the existing national legal frameworks and the integration and main features of the transposing legislation in the 27 Member States of the EU who were due to the reporting obligation under Article 18 ELD (all current MS except Croatia), provides a wealth of useful information which will for some time remain a very valuable source for many relevant ELD related questions needing further research.

Evaluation of the ELD would help to appreciate its impact on the state of the environment and to decide whether and which implementation measures and/or legislative adaptations are needed at EU and/or national level. However, the evidence base is insufficient to make a satisfactory evaluation (see latest implementation report), and Member States report in diverse ways.

Analysis of costs

Type and number of reporting entities (Q)	MS CAs: In all MS (except Belgium), a central governmental body is in charge of collecting the information and reporting it to the EC. Often, the reporting process will involve multiple competent authorities and decentralised bodies due to the nature of the regulatory systems in place.
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For example:

Austria: input from different district administrative authorities required.

UK: four countries and 11 different authorities (e.g. water, land authorities) are involved.

EC: 1

Time required (T)	MS CAs: Based on the information found in the different reports, it is estimated that the time required for collection and writing the report is less than 10 days.
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The MS reports can be found at:

http://ec.europa.eu/environment/legal/liability/pdf/eld_ms_reports/

EC: The report submitted by the EC pursuant to Article 18 of the ELD has driven an extensive assessment²⁷⁶ of the ELD. Its realisation has been subcontracted to a consortium of research companies.

Frequency of action (F)	MS CAs: One-off, completed
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EC: One-off, completed

Other costs types	The report submitted by the EC pursuant to Article 18 of the ELD has driven an extensive assessment ²⁷⁷ of the ELD. This report aimed at providing an overview of the situation regarding the implementation of the ELD concerning biodiversity damage.
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²⁷⁶ <http://ec.europa.eu/environment/legal/liability/pdf/Milieu%20report%20-%20ELD%20Biodiversity%20Damage.pdf>

²⁷⁷ <http://ec.europa.eu/environment/legal/liability/pdf/Milieu%20report%20-%20ELD%20Biodiversity%20Damage.pdf>

SCM equation(s)	MS CAs: $Q('x') \times T(\text{hour} \times \text{tariff}) \times 1$ EC: $Q(1) \times T(\text{hour} \times \text{tariff}) \times 1$
Existing estimates of costs	<i>None found.</i>
Significance of admin burden	Likely to be low to moderate: the costs for data collection and writing are supported only once (one-off). Reports are compiled by MS and are likely to involve existing data to be collected centrally; the time taken will depend on the form of this data and effort required to compile. These reports have been completed and no ongoing reporting obligation is identified.
Current or recent trends affecting RO	<i>None found.</i>

43 Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment as amended by Directive 2014/52/EU (EIA)

[Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment](#)

Overview: The Environmental Impact Assessment Directive applies to a wide range of defined public and private projects; it includes a legal requirement to carry out an environmental impact assessment on certain projects that are likely to have an effect on the environment. The aim of the latest amendments was to strengthen the EIA's effectiveness.

It is the developers' responsibility to undertake an environmental impact assessment and to prepare an environmental impact assessment report, which provides information amongst others on the project site, design, size and the potential direct and indirect impacts on the population, human health, biodiversity, land, soil, water, air, climate, material assets, cultural heritage and the landscape. It is then the national authorities' responsibility to decide whether to authorise the project or not. The public and other affected Member States shall be also informed and consulted.

Annex I of the Directive covers those projects for which the EIA is mandatory, while for those projects which are include in Annex II the national authorities shall decide on the use of EIA via the so-called screening procedure.

Three reporting obligations have been identified in the Reporting Obligation Inventory.

RO 43.1: Information from Members States to the Commission on certain EIA data

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 12(2) (EIA Directive, as amended) Member States are required to report on certain details of EIAs every six years from 16 May 2017. Legal basis is Article 12(2) of the amended directive.
Reporting process and information required	If data is available Member States shall inform the Commission on the following:

	<ul style="list-style-type: none"> • the number of projects referred for which an EIA was made; • the breakdown of environmental impact assessments according to the project categories set out in Annexes I and II; • the number of projects referred to in Annex II made subject to a determination; • the average duration of the environmental impact assessment process; • general estimates of the average direct costs of environmental impact assessments, including the impact from the application of this Directive to SMEs.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: State
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 6 years from 16 May 2017
D2. Last deadline for reporting	
D3. Next deadline for reporting	12/31/2023
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	
D6. Date of most recent Commission report	
D7. Deadline of MS report on which the most recent Commission report is based on	
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	

E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	
F2. Public information provision	
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
This reporting obligation has been recently introduced to the Directive to gather more consistent information from the Member States on their application of the EIA Directive.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28
Time required (T)	MS: Given that the Article indicates that information on the above only needs to be reported if it is already available Member States are not required to collect new information but only synthetize what is already available. It is estimated that this would require only a few days. Nevertheless, in those Member States which have regional governance structure (Austria, Belgium, Germany, Italy, Spain and the

	UK) information possibly needs to be collected first from the regional authorities and then compiled at national level. In such cases it is assumed that the reporting obligation would be more time consuming. It is assumed that an average of 10 days would be needed per MS per 6 year cycle.
Frequency of action (F)	MS: Every 6 years
Other costs types	None identified
SCM equation(s)	MS: $Q(28) \times T(10) \times F(1/6 \text{ year})$
Existing estimates of costs	Cost estimates are available on the costs for developers in preparing the environmental impact assessment reports and for public authorities in reviewing these reports and making decision; nevertheless cost estimates for reporting in particular are not available. ²⁷⁸
Significance of admin burden	<p>It is assumed that data on the first three information requests is recorded in some ways within the national authorities and therefore it probably does not add a lot of administrative burden on them to compile this information. The average duration of the processes might not be that well recorded and it is assumed that direct costs are not specifically recorded in all Member States.</p> <p>It should be also mentioned that the amendment specifically says that information shall be provided to the EC where such data is available, therefore this suggests that when such information is not recorded at MS level the respective Member States will not need to spend additional time to collect the information.</p>
Current or recent trends affecting RO	As indicated above this specific reporting obligation was only introduced by the 2014 amendment.

RO 43.2: Information from Member States on exemptions

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 2(4)</p> <p>In exceptional cases Member States are allowed to grant an exemption from the environmental impact assessment for some projects and if they decide to do this they are required to inform the Commission. The legal basis is Article 2(4) of the amended directive.</p>
Reporting process and information required	According to Article 2(2) Member States are requested to "inform the Commission, prior to granting consent, of the reasons justifying the exemption granted, and provide it with the information made available, where applicable, to their own nationals".

²⁷⁸ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52012SC0355&from=EN>

A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: State
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	The Commission shall report annually to the European Parliament and to the Council on the application of Article 2.
D6. Date of most recent Commission report	
D7. Deadline of MS report on which the most recent Commission report is based on	
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No

E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: The purpose of the RO is to gather a comprehensive annual review of the exemptions granted by national authorities from the EIA.	
Benefit: Having up to date information.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28 EC: 1
Time required (T)	MS: This RO is not assumed to require much time since national authorities are required to provide the same information anyway to the general public. EC: This would depend on the extent of formatting and statistically analysing the information received from the respective Member States.
Frequency of action (F)	MS: Ad-hoc EC: Annually
Other costs types	The Commission is also requested to forward the documents to other Member States.
SCM equation(s)	MS: $Q(28) \times T(?)$ F(ad-hoc) EC: $Q(1) \times T(?) \times F(1/1yr)$
Existing estimates of costs	None identified.

Significance of admin burden	It is assumed that the administrative burden of this obligation is not significant, because it applies only in exceptional cases.
Current or recent trends affecting RO	None identified. This obligation was introduced by 85/337/EEC.

RO 43.3: Information from Member States on projects adopted by a specific act of national legislation

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 2(5), EIA Directive (as amended) Member States are required to provide information on those exemptions relating to public consultation where a project was adopted by a specific act of national legislation.
Reporting process and information required	From 16 May 2017 Member States shall inform the Commission every two years when a project was adopted by a specific act of national legislation and therefore was exempted from the public consultation.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: State
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 2yrs
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	
D6. Date of most recent Commission report	

D7. Deadline of MS report on which the most recent Commission report is based on	
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	
F2. Public information provision	
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	

Purpose: To get a comprehensive understanding on the projects which were adopted by a specific act of national legislation and therefore were exempted from the public consultation.

Benefits: Having up to date information.

Analysis of costs

Type and number of reporting entities (Q)	MS: 28
Time required (T)	MS: No information available yet as this RO was introduced in the latest amendment to the directive and will be only applied from 2017. Time required will be limited as this exemption is used by only a couple of MS.
Frequency of action (F)	MS: Every 2 years
Other costs types	None identified.
SCM equation(s)	MS: $Q(28) \times T(?) F (0.5/1yr)$
Existing estimates of costs	None identified.
Significance of admin burden	Probably minor but it will depend on the level of detail of the information that needs to be provided, as well as the number of relevant cases. It is not clear from the legislation whether only a list of such projects needs to be submitted or more detailed information is requested.
Current or recent trends affecting RO	As indicated above this specific reporting obligation was only introduced by the 2014 amendment.

44 Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (SEA)

[Directive 2001/42/EC of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment \(SEA\)](#)

Overview:

The Strategic Environmental Assessment Directive (SEA) requires for certain public plans and programmes which are likely to have significant effects on the environment to undergo an environmental assessment before they are adopted.

This requirement seeks to encourage the integration of environmental considerations at an early stage; respecting and promoting the principle of sustainable development.

An SEA must be carried for the preparation, adoption and modification of:

- plans and programmes that (a) apply to the sector of agriculture, forestry, fisheries, energy, industry, transport, waste/ water management, telecommunications, tourism, town & country planning or land use, and (b) set out the framework for the development consent of projects listed in the EIA Directive,

- plans and programmes that require an assessment under the Habitats Directive,
- plans and programmes for any developments that are found to be likely to have significant environmental effects under the screening procedure set out in Annex II of the Directive

The requirement does not apply to policies or plans and programmes in national defence, civil emergency, financial matters and budget.

The SEA procedure involves: the production of an environmental report which identifies the likely significant effects of the plan or programme on the environment and reasonable alternatives, as well as consultations with the public, environmental authorities and possibly other MS where there are likely transboundary risks; the report must also be disclosed to the authorities and public concerned).

Article 12(3) of the Directive planned for the Commission to publish a report on the application and effectiveness of the Directive. The report was delayed but published in 2009. It was found that the SEA Directive's application in MS was still very new, and that more time should be given for practices to settle in before any amendments could be put forward.

Two reporting obligations have been identified under this regulation in the Reporting Obligation Inventory.

RO 44.1: Report on the application and effectiveness of the SEA Directive

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 12(3) Member States are required to exchange information on the experience gained in the application of this directive, furthermore the EC needs to report on the application and effectiveness of the SEA Directive. The legal base of this RO is Article 12
Reporting process and information required	There is only a general requirement for Member States to exchange information on the experience gained in applying this Directive, as well as to communicate to the EC if they undertake any specific measure to ensure the quality of the SEA environmental reports. There is Group of EIA/SEA National Experts, which includes environmental experts from national administrations and meets twice per year. The main role of the group is to provide advice to the EC in relation to the coordination and cooperation with Member States, the implementation of the EIA/SEA Directives and the preparation of legislative proposals and policy initiatives. The list of current members is here: http://ec.europa.eu/environment/eia/pdf/All%20Experts%20list.pdf Before 21 July 2006, and then every seven years, the Commission shall also send a report on the application and effectiveness of this Directive to the European Parliament and to the Council.

	The first report was published only in 2009 (see comments below) and it seems like that the main sources of information included a variety of commissioned studies and the responses of the MS consultation; no reference is made to the general obligation in Article 12(1) for MS to exchange information on the experience gained.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: State and Impact
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	
D3. Next deadline for reporting	
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	A new evaluation report shall follow at seven-year intervals.
D6. Date of most recent Commission report	14 September 2009
D7. Deadline of MS report on which the most recent Commission report is based on	
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No

E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
The purpose of the EC report is to provide a comprehensive overview of the application of the SEA Directive. Taking into account the experience acquired in the application of this Directive in the Member States, this report can be accompanied by proposals for amendment of the Directive, if appropriate.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28 EC: 1
Time required (T)	MS: As the information exchange obligation seems quite ad-hoc it is unknown how much time the Member States actually spend in providing information to the Commission. EC: Even though the first EC report was due on 21 July 2006 it was only published on 14 September 2009. This delay was "due to delays in transposing the Directive in many Member States (MS) and to the limited experience of its application, the information available on 21 July 2006 was not sufficient to produce a report as planned." ²⁷⁹

²⁷⁹ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52009DC0469&from=EN>

Frequency of action (F)	MS: Ad-hoc EC: Every 7 years
Other costs types	No other costs are identified linked to this specific reporting obligation. A background study (see below) mainly refers to the costs arising from the preparation of the environmental reports and public consultation.
SCM equation(s)	MS: $Q(28) \times T(?) \times F(\text{ad-hoc})$ EC: $Q(1) \times T(?) \times F(1/7\text{yr})$
Existing estimates of costs	A background study ²⁸⁰ , which was used a source of information for the first EC report, provides cost estimates of the preparation of the procedural steps of the SEA process (see page 123) but it does not provide any specific details on report. There are no cost estimates in the first EC report.
Significance of admin burden	Because there is no regular reporting requirement for MS, the admin burden appears to be small. It appears that the general information exchange obligation is not actually used in preparing the EC report and therefore there is a question whether it is actually used. The EC report may involve costs in the region of EUR 200,000 every seven years.
Current or recent trends affecting RO	None identified.

RO 44.2: Information on the types of plans and programmes which would be subject to an environmental assessment

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 13(4) MS to provide information on domestic laws, regulations, and administrative provisions enacting the Directive, as well as on the types of plans and programmes subject to investigation under the Directive. EC to make information available to MS and update regularly.
Reporting process and information required	MS are to inform the Commission of both of the above before 21 July 2004.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: State Secondary focus: none

C. Type of content

²⁸⁰ <http://ec.europa.eu/environment/eia/pdf/study0309.pdf>

C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	7/21/2004
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	
D7. Deadline of MS report on which the most recent Commission report is based on	
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	

F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: To enable transparency and ensure compliance across the EU-28. Benefits: General awareness, collaboration.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28 EC: 1
Time required (T)	MS: Suggested 0.5 days on average, based on the assumption that the RO only requires reporting of measures already established in legislation. EC: 1 day.
Frequency of action (F)	MS: Once, unless changes are made. EC: Once, unless changes are made, then ad-hoc.
Other costs types	None identified.
SCM equation(s)	MS: $Q(28) \times T(0.5 \text{ days} \times \text{tariff}) \times F(1)$ EC: $Q(1) \times T(1 \text{ day} \times \text{tariff}) \times F(1)$
Existing estimates of costs	None identified.
Significance of admin burden	Likely insignificant, as only involves compiling and reporting on existing information.
Current or recent trends affecting RO	None identified.

45 Directive 2007/2/EC of the European Parliament and of the Council establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (Including Commission Decision of 5 June 2009 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards monitoring and reporting)

[Directive 2007/2/EC of the European Parliament and of the Council establishing an Infrastructure for Spatial Information in the European Community \(INSPIRE\)](#)

Link to Commission Decision: [Commission Decision of 5 June 2009 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards monitoring and reporting](#)

Overview: The Directive for the establishment of an Infrastructure for Spatial Information in the European Community (INSPIRE) aims to establish an infrastructure for sharing spatial information among public sector organisations that also facilitates public access to spatial data across Europe. With the purpose of informing the environmental policymaking process, the regulation of activities which may have an impact on the environment, and decision makers' responses to environmental problems in a cross-boundary context, the Directive requires that common Implementing Rules (IR) are adopted to collect data, in 34 specific areas such as administrative units, transport networks or protected sites for example.

Where data is collected for the first time, these elaborated IRs aim to make the process more efficient. Generally, it seeks to ensure that the spatial data infrastructures of the Member States are compatible and usable in a transboundary context – making it more accessible to PAs and the public.

IRs are adopted as Commission Decisions or Regulations through the Comitology procedure and are fully binding. The Directive seeks to build upon the existing infrastructures for spatial information operated by MS. Data is shared on an online portal. MS are required to monitor and report on the implementation and use of these infrastructures on a permanent basis, making this available to the public as well as to the Commission (Article 21(1)). A summary report describing the common practices, costs and benefits of implementation and use of the spatial data and infrastructure by specific actors (public sector providers, users, PAs) must also be submitted by MS to the EC on a three-yearly basis (Article 21(3)).

Two reporting obligations have been identified under this regulation in the Reporting Obligation Inventory.

RO 45.1: Country report on implementation and use of infrastructures for spatial information

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 21 Member States, every three years, shall submit a report on the implementation and use of infrastructures for spatial information. The legal basis of this RO is Article 21.
Reporting process and information required	This country report shall include a summary description of the following: <ul style="list-style-type: none"> • how public sector providers and users of spatial data sets and services and intermediary bodies are coordinated, and of the relationship with the third parties and of the organisation of quality assurance;

- the contribution made by public authorities or third parties to the functioning and coordination of the infrastructure for spatial information;
- information on the use of the infrastructure for spatial information;
- data-sharing agreements between public authorities;
- the costs and benefits of implementing this Directive.

The country reports also need to be made available to the public.

The four main fields to be covered by the reporting exercise are: metadata, spatial data sets and services, network services and data sharing covering mainly qualitative aspects.

The reporting specifically focuses on the following:

- Coordination and quality assurance;
- Contribution to the functioning and coordination of the infrastructure;
- Use of the infrastructure for spatial information, in general and by public authorities in particular;
- Data sharing arrangements between public authorities of the Member State, between public authorities and Community institutions and bodies as well as barriers to sharing; and
- Cost and benefit aspects that are an estimate of the costs related to INSPIRE Directive and examples of the observed benefits.

Further details of the reporting obligation are included in the Commission Decision indicated above.

A7. Inclusion in EIONET database Yes

B1-B5. DPSIR Coverage Primary focus: Response
Secondary focus: Driver, Pressure, State and Impact

C. Type of content

C1. Type of information reported Text

C2. Thresholds/triggers for reporting

D. Timing of reporting

D1. Frequency of reporting Every 3 years

D2. Last deadline for reporting 5/15/2013

D3. Next deadline for reporting 5/15/2016

D4. MS information published in a Commission report Yes

D5. Next deadline for Commission reporting based on the data	15 May 2014 (and every six years thereafter)
D6. Date of most recent Commission report	4/11/2016
D7. Deadline of MS report on which the most recent Commission report is based on	5/15/2013
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	1062 Significant delay due to various reasons including late decision to carry out REFIT evaluation and delays in internal procedures.
E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes (2009 Reporting Decision + informal template)
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 - H3. Links to reporting requirements in other legislation	None in environment legislation, however, link to other policies may need to be explored (PSI Directive-public sector information)
H4. Possible data overlaps with other reporting requirements	None identified
H5. Potential informal links with other policy areas/legislation	None identified

H6. Existing links with voluntary reporting	None identified
Purpose and benefits of RO	
<p>Purpose: To get an overview on the implementation of the Directive. Assessment of status/progress of implementation and level of compliance.</p> <p>Benefit: The reports were used extensively to inform the INSPIRE REFIT. The Commission Staff Working Document (EC, 2016) noted that the 3-yearly country reports improved in quality between 2010 and 2013. Despite differences in the level of detail, the majority of the reports were considered as a good basis for comparison, although evidence on costs and benefits was somewhat limited.</p> <p>Obligations are based on summary descriptions as regards several elements which are only described in a generic manner. These elements are important but the obligations leave much room for interpretation as regards the level of detail required.</p> <p>The EC reports gave a good overview on how Member States implement the Directive. However, duplication with monitoring information and heavy reliance on textual explanations make evaluation and use of reports burdensome.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28
Time required (T)	MS: A significant amount of time is required to provide the country reports. See specific examples below. These figures suggest that reporting takes between 20 and 100 days per MS per 3 years.
Frequency of action (F)	MS: Every 3 years.
Other costs types	The EEA estimates that it devotes 50 days per year, and additional consultancy costs, to regulatory monitoring work related to INSPIRE
SCM equation(s)	MS: $Q(28) \times T(60 \text{ days} \times \text{tariff}) \times F(0.333/ \text{ yr})$ EEA: $Q(1) \times T (50) \times F(1/\text{year}) + \text{consultancy costs}$
Existing estimates of costs	<p>The Commission Staff Working Document on the INSPIRE REFIT comments that the main administrative burden for the implementation of the INSPIRE Directive falls on public authorities. The main administrative costs would relate to the monitoring or reporting obligations under INSPIRE. The perception of burden varies but is generally related to the costs of coordination, IT infrastructure, service implementation and harmonisation. Precise cost figures, which would allow applying the Standard Cost Model were not reported or available. At the time, the ex-ante impact assessment did not include a separate cost item for reporting or administrative burden.</p> <p>Four countries (FI, LT, SE, SK) provided estimates of the financial costs of monitoring and reporting combined. As a % of overall INSPIRE implementation costs, these were estimated by SE at 0.75% (mio € 0.033 of 4.7), LT 0.9% (mio € 0.045 of 0.4975), and FI 4% (mio € 0.067 of 1.63). This indicates that the administrative burden appears to be low. Overall, it was stated that these administrative costs identified for the implementation of the INSPIRE are far</p>

lower than the benefits and administrative cost savings that can be achieved through a modern and shared spatial data infrastructure.

Nevertheless, Member State experts called on the Commission to review the existing monitoring and reporting obligations based on Commission Decision 2009/442/EC. In particular the three-annual national report is considered too burdensome and duplicating information also gathered under the monitoring framework with the help of the EU Geoportal and the EEA's dashboard.

Cost estimates of implementing the INSPIRE Directive, including the costs of the monitoring and reporting activities, can be found in the country reports nevertheless the level of details and data availability greatly varies between the Member States.

Few quotes from the 2010-2012 country reports are included below:

According to the 2013 Austria report²⁸¹ "Under the INSPIRE Directive, reporting and monitoring obligations have to be met in relation to the European Commission which give rise to a considerable financial burden. (...)The overall costs for the implementation of INSPIRE in Austria for the years 2010–2012 came to a total of about EUR 7.5million. "

According to the 2013 Italian report²⁸² the costs of monitoring and reporting were the following:
"Development: refining of tools e.g. online tools, registries etc. -1 man month

Production: Collection of monitoring data and filling of templates by stakeholders -2 man months

Reporting: Coordination activities to collect examples of good practice and as well as difficulties in implementation, cost and benefit consideration, assessment together with stakeholders - 2man months"

According to the Belgian report²⁸³ monitoring and reporting between 2010 and 2012 were €15,969 for the National Geographic Institute of Belgium and €2280 (6 man days) for the Management Unit of the Mathematical Models of the North Sea and of the Scheldt estuary.

According to the Czech report²⁸⁴ "the cost of implementing the INSPIRE Directive is CZK 78.65 million and 1,010 man days" (no figures are available specifically on reporting).

²⁸¹ http://inspire.ec.europa.eu/reports/country_reports_mr2012/AT-INSPIRE-Report-2013_ENV-2013-00430-00-00-EN-TRA-00.pdf

²⁸² See page 22 of http://inspire.ec.europa.eu/reports/country_reports_mr2012/IT-INSPIRE-Report-EN-TRA-0_DOC.pdf

²⁸³ See page 58 and 59 of http://inspire.ec.europa.eu/reports/country_reports_mr2012/BE-INSPIRE-Report-2013_ENV-2013--00-00-EN-TRA-00.pdf

²⁸⁴ See page 29 of http://inspire.ec.europa.eu/reports/country_reports_mr2012/CZ-INSPIRE-Report-2013_ENV-2013-00432-00-00-EN-TRA-00.pdf

	<p>According to the Danish report²⁸⁵ "In total, the amount of time spent in connection with drawing up the report is estimated to be approximately 150 hours."</p> <p>According to the Estonian report²⁸⁶ "Monitoring and reporting has yet not led to any additional costs as officials do that as part of their day-to-day work." The Lithuanian report²⁸⁷ estimates that it was around 5000 LTL on average between 2010 and 2012 to fulfil the monitoring and reporting requirements.</p> <p>In Sweden²⁸⁸ the reporting under INSPIRE cost SEK 300,000.</p> <p>The country reports are accessible at: http://inspire.ec.europa.eu/index.cfm/pageid/182/list/maptwo</p>
Significance of admin burden	Moderate to large, requiring collation, analysis and reporting of a significant amount of information by MS authorities each three years.
Current or recent trends affecting RO	<p>As indicated above a Commission Decision was adopted in 2009 which provides detailed information on the monitoring and reporting requirements.</p> <p>Furthermore, various templates and guidance documents are available at http://inspire.ec.europa.eu/index.cfm and an electronic system is supported.</p>

RO 45.2: Monitoring of implementation and use of infrastructures for spatial information

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 21(1)</p> <p>Member States shall monitor implementation and use of infrastructures for spatial information and inform the Commission of the results of this monitoring. The legal basis of this RO is Article 21. This RO is therefore closely related to 45.1.</p>
Reporting process and information required	The required results of the monitoring activity, via using a set of indicators, shall be made available to the Commission, as well as to the public.

²⁸⁵ See page 23 of http://inspire.ec.europa.eu/reports/country_reports_mr2012/DK-INSPIRE-Report-2013_ENV-2013-00434-00-00-EN-TRA-00.pdf

²⁸⁶ See page 25 of http://inspire.ec.europa.eu/reports/country_reports_mr2012/EE-INSPIRE-Report-2013_ENV-2013-00435-00-00-EN-TRA-00.pdf

²⁸⁷ See page 34 of http://inspire.ec.europa.eu/reports/country_reports_mr2012/ENV-2013-00680-00-00-EN-TRA-00.pdf

²⁸⁸ See page 33 of http://inspire.ec.europa.eu/reports/country_reports_mr2012/SE-INSPIRE-Report-2013_ENV-2013-00443-00-00-EN-TRA-00.pdf

	Four main fields needs to be covered by the reporting exercise: metadata, spatial data sets and services, network services and data sharing following a quantitative approach. Further details of monitoring requirements are included in the Commission Decision indicated above.
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: Driver, Pressure, State and Impact
C. Type of content	
C1. Type of information reported	Geospatial
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Annual
D2. Last deadline for reporting	15 May 2015
D3. Next deadline for reporting	15 May 2016
D4. MS information published in a Commission report	
D5. Next deadline for Commission reporting based on the data	No
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA Up to date information is available online through: http://inspire.ec.europa.eu/index.cfm/pageid/182
E. Format and process requirement	
E1. Reporting partner/service provider	EEA and JRC
E2. Information provision requirement to international organisation	No

E3. Format for reporting	Data input
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Article 21(1)
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None identified
H4. Possible data overlaps with other reporting requirements	None identified
H5. Potential informal links with other policy areas/legislation	None identified
H6. Existing links with voluntary reporting	None identified
Purpose and benefits of RO	
<p>Purpose: To allow regular monitoring of the implementation and use of the national infrastructures for spatial information.</p> <p>Benefits: Essentially, INSPIRE aims to coordinate the users and suppliers of spatial data and therefore the monitoring exercise supports this process. The yearly monitoring reports helped to inform the INSPIRE REFIT. The Commission Staff Working Document (EC, 2016) commented that they have improved considerably in quality since 2010, although issues on completeness and interpretation (for example on what data set should be reported under which INSPIRE data theme) remain an issue. In addition, the quantitative indicators on availability and conformity of data sets and services were not collected online yet because the infrastructure and IT tools were not in place in time. The online service is now available and will facilitate information gathering, processing and comparison of data.</p> <p>The RO focuses on implementation and use based on agreed indicators. However, indicators could be reviewed be brought in line with Better Regulation Guidelines. The reporting carried out by the EEA on behalf of COM is up to date and largely electronic. This gives useful and immediate update on the state of implementation and use.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28

Time required (T)	MS: As above. The time spent on monitoring varies between the different Member States – see comment on country reports above.
Frequency of action (F)	MS: Annually.
Other costs types	Investment into the monitoring activity is needed in order to provide information on the results of the monitoring activity.
SCM equation(s)	MS: $Q(28) \times T(?) F(1/yr)$; assumed same as 45.1
Existing estimates of costs	<p>The Commission Staff Working Document on the INSPIRE REFIT comments that the main administrative burden for the implementation of the INSPIRE Directive falls on public authorities. The main administrative costs would relate to the monitoring or reporting obligations under INSPIRE. The perception of burden varies but is generally related to the costs of coordination, IT infrastructure, service implementation and harmonisation. Precise cost figures, which would allow applying the Standard Cost Model, were not reported or available. At the time, the ex-ante impact assessment did not include a separate cost item for reporting or administrative burden.</p> <p>Four countries (FI, LT, SE, SK) provided estimates of the financial costs of monitoring and reporting combined. As a % of overall INSPIRE implementation costs, these were estimated by SE at 0.75% (mio € 0,033 of 4,7), LT 0,9% (mio € 0,045 of 0.4975) , and FI 4% (mio € 0,067 of 1.63). This indicates that the administrative burden appears to be low. Overall, it was stated that these administrative costs identified for the implementation of the INSPIRE are far lower than the benefits and administrative cost savings that can be achieved through a modern and shared spatial data infrastructure.</p> <p>Nevertheless, Member State experts called on the Commission to review the existing monitoring and reporting obligations based on Commission Decision 2009/442/EC. In particular the three-annual national report is considered too burdensome and duplicating information also gathered under the monitoring framework with the help of the EU Geoportal and the EEA's dashboard.</p> <p>As indicated above the country reports include an overview of the costs of implementing the Directive, which in some cases include information on the costs of monitoring too.</p> <p>See specific examples above.</p>
Significance of admin burden	It is assumed that the monitoring exercise has a significant administrative burden. This is included under RO45.1 above.
Current or recent trends affecting RO	As indicated above a Commission Decision has been adopted in 2009 which provides detailed information on the monitoring and reporting requirements.

Furthermore, various templates and guidance documents are available at <http://inspire.ec.europa.eu/index.cfm> and an electronic system is supported.

46 Directive 2003/4/EC of the European Parliament and of the Council on public access to environmental information

[Directive 2003/4/EC of the European Parliament and of the Council on public access to environmental information](#)

Overview: The Directive contributes to the implementation of the obligations arising under the Aarhus Convention on public participation by guaranteeing the right of access to environmental information held by or for public authorities. The Directive requires Member States to ensure public authorities make information held by them available upon request, in a brief delay and without requiring a stated interest; and that they make all reasonable efforts to make use of computer telecommunication and electronic technology to facilitate wider and more systematic dissemination of this information.

With the Directive on public participation (2003/35/EC), this Directive is considered as one of the "pillars" of the Aarhus Convention on public participation.

One reporting obligation has been identified under this Directive in the Reporting Obligation Inventory.

RO 46.1: Report on experience gained in the application of the Directive

A-B: General info

A5. Obligation Source Type	Legislative
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A6. Obligation and legal base	Article 9
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Member States are required to report to the Commission on their experience in implementing this Directive. The legal basis of this RO is Article 9.

Reporting process and information required	<p>No later than 14 February 2009, Member States shall report on the experience they gained in the application of this Directive and they requested to communicate this report to the Commission no later than 14 August 2009.</p> <p>The Directive also states the requirement for the EC to provide a guidance document for Member States on the structure of the report. According to this guidance MS are required to report on the following:</p> <ul style="list-style-type: none"> • General description: this should be a summary of the whole report; • Experience gained: this is assumed to be the drafting of new information, i.e. synthesizing; • Details about definitions: again, this will be the drafting of new information and for instance providing suggestions; • Summary of the arrangements on how Member States ensure access to information upon request: this requirement does not require new information to be gathered but rather a summary of the implementation of the specific Article;
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	<ul style="list-style-type: none"> • Information on exceptions: this requirement does not require new information to be gathered but rather a summary of the implementation of the specific Article; • Information on charges: it is assumed that this information is already available; • Information on access to justice: this requirement does not require new information to be gathered but rather a summary of the implementation of the specific Article; • Information on dissemination of environmental information: this requirement does not require new information to be gathered but rather a summary of the implementation of the specific Article; • Information on the quality of environmental information: this requirement does not require new information to be gathered but rather a summary of the implementation of the specific Article; • Statistics: this would require the MS to create new information but they only need to report on it if it is already available. <p>Furthermore, the Commission shall report to the Parliament and to the Council with any proposal for revision based on the experience and also take into account any developments in computer telecommunication technologies.</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Ordinary focus: Response Secondary focus: Driver, Pressure, State and Impact
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	14 August 2009
D3. Next deadline for reporting	Recital 22 foresees a reporting every 4 years. However, this is not legally binding and has not been exercised by the Commission to date.
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	12/17/2012

D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	Administrative delays and time-consuming assessment of textual information in format with limited standardization.
E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None identified
H4. Possible data overlaps with other reporting requirements	None identified
H5. Potential informal links with other policy areas/legislation	None identified
H6. Existing links with voluntary reporting	EEA SERIS database (http://forum.eionet.europa.eu/nrc-state-environment/seris)
Purpose and benefits of RO	

Purpose: The purpose of the RO is to get a comprehensive overview of the status, progress and experience of implementation of the Directive within the respective Member States.

Benefits: Given that this was only a one-off reporting obligation it does not have any more benefits. Originally, this provided a background to the Commission's report to the Parliament and the Council, which aimed to provide an overview and included the scope for potential revision. The reporting obligation is very generic and undefined. Link to compliance and enforcement unclear. The EC report, based on textual data mainly, is rather legalistic. It does not provide country specific information and does not allow for an evaluation in the sense of the Better Regulation Guidelines.

Analysis of costs

Type and number of reporting entities (Q)

MS: 28

EC: 1

Time required (T)

MS: The time to compile the reports probably varied between the different Member States, given that the lengths and the details of the reports available on DG ENV's website²⁸⁹ vary. Some provide more detailed information while others only short brief answers to the questions. Statistical information is also not provided in all cases.

For the list of required information and whether it is already available or not please see the above section.

In total it is roughly estimated that it would take 10-15 days per MS.

EC: It is assumed that it did not take a significant amount of time to write the implementation report since it was only based on the MS reports, i.e. no additional research should have been undertaken.

Frequency of action (F)

MS: One-off (completed)

EC: One-off (completed)

Other costs types

None expected

SCM equation(s)

MS: $Q(28) \times T(10 \text{ days}) F(\text{one-off})$

EC: $Q(1) \times T(20 \text{ days}) F(\text{one-off})$

Existing estimates of costs

Some of the country reports²⁹⁰ provide a basic cost estimates on the implementation on the Directive but not necessarily covering the costs of the reporting activity.

Significance of admin burden

Even though the EC Implementation Report²⁹¹ indicates that the "administrative burden was a major concern for many" (Member States), it only refers to the general application of the Directive and not the reporting obligation. There is no assumption available of the administrative burden of this RO.

According to the EC's guidance document Member States should have answered 25 questions, provided a statistical overview as well as a general description on the experience

²⁸⁹ Available at: http://ec.europa.eu/environment/aarhus/reports_ms.htm

²⁹⁰ Available at: http://ec.europa.eu/environment/aarhus/reports_ms.htm

²⁹¹ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52012DC0774&from=EN>

	gained. This gives the impression that the reporting obligation posed a moderate level of administrative burden on the Member States nevertheless since it was only a one-off reporting obligation it does not have any further impacts.
Current or recent trends affecting RO	Guidance on the structure of the report was published by the EC. ²⁹²

47 Council Regulation (EC) No 338/97 – Protection of species of wild fauna and flora by regulating trade therein; and: Commission Regulation (EC) No 939/97 – Detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein

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

Commission Regulation (EC) No 939/97 of 26 May 1997 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein

Overview: Regulation 338/97 revises the EC’s CITES implementing legislation (originally Regulation (EEC) No 3626/82) to account for scientific knowledge gained since 1982, and to increase the strictness of trade control measures at the EC’s external border in context of the abolition of the internal border. It also lays down criteria for species inclusions, documentation, monitoring of trade, reporting, and other details of implementation.

Regulation 939/97 involves detailed rules for the implementation of Regulation 338/97, specifically relating to criteria surrounding permit and certificate processes; treatment of animals and plants; general derogations; specimen identification processes; and reporting formats.

The species lists for these regulations are stricter in some important ways from CITES species lists, notably through changes in status and in the strictness of trade measures of some species, along with the inclusion and/or monitoring of certain non-CITES species. Hereafter these will be referred to as ‘non-CITES provisions’.

RO 47.1 Annual reports

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 15 MS: MS are required to report all information pertaining to CITES Article VIII.6 (trade records), along with any equivalent information on species listed in non-CITES provisions, before 15 June. EC: The Commission will consolidate the above data into a statistical report on trade in CITES species before 31 October of each year, and forward it to the Convention Secretariat.
Reporting process and information required	MS: Minor, as MS are Parties to the Convention and are therefore required to collect trade data and report it to the

²⁹² http://ec.europa.eu/environment/aarhus/pdf/guidance_en.pdf

	<p>Convention in any case. However, the EU implementation of CITES is stricter than required by the Convention due to the non-CITES provisions. An additional monitoring requirement is generated by the increased strictness of trade regulations surrounding certain CITES species in the EU; the inclusion of certain non-CITES species in the appendices subject to regular CITES legislation; and by Annex D of the Regulation, which provides a further list of species for which import levels must be monitored and which has no equivalent in CITES. This information is also required to be submitted to the EC. The reporting and monitoring process for this information should be identical to that for CITES.</p> <p>Some time may be required for compilation and combination of CITES-only data with data generated by the additional EU requirements.</p> <p>It should be noted that Regulation 338/97 states that MS must submit 'information ... required for drawing up the reports referred to in Article VIII.7(a) [trade records]', apparently implying that the raw trade and permit records are to be sent. On the other hand, Regulation 939/97 states that MS reporting shall be conducted 'in accordance with the Guidelines for the preparation and submission of annual reports issued by the Secretariat of the Convention'. It is therefore unclear whether MS are to submit raw data or their CITES reports, although the EC's annual reports themselves are comprised of a list of each trade transaction.</p> <p>EC: The Commission report is based on information contained within the MS reports.</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: State Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Annual
D2. Last deadline for reporting	6/15/2015
D3. Next deadline for reporting	6/15/2016
D4. MS information published in a Commission report	Yes

D5. Next deadline for Commission reporting based on the data	10/31/2017
D6. Date of most recent Commission report	01 August 2015
D7. Deadline of MS report on which the most recent Commission report is based on	6/15/2014
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	412
E. Format and process requirement	
E1. Reporting partner/service provider	UNEP WCMC
E2. Information provision requirement to international organisation	CITES
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Article 15(1)
H. Links to other reporting requirements	
H1 - H3. Links to reporting requirements in other legislation	International CITES
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	

H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Application, compliance & enforcement; contextual information: provides information on the volume of and trends in trade in CITES species. Provides trade data (number and type of permits and certificates granted, countries with which trade occurred, information about specimens in question)	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28. Although the CA (the CITES Management Authority) appears to be responsible for forwarding the information to the EC, the sub-authorities (the Scientific Authority and Enforcement Agencies, e.g. border control agencies) may in turn need to report some information to the CA.) EC: 1
Time required (T)	MS: 2 days (Suggestion, based on the fact that ongoing / minimal: records are expected to be kept and these must simply be submitted to the EC. Some time may be required for compilation) EC: 100 days (between 15 June, the MS submission deadline, and 31 October, the EU publication deadline)
Frequency of action (F)	MS: Annual EC: Annual
Other costs types	None expected.
SCM equation(s)	MS: $Q(28) \times T(2 \text{ days} \times \text{tariff}) \times F(1 \text{ report} / \text{year})$ EC: $Q(1) \times T(100 \text{ days} \times \text{tariff}) \times F(1 \text{ report} / \text{year})$
Existing estimates of costs	NA
Significance of admin burden	MS: Minor, as the report simply requires submitting existing data. There is a small additional burden imposed compared to CITES reporting requirements due to the need to track certain non-CITES species. EC: Significant, due to the work required to compile MS trade information into a statistical report once a year.
Current or recent trends affecting RO	None identified.

RO 47.2: Biennial reports

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 15 MS: CAs are to communicate information relating to the previous two years of legislative, regulatory, and

	<p>administrative measures taken to enforce the provisions of CITES, before 15 June of each second year.</p> <p>EC: The Commission will prepare a report on the implementation and enforcement of the Regulation (338/97) by 31 October of each second year, based on the above communicated information.</p>
Reporting process and information required	<p>MS: Reports are provided in two parts. The first part is comprised of the CITES biennial report, and no additional information needs to be collected by MS. The second part consists of supplementary questions on provisions that fall outside the scope of the Convention.</p> <p>EC: The Commission report is based on information contained within the MS reports.</p>
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	<p>Primary focus: Response</p> <p>Secondary focus: Pressure, state</p>
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 2yrs
D2. Last deadline for reporting	6/15/2015
D3. Next deadline for reporting	6/15/2017
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	10/31/2018
D6. Date of most recent Commission report	01 May 2014
D7. Deadline of MS report on which the most recent Commission report is based on	6/15/2013
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	320

E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	CITES
E3. Format for reporting	Template
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	Yes
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Article 15(1)
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	International CITES
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: Information about implementation and enforcement of the Conventions	
Benefits: Accessibility, comparability of information provided	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28 EC: 1
Time required (T)	MS: 15 days (suggestion, based on the assumption that major changes to CITES implementation are not expected, and minor changes, if any, should be relatively easy to summarize) EC: 100 days

Frequency of action (F)	MS: Biennial EC: Biennial
Other costs types	None identified.
SCM equation(s)	MS: $Q(28) \times T(15 \text{ days} \times \text{tariff}) \times F(0.5 \text{ report / year})$ EC: $Q(1) \times T(100 \text{ days} \times \text{tariff}) \times F(0.5 \text{ report / year})$
Existing estimates of costs	NA
Significance of admin burden	MS: Minor, as for the most part the information is the same as that submitted to CITES. There is likely a small additional burden imposed due to the need to report on actions concerning species not listed with CITES. EC: Small but notable, as MS' implementation information must be compiled into an overall report, although only once every two years.
Current or recent trends affecting RO	None identified.

48 Council Regulation (EEC) No 348/81 – Common rules for imports of whales or other cetacean products

[Council Regulation \(EEC\) No 348/81 of 20 January 1981 on common rules for imports of whales or other cetacean products](#)

Overview: This Regulation establishes measures to restrict international trade in whales and other cetacean species or their products. Specifically, it establishes a permitting system for imports of products intended for non-commercial uses.

RO 48.1: Names and addresses of the authorities

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 1(2) MS are required to report the names and addresses of competent authorities issuing import licenses for cetacean products to the Commission, which will inform the other MS.
Reporting process and information required	The RO requires only the names and addresses of CAs designated under the legislation. The EC's report involves the information provided by MS.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: State Secondary focus: none
C. Type of content	
C1. Type of information reported	Text

C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	6/1/1981
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No

F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: Implementation, compliance & enforcement	
Benefits: The RO provides basic administrative details that help to inform implementation of the Regulation	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28 EC: 1
Time required (T)	MS: 2 hours EC: 1 day
Frequency of action (F)	MS: One-time report, unless any updates are made. Presumably completed. EC: One-time report, unless any updates are made or new states accede. Presumably completed.
Other costs types	None identified.
SCM equation(s)	MS: $Q(28) \times T(2 \text{ hours} \times \text{tariff}) \times F(1)$ EC: $Q(1) \times T(1 \text{ day} \times \text{tariff}) \times F(1)$
Existing estimates of costs	None available.
Significance of admin burden	Insignificant: CAs are established during the process of compliance with the legislation and the information is only required to be reported once.
Current or recent trends affecting RO	N/a

49 Council Directive 83/129/EEC on the importation into Member States of skins of certain seal pups and products derived therefrom

[Council Directive 83/129/EEC of 28 March 1983 concerning the importation into Member States of skins of certain seal pups and products derived therefrom](#)

Overview: The legislation enacts a commercial ban on the imports of certain seal products.

RO 49.1: Information on necessary measures

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 1(2) MS are required to report on the measures taken nationally to ensure that the named products are not imported into their territories.
Reporting process and information required	The required information concerns the measures (legislative or other) taken by each MS to prevent the import of said products, which are to be forwarded to the Commission. No further information is required.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: State
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	
D3. Next deadline for reporting	
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of	NA

days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
The RO provides basic administrative details that help to inform implementation of the Regulation	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28
Time required (T)	MS: 0.5 days (suggestion, average, based on the assumption that the RO only requires reporting of measures already established in legislation)

Frequency of action (F)	MS: Once, unless changes are made. Presumably completed.
Other costs types	None identified.
SCM equation(s)	MS: $Q(28) \times T(0.5 \text{ days} \times \text{tariff}) \times F(1)$
Existing estimates of costs	None identified.
Significance of admin burden	Insignificant; likely only involves forwarding relevant legislation.
Current or recent trends affecting RO	None identified.

50 Regulation (EU) No 511/2014 of the European Parliament and of the Council on compliance measures for users from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union (including Commission Implementing Regulation (EU) 2015/1866)

Link to the Regulation: [Regulation No 511/2014 of the European Parliament and of the Council on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union](#)

Link to Commission Implementing Regulation: [Commission Implementing Regulation \(EU\) 2015/1866 laying down detailed rules for the implementation of Regulation \(EU\) No 511/2014 of the European Parliament and of the Council as regards the register of collections, monitoring user compliance and best practices](#)

Overview: The Regulation seeks to bring EU law in line with the EU's international obligations under the [Nagoya Protocol](#) by setting out the legal framework under which researchers and companies can obtain access to the genetic resources of a country and the traditional knowledge associated with them; and share the benefits arising from the use of these resources with other Parties to the Convention. The Access and Benefit Sharing (ABS) rules apply when these resources and knowledge are used in research and development for their genetic properties and/or biochemical composition, including through the application of biotechnology.

The Regulation sets out to achieve the Nagoya Protocol's objectives of increasing support for the conservation of biological diversity, and for the sustainable use of its components. It requires the EC to set up and maintain an internet-based and accessible register (Article 5(1)) including the references of the collections of genetic resources which MS must notify to the EC upon request from a collection holder within their MS, and after verifying the collection satisfies the criteria set out in Article 5(3).

Member States must designate competent authorities responsible for the application of the Regulation, and inform the EC of their names and addresses. An up-to-date, internet-based list must then be made accessible to the public by the EC (Article 6).

A first report is required to be submitted by MS to the EC on the application of the Regulation by 2017, and on a five-yearly basis following that date (Article 16).

Three reporting obligations have been identified under this regulation in the Reporting Obligation Inventory.

RO 50. 1: Report on application of the Regulation

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 16 Member States shall submit a report to the EC on the application of this Regulation. The legal basis of this reporting obligation is Article 16.
Reporting process and information required	<p>By 11 June 2017, Member States shall submit a report to the EC on the application of this Regulation and every five years after. No later than one year after this the Commission shall submit a report to the European Parliament and the Council a report on the application of this Regulation, including an assessment of its effectiveness. The Commission shall publish similar reports every 10 years to the European Parliament and the Council and it is also required to report to the Conference of the Parties to the Convention serving as the meeting of the Parties to the Nagoya Protocol.</p> <p>According to the Impact Assessment MS are required to report to the EC on the application of the Regulation, while the EC will keep and analyse this information. The list of information that will be available on the basis of implementing measures include the following:</p> <ul style="list-style-type: none"> • "Information on Union trusted collections and eventual difficulties in their operations; • Records on genetic resources and related information that were supplied by Union trusted collections to third persons; • Declarations by users of genetic resources on how they exercised due diligence; • Records on checks of user-compliance conducted by competent authorities and eventually remedial actions and measures taken; • Information obtained through regular meetings of the EU Platform on access, with the help and participation of the Member States experts on issues relevant to the access pillar of the Protocol. " <p>The IA also lists a number of potential indicators which will be used for monitoring and evaluation.</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: State and Impact
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	

D1. Frequency of reporting	Every 5yrs
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	6/11/2017
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	6/11/2018
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	CBD
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Article 15
H. Links to other reporting requirements	

H1 – H3. Links to reporting requirements in other legislation	Linked to reporting under the Nagoya Protocol to CBD
H4. Possible data overlaps with other reporting requirements	To some extent the same data can be used for CBD reporting and reporting under the Regulation
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: The purpose of this reporting obligation for the EC is to get an overview of the implementation of the Regulation, and to assess its effectiveness.	
Benefits: The report will aim to provide a comprehensive overview on the application of the Regulation.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28 EC: 1
Time required (T)	MS: Assuming that the above list includes the information that will need to be reported by the MS to the EC it seems like that some of these requirements are only related to factual, already available information (e.g. records on genetic resources), while others would require the development and/or synthesis of new information (e.g. difficulties experienced). It is estimated that the reporting would take roughly 20 days per MS. EC: It is expected that the MS report will require more time given that information submitted by the MS need to be synthesized. A total of 100 days is assumed.
Frequency of action (F)	MS: Every 5 years. EC: Every 10 years.
Other costs types	None identified
SCM equation(s)	MS: $Q(28) \times T(20 \text{ days}) \times F(0.2/1\text{yr})$ EC: $Q(1) \times (100 \text{ days}) \times F(0.1/1\text{yr})$
Existing estimates of costs	None identified
Significance of admin burden	Parties to the Nagoya Protocol need to monitor the implementation of the Protocol and report on it (as required by Article 29), which has implications on the significance of administrative burden under the ABS Regulation. According to the Impact Assessment of the Regulation ²⁹³ the "monitoring and evaluation measures done for the purpose

²⁹³ http://eur-lex.europa.eu/resource.html?uri=cellar:7ad11d44-b4ea-4684-a519-268a2fc4c0bc.0001.02/DOC_1&format=PDF

	of this EU Regulation should ideally provide the majority of input for complying with these global level obligations.”
Current or recent trends affecting RO	None identified

RO 50.2: Notification on collection

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 5 If a collection holder requests a Member State to consider the inclusion of his or her collection and if the Member State decides to do so after the verification process it shall notify the Commission. The legal basis of this reporting obligation is Article 5.
Reporting process and information required	<p>The Member State shall notify the Commission without undue delay of the name and contact details of the collection and of its holder, and of the type of collection concerned.</p> <p>Further details on the notification for inclusion in the register are provided in Article 3 of the Commission Implementing Decision.</p> <p>Furthermore, a Member State which determines that a collection or a part of a collection within its jurisdiction no longer complies with the requirements to be included in the register shall inform the Commission thereof without undue delay.</p> <p>There is no requirement for the Commission to report to the European Parliament and the Council based on this information but it is the EC’s task to ensure that the register is published online.</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: State Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Inclusion/exclusion of collection in the register
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA

D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	Yes
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Article 5(1)
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None

H4. Possible data overlaps with other reporting requirements	No
H5. Potential informal links with other policy areas/legislation	None
H6. Existing links with voluntary reporting	None
Purpose and benefits of RO	
Purpose: The purpose of this obligation is to ensure that the Commission has the most up to date information on collections and to inform the public about collections which are recognised	
Benefits: By having this up to date information the EC can easily fulfil its obligation to publish this information within the internet based register. It is important for users of genetic resources to know which collections are recognised.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28
Time required (T)	MS: It is assumed that the time requirement to provide this notification is minor.
Frequency of action (F)	MS: Ad-hoc
Other costs types	None identified
SCM equation(s)	MS: $Q(28) \times T(\text{minor}) \times F(\text{ad-hoc})$
Existing estimates of costs	None identified
Significance of admin burden	It is assumed that the reporting obligation's administrative burden is insignificant nevertheless it will greatly depend on the frequency of the requests from collection holders.
Current or recent trends affecting RO	It is the Commission's task to ensure that the register is internet based and easily accessible to the users.

RO 50.3: Notification on competent authorities and focal points

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 6 Member States shall designate one or more competent authorities and shall notify the Commission. The legal basis of this reporting obligation is Article 6.
Reporting process and information required	Member States shall provide information on the names and addresses of the competent authorities and Member States shall inform the Commission without undue delay of any changes to the names or addresses of the competent authorities.

	There is no requirement for the EC to report on this to the European Parliament and the Council but the information on the competent authorities shall be published online.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: State Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None

E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	Article 6(2)
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	Linked to some extent with reporting under the Nagoya Protocol to CBD
H4. Possible data overlaps with other reporting requirements	If the same authorities designated as CA and NCA under NP, the same information can be provided
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	None
Purpose and benefits of RO	
<p>Purpose: The purpose of this obligation is to have an up to date information on the competent authorities, which is then published online. This enables the Commission to fulfil its obligation under Article 6(2) and inform the public about competent authorities in MS.</p> <p>Benefits: The EC can provide a comprehensive overview of the contact details of the competent authorities online, which is easily accessible.</p>	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28
Time required (T)	<p>MS: It is assumed that to provide the required information requires very little time and that the MS already have the relevant information since the designation of these authorities. The time for compiling this information will depend on the number of competent authorities.</p> <p>As of 26/02/2016 three MS provided this information to the EC, which is available here.</p>
Frequency of action (F)	MS: One-off (if changes take place the MS needs to provide an update)
Other costs types	None identified
SCM equation(s)	MS: $Q(28) \times T(?) \times F(\text{one-off})$

Existing estimates of costs	None identified
Significance of admin burden	Likely to be insignificant, given the limited extent of information required and ad hoc nature of the requirement
Current or recent trends affecting RO	It is the Commission's task to publish the list of competent authorities online and keep the list up to date.

51 Council Regulation (EC) No 2173/2005 – Establishment of a FLEGT licensing scheme for imports of timber into the European Community

[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](#)

Overview: The regulation implements the EU FLEGT Action Plan, which creates a licensing scheme for timber imports to ensure that only legally produced timber enters the EU. It provides for the creation of Voluntary Partnership Agreements between the EU and partner countries, in which timber imports from partner countries are prohibited unless accompanied by a FLEGT license, in exchange for which partner countries may be given preferred access to European markets.

RO 51.1: Report with quantitative data on timber imports, licences granted and enforcement

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 8</p> <p>MS are required to report on the quantities of FLEGT-licensed timber products imported into the MS; the number of FLEGT licenses received; and the number of cases and quantities in which licensing conditions were not met, delineated by partner countries. The report covers a calendar year and is due by 30 April each year.</p> <p>The Commission will prepare a synthesis report by 30 June of each year.</p>
Reporting process and information required	<p>The regulation requires MS to collect and keep data on FLEGT scheme imports and on cases in which imports failed licensing standards. These reports should be contained within the CA along with the corresponding customs declarations, as per the information obligations of Article 5(1) concerning records of licenses and customs declarations. Depending on the particular method of implementation, the customs declarations may need to be obtained from the border authority at some point in the process. Compilation may also be required. The report is to be provided in a format specified by the EC.</p> <p>The EC's report is based on the information contained in the MS reports.</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	<p>Primary focus: Pressure</p> <p>Secondary focus: Response</p>

C. Type of content	
C1. Type of information reported	Numerical
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Annual
D2. Last deadline for reporting	4/30/2015
D3. Next deadline for reporting	4/30/2016
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	6/30/2016
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	Eurostat
E2. Information provision requirement to international organisation	
E3. Format for reporting	Other
E4. Reference / Link to reporting template	Yes but not found
E5. References / link to additional reporting guidance(s)	Yes, Customs and FLEGT Implementation Guidelines
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	

F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: To inform implementation, compliance and enforcement	
Benefits: Accessibility, comprehensiveness, comparability of information provided	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28 EC: 1
Time required (T)	MS: 25 days (suggestion, based on reasonable time requirements for collecting and filing licenses and customs declarations, for organizing the report by partner country, and for compiling into the annual report format) EC: 60 days (i.e. two months between 30 April, the MS submission deadline, and 30 June, the EU publication deadline)
Frequency of action (F)	MS: Annual EC: Annual
Other costs types	None identified.
SCM equation(s)	MS: $Q(28) \times T(25 \text{ days} \times \text{tariff}) \times F(1 \text{ report} / \text{year})$ EC: $Q(1) \times T(60 \text{ days} \times \text{tariff}) \times F(1 \text{ report} / \text{year})$
Existing estimates of costs	None identified.
Significance of admin burden	MS: a moderate burden can be expected due to the need to collect and maintain records and then to file a yearly, formatted report. EC: A moderate administrative burden, caused by 2 month's work yearly.

	However, burdens are non-existent for the moment, as FLEGT VPAs are not yet operational so no reporting is actually required.
Current or recent trends affecting RO	None so far, except related to the eventual entry into action of VPAs.

RO 51.2: Notification of circumvention of the regulation

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 6 (2) MS to notify the Commission of any indication that the Regulation is being circumvented.
Reporting process and information required	Unclear. Circumvention as defined in the FLEGT impact assessment involves shipping wood to the EU through third countries, or changing its status of processing, and thereby avoiding licensing requirements. Reporting and monitoring this activity requires traceability systems, including chain of custody information and information on the country of origin, which may not always be included with the imports. Chain of custody systems are established by the FLEGT Regulation, but only apply to FLEGT partner countries; if desired for monitoring circumvention, their scope will have to be expanded to non-partner countries. Traceability systems may also be set up by European forestry companies (as opposed to CAs), adding another layer of complexity to reporting. Reporting on circumvention may thus be a time-consuming process if the data is not readily available or if communication between entities is not optimal.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: State Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA

D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	
E3. Format for reporting	Other
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	no
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	

H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: To inform implementation, compliance and enforcement	
Benefits: Relevance, comprehensiveness of information provided	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28
Time required (T)	MS: Unknown; depends on extent of circumvention.
Frequency of action (F)	MS: Ad hoc.
Other costs types	None identified.
SCM equation(s)	NA
Existing estimates of costs	NA
Significance of admin burden	MS: Likely to be small because of ad hoc nature of the requirement. This depends on extent of circumvention and on ease of availability of data. If readily available (e.g. if chain-of-custody systems are already in place), then there may be a small but significant burden due to the need to constantly check shipments. If not readily available, the burden would likely be much larger, as CAs or border authorities would need to create or expand the scope of chain-of-custody systems. In practice the latter may prove to be too complicated and so no monitoring may be conducted, leading to zero administrative burden but also zero information.
Current or recent trends affecting RO	Due diligence and traceability systems required by the EU Timber Regulation will likely provide the information required to track circumvention as well.

RO 51.3: EC information of details of the licensing authorities designated by partner countries

A-B: General info

A5. Obligation Source Type Legislative

A6. Obligation and legal base Article 7
EC to notify MS of the names of licensing authorities designated by partner countries, authenticated specimens of license stamps and signatures, and any other relevant licensing information.

Reporting process and information required	The EC will require this information from partner countries. The licensing authority will have been established during the process of creating and implementing the VPA; the EC must therefore only obtain copies of its administrative details.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	

E3. Format for reporting	Other
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Provides basic administrative information necessary to inform implementation of the Regulation	
Analysis of costs	
Type and number of reporting entities (Q)	EC: 1
Time required (T)	EC: 0.5 days per country
Frequency of action (F)	EC: Ad hoc, once per country unless changed
Other costs types	None identified.
SCM equation(s)	NA
Existing estimates of costs	NA
Significance of admin burden	EU: Insignificant, only requires administrative details that should already exist. Minor compilation may be required.
Current or recent trends affecting RO	None identified.

52 Regulation (EU) No 995/2010 of the European Parliament and of the Council – Obligations of operators who place timber and timber products on the market

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

Overview: In order to strengthen the FLEGT licensing system, this Regulation bans illegally harvested timber or products derived from such timber from being placed on the market. In order to avoid excessive administrative burden, only operators placing timber and timber products on the market for the first time are subject to the legislation. On the other hand, traders in the supply chain are expected to provide information on their suppliers and buyers, in order to enable traceability.

The Regulation creates a three-pronged due diligence system involving access to information, risk assessment, and risk mitigation. The information required includes sources and suppliers of the timber and timber products; compliance with legislation; country and, where applicable, region of harvest; species; and quantity. Where a risk is identified, operators are expected to mitigate the risk with a view to preventing the product from entering the market.

The Regulation also adopts other systems for monitoring, compliance, and implementation.

RO 52.1: Report on implementation of the regulation and effectiveness of the prohibition of the placing on the market of illegally harvested timber and timber products

A-B: General info

A5. Obligation Source Type	Legislative
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A6. Obligation and legal base	<p>Article 20</p> <p>MS: MS are to report on the application of the Regulation by 30 April of every second year, assessing the effectiveness of the ban and of the due diligence systems.</p> <p>EC: The EC will prepare a report based on the MS reports, which is also to evaluate the progress made on FLEGT VPAs and their contribution to minimizing the presence of illegal timber on the internal market.</p>
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Reporting process and information required	<p>MS CAs are required to report their experiences with the Regulation and their assessments of its effectiveness. This will require information on domestic legislation and laws; border control mechanisms; traceability systems; and penalties imposed or actions taken on violators, as well as data on the type and volume of products subject to the ban that were removed from the market; changes in the amount of legal and illegal timber imports as a result of the ban; and so forth. The CA will likely hold some of this information, but reporting may also require coordination between MS CAs and likely several sub-agencies handling enforcement, customs controls, traceability, etc., and compilation of resulting submissions. A wide range of information and a significant amount of analysis will be required to accurately assess the Regulation's effectiveness.</p>
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	The EC is to prepare a report based on the above submissions that also incorporates an assessment of the effects of VPAs on eliminating illegally harvested timber and timber products from the market. This will also require information on MS' experiences with VPAs that should have been provided separately to the EC as per reporting requirements of the FLEGT regulation.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Pressure, Response Secondary focus: Impact, State
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 2yrs
D2. Last deadline for reporting	4/30/2015
D3. Next deadline for reporting	4/30/2017
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	12/3/2021
D6. Date of most recent Commission report	10/14/2015
D7. Deadline of MS report on which the most recent Commission report is based on	4/30/2015
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	167
E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement	

to international organisation	
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: To inform implementation, compliance and enforcement	
Benefits: Accessibility, relevance, comparability of information reported	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28 EC: 1
Time required (T)	MS: 45 days (suggestion based on required depth and breadth of report) EC: 60 days (suggestion based on time required for similar synthesis reports in other ROs and the likely complexity of the report)
Frequency of action (F)	MS: Biennial EC: Biennial
Other costs types	None identified. There are requirements to establish traceability and due diligence systems, but these are not generated by the RO.

SCM equation(s)	MS: $Q(28) \times T(45 \text{ days} \times \text{tariff}) \times F(0.5 \text{ report} / \text{year})$ EC: $Q(1) \times T(60 \text{ days} \times \text{tariff}) \times F(0.5 \text{ report} / \text{year})$
Existing estimates of costs	None identified.
Significance of admin burden	MS: Somewhat significant, due to the need to collate various types of information, potentially from multiple sources, and to use all available data to assess the effectiveness of the Regulation. However, the reporting timeline is only once every two years, and after initial implementation it can be expected that the major details of implementation will not change extensively from year to year, thereby decreasing the burden somewhat. EC: Somewhat significant, as reports from 28 MS must be incorporated and further analysis added on the overall effectiveness of FLEGT VPAs. Again, however, the reporting timeline is only once every two years, decreasing the burden somewhat. Furthermore, as for the FLEGT regulation, no VPAs are currently active.
Current or recent trends affecting RO	None identified, except related to the eventual entry into action of VPAs.

RO 52.2: EC information on the names of competent authorities or changes to their contact details

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 7 MS to inform the Commission of the names and contact details of CAs, and of any changes. EC to make the list available publicly.
Reporting process and information required	The EC requires the information from the MS and will collate and publish it internally and publicly. It should be readily available after the implementation of the Timber Regulation in MS.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	If a competent authority determines that a monitoring organization no longer complies with the requirements of the regulation
D. Timing of reporting	

D1. Frequency of reporting	One-off
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	Yes
F2. Public information provision	Yes
H. Links to other reporting requirements	

H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Provides basic administrative details to inform implementation.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28 EC: 1
Time required (T)	MS: 0.2 days EC: 1 days
Frequency of action (F)	MS: Once, unless changes are made EC: Once, unless changes are made
Other costs types	None identified.
SCM equation(s)	MS: $Q(28) \times T(0.2 \text{ days} \times \text{tariff}) \times F(1)$ EC: $Q(1) \times T(1 \text{ day} \times \text{tariff}) \times F(1)$
Existing estimates of costs	None identified.
Significance of admin burden	Insignificant. Information readily available and only requires forwarding to Commission. Compilation, release, and updating by the Commission is similarly minor.
Current or recent trends affecting RO	None identified.

RO 52.3: Information about the monitoring organisation no longer compliant with the regulation

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 8 MS to inform the Commission in case its CA has determined that a previously approved monitoring organisation no longer fulfils the requirements of the Timber Regulation. The EU will inform all MS and their CAs of the withdrawal of recognition.

Reporting process and information required	The details of the monitoring organisation no longer compliant will be forwarded to the EC by the MS or its CA, which will in turn inform the other MS and their CAs.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	If a competent authority determines that a monitoring organisation no longer complies with the requirements of the regulation
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	
E3. Format for reporting	None

E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	Yes
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
The RO helps to inform implementation, compliance and enforcement.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 1 (ad hoc) EC: 1
Time required (T)	MS: 0.1 days EC: 1 days
Frequency of action (F)	MS: Once, then ad hoc. EC: Once, then ad hoc.
Other costs types	None identified.
SCM equation(s)	MS: $Q(1) \times T(0.1 \text{ days} \times \text{tariff}) \times F(1)$ EC: $Q(1) \times T(1 \text{ day} \times \text{tariff}) \times F(1)$
Existing estimates of costs	None identified.
Significance of admin burden	Insignificant.
Current or recent trends affecting RO	None identified.

RO 52.4: Exchange information on serious shortcomings

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 12 MS CAs to communicate between themselves and the Commission on serious shortcomings detected in due diligence systems or operator compliance, and on any penalties imposed.
Reporting process and information required	For due diligence systems, the CA will need to obtain information from the monitoring organisations responsible for the maintenance and evaluation of the systems. The CA is required to carry out operator compliance checks itself, so should already be maintaining records. It is somewhat unclear which entity will impose and collect penalties if applied. If the CA, records will again be readily available; if another entity such as border control or customs agencies, records will need to be forwarded. For all the above, the RO does not appear to create a monitoring obligation.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Pressure Secondary focus: Impact and Response
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Shortcomings detected through the checks
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA

D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	Yes
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
The RO helps to inform implementation, compliance and enforcement through sharing of information	

Analysis of costs	
Type and number of reporting entities (Q)	MS: 1
Time required (T)	MS: 0.5 day (suggestion, per case)
Frequency of action (F)	MS: Once, then ad hoc.
Other costs types	None identified.
SCM equation(s)	MS: $Q(1) \times T(0.5 \text{ days} \times \text{tariff}) \times F(1)$
Existing estimates of costs	None identified.
Significance of admin burden	Minor. Information should be readily available, but will require collection and compilation before communication.
Current or recent trends affecting RO	None identified.

53 Regulation (EU) No 1257/2013 of the European Parliament and the Council on ship recycling

[Regulation \(EU\) No 1257/2013 of the European Parliament and the Council on ship recycling](#)

The purpose of this Regulation is to prevent, reduce, minimise and, to the extent practicable, eliminate accidents, injuries and other adverse effects on human health and the environment caused by ship recycling. It aims to enhance safety, the protection of human health and of the Union marine environment throughout a ship's life-cycle, in particular to ensure that hazardous waste from such ship recycling is subject to environmentally sound management.

This Regulation also lays down rules to ensure the proper management of hazardous materials on ships.

This Regulation also aims to facilitate the ratification of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 ('the Hong Kong Convention').

The Regulation amends Regulation (EC) No 1013/2006 and Directive 2009/16/EC.

Overview:

Three ROs are identified in the Reporting Obligations Inventory.

RO 53.1: Report by Member States on the application of the Regulation

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 21 requires that each Member State shall send to the Commission a report containing the following: (a) a list of the ships flying its flag to which a ready for recycling certificate has been issued, and the name of the ship recycling company and the location of the ship recycling facility as shown in the ready for recycling certificate;

	<p>(b) a list of the ships flying its flag for which a statement of completion has been received;</p> <p>(c) information regarding illegal ship recycling, penalties and follow-up actions undertaken by the Member State.</p>
Reporting process and information required	<p>Every three years, Member States shall electronically transmit the report to the Commission no later than nine months after the end of the three-year period covered by it.</p> <p>The first electronic report shall cover the period from the date of application of the Regulation to the end of the first regular three-year reporting period, specified in Article 5 of Council Directive 91/692/EEC, falling after the starting date of the first reporting period.</p> <p>The Commission shall publish a report on the application of this Regulation no later than nine months after receiving the reports from the Member States.</p> <p>The Commission shall enter this information in an electronic database that is permanently accessible to the public.</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	<p>Primary focus: Response</p> <p>Secondary focus: State and Impact</p>
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 3 years
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	9 months after MS reports received
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA

D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	
F2. Public information provision	The Commission shall enter the information received from the MS in an electronic database that is permanently accessible to the public.
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: The RO provides information to inform implementation, compliance assessment and enforcement.	
Benefits: It is unlikely that information on e.g. outflagging and recycling of ships outside facilities on the EU List is found in the MS reports. On the other hand, the Commission report could shed light on that issue, which could in turn help develop new instruments (e.g. financial incentive)	

Analysis of costs	
Type and number of reporting entities (Q)	MS: 28. EC: 1
Time required (T)	MS: Likely to vary between 0 and 20 days per MS to collect and consolidate information on completed and future recycling, as well as information on illegal actions and resulting penalties. The time requirements are unlikely to be large for most MS because most recycle a small number of ships per year. This can increase to up to a few dozen ships for the largest EU flag states. Most administrative steps will have been taken by the ship-owners themselves EC: Estimate 60 days to consolidate all the above information, enter it into the online database, and publish a report.
Frequency of action (F)	Every three years
Other costs types	No information available
SCM equation(s)	MS: $Q(28) \times T(10 \text{ days} \times \text{tariff}) \times F(1 \text{ report} / 3 \text{ years}]$ EC: $1 \times T(60 \text{ days} \times \text{tariff}) \times F(1 \text{ report} / 3 \text{ years}]$
Existing estimates of costs	None identified.
Significance of admin burden	Likely to be moderate. Involves collation and reporting of data which should be available to the authorities through compliance with other articles of the Regulation.
Current or recent trends affecting RO	None identified

RO 53.2: MS to communicate list of authorized ship recycling facilities and EC to publish a European List of ship recycling facilities

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	<p>Article 14 and 16</p> <p>Article 14 requires that Member States shall establish and update a list of the ship recycling facilities that they have authorised. This list shall be communicated to the Commission without delay and not later than 31 March 2015. Where a ship recycling facility ceases to comply with the requirements set out in Article 13, the Member State where that ship recycling facility is located shall suspend or withdraw the authorisation given to it or require corrective actions by the ship recycling company concerned and shall inform the Commission thereof without delay.</p> <p>Article 16 commits the Commission to adopt implementing acts to establish a European List of ship recycling facilities which:</p>

	<p>(a) are located in the Union and have been notified by the Member States in accordance with Article 14(3);</p> <p>(b) are located in a third country and whose inclusion is based on an assessment of the information and supporting evidence provided or gathered in accordance with Article 15.</p>
Reporting process and information required	<p>The European List shall be published in the Official Journal of the European Union and on the website of the Commission not later than 31 December 2016. It shall be divided into two sub-lists indicating the ship recycling facilities located in a Member State and the ship recycling facilities located in a third country.</p> <p>The European List shall include information about:</p> <p>(a) the method of recycling;</p> <p>(b) the type and size of ships that can be recycled;</p> <p>(c) any limitation and conditions under which the ship recycling facility operates, including as regards hazardous waste management;</p> <p>(d) details on the explicit or tacit procedure, as referred to in Article 7(3), for the approval of the ship recycling plan by the competent authority;</p> <p>(e) the maximum annual ship recycling output.</p> <p>The Commission shall adopt implementing acts to regularly update the European List. Member States shall communicate to the Commission all information that may be relevant in the context of updating the European List. The Commission shall forward all relevant information to the other Member States.</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: State Secondary focus: Response
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Set deadline in first instance; thereafter when an update is required
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	31 March 2015
D3. Next deadline for reporting	Updates need to send when they take place
D4. MS information published in a Commission report	Yes

D5. Next deadline for Commission reporting based on the data	12/31/2016
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 - H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	

H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Informs the development of a list of ship recycling facilities and practices, which will help to inform implementation and enforcement of the Regulation.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28
Time required (T)	MS: Estimate 30 days to establish list, then ad-hoc as changes occur. MS will need to provide information on all the criteria required for the list. The MS or their regional/local authorities have been required to check compliance of their ship recycling facilities against the requirements of the Regulation. In some cases (e.g. Denmark), this work took several months EC: Estimate 1-2 days to compile and publish list of facilities in the EU. However, additional time is required to compile and update the list of facilities outside the EU.
Frequency of action (F)	One off, then ad hoc updates
Other costs types	None identified.
SCM equation(s)	MS: $Q(28) \times T(\text{time} \times \text{tariff}) \times F(1 \text{ then ad hoc})$
Existing estimates of costs	None identified.
Significance of admin burden	MS: Potentially significant, as reporting requires details on each ship recycling facility, and total burden will depend on the final number of facilities present in each MS EC: Minimal, as requires collation of data provided by MS
Current or recent trends affecting RO	None identified.

RO 53.3: MS to designate competent authorities and administrations responsible for application of the Regulation, and contact persons responsible for informing or advising natural or legal persons making enquiries

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 18, 19 require MS and the Commission to provide details of competent authorities and contact persons relating to the Regulation.
Reporting process and information required	Article 18 states that Member States shall designate the competent authorities and administrations responsible for the application of this Regulation and shall notify the Commission of those designations. Member States shall

	<p>immediately notify the Commission of any changes in such information. The Commission shall publish on its website lists of the designated competent authorities and administrations and shall update those lists as appropriate.</p> <p>Article 19 requires that Member States and the Commission shall each designate one or more contact persons responsible for informing or advising natural or legal persons making enquiries. The contact person of the Commission shall forward to the contact persons of the Member States any questions received which concern the latter, and vice versa. Member States shall notify the Commission of the designation of contact persons. Member States shall immediately notify the Commission of any changes to that information. The Commission shall publish on its website lists of the designated contact persons and shall update those lists as appropriate.</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: none
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Designation of the competent authorities and administrations, and any changes in such information.
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of	NA

days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	no
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	EC to publish (and update) on its website lists of the designated competent authorities and administrations, and a list of contact persons
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
This RO is designed to provide basic administrative details to inform implementation.	
Analysis of costs	
Type and number of reporting entities (Q)	MS (28) EC (1)
Time required (T)	Likely to be very limited – less than 0.5 days for MS to provide details and perhaps 1-2 days per year for EC to maintain lists

Frequency of action (F)	One-off then ad hoc updates
Other costs types	None identified
SCM equation(s)	MS – 28 x (0.5 days x tariff) x 1 (one-off) EC – 1-2 days per year x tariff
Existing estimates of costs	N/a
Significance of admin burden	Insignificant
Current or recent trends affecting RO	None identified

54 Directive (EU) 2015/2193 of the European Parliament and of the Council of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015L2193>

Overview: The Medium Combustion Plant (MCP) Directive regulates pollutant emissions from the combustion of fuels in plants with a rated thermal input equal to or greater than 1 megawatt (MWth) and less than 50 MWth. It fills the regulatory gap at EU level between large combustion plants (≥ 50 MWth), covered under the [Industrial Emissions Directive \(IED\)](#) and smaller appliances (heaters and boilers <1 MWth) covered by the [Ecodesign Directive](#), thereby contributing to levelling the EU playing field.

It regulates emissions of SO₂, NO_x and dust into the air with the aim of reducing those emissions and the risks to human health and the environment they may cause. It also lays down rules to monitor emissions of carbon monoxide (CO).

The MCP Directive entered into force on 18 December 2015 and will have to be transposed by Member States by 19 December 2017.

RO 54.1: MS required to report on implementation to EC

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 11 (1) MS to report to the Commission regarding their implementation of the Directive, along with compliance and enforcement actions. EC to submit a summary report to the Parliament and the Council. The first report shall include an estimate of the total annual emissions of SO ₂ , NO _x and dust from medium combustion plants, grouped by plant type, fuel type and capacity class.
Reporting process and information required	MS: Qualitative and quantitative information on MS implementation, compliance, and enforcement actions relating to the Directive is to be submitted to the EC by 1 October 2026 and 1 October 2031. The report due in 2026 will also include an estimate of the total annual emissions of SO ₂ , NO ₂ , and dust from medium combustion plants, grouped by plant type, fuel type, and capacity class.

	<p>The approach chosen to report to the European Commission is not known yet (it will be defined in the next years) but is likely to involve simple questionnaire to be filled in by Member States as is the case for other types of implementation reporting. These questionnaires will require both qualitative (e.g. description of compliance checking systems, inspection regimes, etc.) and quantitative (e.g. number of plants) data.</p> <p>The estimates will (probably) be based on statistical methods and models using databases that are readily available through the permitting procedure (Article 5) and not be obtained from individual plant operators.</p> <p>EC: EC to submit summary reports to the European Parliament and Council within 12 months of receipt of the above reports.</p>
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: Pressure, State and Impact
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	Experience through implementation and further knowledge gathering
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	01/10/2026 and 01/10/2031
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	01 October 2027
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	
D8-D9. Time elapsed between MS reporting and EC reporting (no. of	

days) (+ comment if applicable)	
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No ²⁹⁴
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: To monitor the implementation of and compliance with the Directive.	
Benefits: The COM report will provide an overview of: 1) the implementation status quo 2) implementation challenges and 3) next steps	
Analysis of costs	

²⁹⁴ Article 7 does not constitute an active reporting requirement to report the data to the Competent Authorities, but only to make the data and information available to the competent authority upon request. The competent authority shall make such a request if a member of the public requests access to the data or information.

Type and number of reporting entities (Q)	MS: 28. EC: 1
Time required (T)	MS: Time requirements will likely be limited to collecting information and filling in the questionnaire. The ease to report on estimates will vary depending on the statistical methods applied and the degree of automation of data collection. EC: Suggested 60 days to consolidate, categorize, and release, as there may be qualitative and quantitative information to be organized, along with extensive statistics.
Frequency of action (F)	MS: Once, then once again after five years. EC: Once, then once again after five years.
Other costs types	Monitoring is required to meet specified emissions limits – though it provides the data required for reporting, the costs of monitoring should not be attributed to the reporting obligation.
SCM equation(s)	MS: $Q(28) \times T(x \text{ days} \times \text{tariff}) \times F(0.2)$ EC: $Q(1) \times T(60 \text{ days} \times \text{tariff}) \times F(0.2)$
Existing estimates of costs	None available.
Significance of admin burden	MS: Moderate since the report only involves filling in a questionnaire with information that is readily available and generating simple estimates based on available data. EC: Significant – as there is a lot of data in the 2026 report, it will likely take some time to compile.
Current or recent trends affecting RO	None identified.

RO 54.2: Report with an estimate of the total annual emissions of CO

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 11 (2) MS to report to the Commission on annual CO emissions levels and concentrations, where available.
Reporting process and information required	MS: MS are to report to the Commission by 1 January 2021 on the total annual emissions of CO and any information available on the concentration of emissions of CO from medium combustion plants, grouped by fuel type and capacity class. The estimates will (probably) be based on statistical methods and models using databases that are readily available through the permitting procedure (Article 5) and not be obtained from individual plant operators.
A7. Inclusion in EIONET database	No

B1-B5. DPSIR Coverage	Primary focus: Pressure Secondary focus: State
C. Type of content	
C1. Type of information reported	Numerical
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	1/1/2021
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No

E6. Electronic reporting required/facilitated	Yes
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	Article 7
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: Will help to monitor progress in implementation and effectiveness in tackling CO emissions	
Benefits: The COM report will help to provide an overview of: 1) the implementation status quo 2) implementation challenges and 3) next steps	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28.
Time required (T)	MS: As for RO 54.1, time requirements will likely be limited to collecting information and filling in the questionnaire. The ease to report on estimates will vary depending on the statistical methods applied and the degree of automation of data collection.
Frequency of action (F)	MS: Once.
Other costs types	None identified.
SCM equation(s)	MS: $Q(28) \times T(x \text{ days} \times \text{tariff}) \times F(0.2)$
Existing estimates of costs	None identified.
Significance of admin burden	Low since the report only involves generating simple estimates based on available data.
Current or recent trends affecting RO	None identified.

55 Regulation (EC) No 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal products (including Implementing Regulation No 2015/1850)

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009R1007>

Overview: Regulation (EC) No 1007/2009 aims at banning the trade in seal products in the European Union. The ban applies to seal products produced in the EU and to imported seal products.

Three reporting obligations are identified in the inventory.

RO 55.1: Report on application of the Regulation

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 7 MS to report on implementing actions. EC to report to the Parliament and the Council on implementation progress.
Reporting process and information required	MS: By 20 November 2011 and every 4 years thereafter, MS are to submit a report of their implementing actions. EC: Based on MS submissions, the EC shall report on implementation progress to the Parliament and to the Council within a year of the end of the reporting period.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: Impact and State
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 4yrs
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	12/31/2018
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	12/31/2019
D6. Date of most recent Commission report	NA

D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	NA
H5. Potential informal links with other policy areas/legislation	NA
H6. Existing links with voluntary reporting	NA
Purpose and benefits of RO	
The RO aims to enable the Commission in the assessment of the effectiveness of the Regulation, and to share knowledge on implementation	

Analysis of costs	
Type and number of reporting entities (Q)	MS: 28 EC: 1
Time required (T)	MS: Estimate 3 days, to compile information and submit, as the report requires information on legislative as well as other implementing actions. EC: The EC is required to submit the overall implementation report within a year of the end of each reporting period. However, it is not suggested that the entire year will be required to draft the report. Rather, based on the expected level of detail of MS reports, the implementation report is not expected to be particularly burdensome. Suggest 12 days to compile and consolidate information from all MS submissions.
Frequency of action (F)	MS: Once every 4 years. EC: Once every 4 years.
Other costs types	None identified.
SCM equation(s)	MS: $Q(28) \times T(3 \text{ days} \times \text{tariff}) \times F(0.25 \text{ report / year})$ EC: $Q(1) \times T(12 \text{ days} \times \text{tariff}) \times F(0.25 \text{ report / year})$
Existing estimates of costs	None identified.
Significance of admin burden	Minor to moderate, depending on the extent and complexity of implementing actions and of compiling the information.
Current or recent trends affecting RO	None identified.

RO 55.2: Notification on penalties and enforcement

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 7 MS to report on penalties and enforcement.
Reporting process and information required	MS: Required to report all rules related to infringements and on implementing measures for these rules, as well as any changes thereafter.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	

D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	8/20/2010
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No

H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
The RO should help in monitoring implementation and enforcement.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28
Time required (T)	MS: Suggest 2 days, as some time may be required to detail and explain the implementing actions.
Frequency of action (F)	MS: Once, then ad-hoc.
Other costs types	None identified.
SCM equation(s)	MS: $Q(28) \times T(2 \text{ days} \times \text{tariff}) \times F(\text{once})$
Existing estimates of costs	None available.
Significance of admin burden	Minor
Current or recent trends affecting RO	None identified.

RO 55.3: Notification of designated competent authorities

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 6 of Implementing Regulation MS to notify the EC of designated competent authorities; EC to make the list available on its website.
Reporting process and information required	MS: Information on CAs is to be provided to the EC once designated. EC: List of CAs to be published on its website.
A7. Inclusion in EIONET database	No

B1-B5. DPSIR Coverage Primary focus: Response	
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	Other
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No

F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
RO provides basic administrative details necessary to inform implementation.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28 EC: 1
Time required (T)	MS: Minimal – estimated at 0.5 days EC: Estimated at 2 days, as may require some enquiries with MS authorities
Frequency of action (F)	MS: Once, then ad-hoc. EC: Once, then ad-hoc.
Other costs types	None identified.
SCM equation(s)	MS: $Q(28) \times T(0.5 \text{ days} \times \text{tariff}) \times F(\text{once})$ EC: $Q(1) \times T(2 \text{ days} \times \text{tariff}) \times F(\text{once})$
Existing estimates of costs	None available.
Significance of admin burden	Insignificant.
Current or recent trends affecting RO	None identified.

56 Council Directive 87/217/EEC of 19 March 1987 on the prevention and reduction of environmental pollution by asbestos

[Council Directive 87/217/EEC of 19 March 1987 on the prevention and reduction of environmental pollution by asbestos](#)

Overview: The objectives of the Asbestos Directive are to reduce exposure to asbestos so as to lessen the risk of diseases occurring and to establish limit values and

specific harmonised minimum requirements for the protection of workers. Introduced in 1987, the Directive has been amended by:

- Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment further amended by Regulation 1882/2003/EC of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC (Celex N°31999D0468) the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty.
- Council Regulation 807/2003/EC of 14 April 2003 adapting to Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in Council instruments adopted in accordance with the consultation procedure (unanimity).

Two ROs are identified in the inventory.

RO 56.1: MS to notify the Commission the procedures and methods for measuring asbestos emissions and releases from industrial discharge ducts and facilities manufacturing asbestos cement and paper and board.

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 6(3) MS to notify the Commission of procedures and methods for assessing asbestos emissions and releases for industrial discharge ducts and facilities that manufacture asbestos cement, paper, and board, as well as information relevant for assessing the pertinence of such procedures and methods. EC to review the equivalence of the procedures and methods and report to Council.
Reporting process and information required	MS: Information on the procedures and methods for assessment, and information required for assessing the pertinence of these procedures and methods, should be provided to the EC. EC: EC to review the above submissions, assess equivalence of the different procedures and methods, and report to the Council five years after the notification of the Directive
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: Pressure
C. Type of content	
C1. Type of information reported	Text

C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	One-off
D2. Last deadline for reporting	
D3. Next deadline for reporting	NA
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	COM report to the Council five years after notification of the Directive
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	No
E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No

F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
Purpose: The RO helps to inform monitoring of progress and implementation	
Benefits: Allows for methods to be compared as well as for ensuring that implementation is effective and consistent. The COM report provides an overview of: 1) the implementation status quo 2) implementation challenges and 3) next steps	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28 EC: 1
Time required (T)	MS: Estimate 5 days to compile and submit relevant information. EC: Estimate 60 days, since an assessment of equivalence of methods is required, and this may require a reasonable amount of research and analysis.
Frequency of action (F)	MS: Once. EC: Once.
Other costs types	None identified.
SCM equation(s)	MS: $Q(28) \times T(5 \text{ days} \times \text{tariff}) \times F(\text{once})$ EC: $Q(1) \times T(60 \text{ days} \times \text{tariff}) \times F(\text{once})$
Existing estimates of costs	None identified.
Significance of admin burden	MS: Minor to moderate, since this appears to be only a compilation of procedures and methods. EC: Moderate, since analysis and comparison of MS submissions is required, along with an overall assessment of implementation progress.
Current or recent trends affecting RO	This Directive is subject to reporting under the SRD and it is understood that repeal of that Directive would lead to the repeal of certain reporting obligations.

RO 56.2: MS to report to Commission on application of the Directive

A-B: General info	
A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 13 MS to provide information to the Commission on the application of the Directive. Commission to publish a report on the implementation of the Directive.
Reporting process and information required	MS: Information on the application of the Directive is to be provided to the EC at intervals of three years, within nine months of the end of each three-year reporting period. EC: Commission to provide questionnaires to MS six months before the start of the period covered by the report, and based on MS responses, publish a report on overall EU implementation within 9 months of receipt of responses.
A7. Inclusion in EIONET database	Yes
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: State and Impact
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Every 3 years
D2. Last deadline for reporting	1997
D3. Next deadline for reporting	9/30/2018
D4. MS information published in a Commission report	Yes
D5. Next deadline for Commission reporting based on the data	9/30/2018
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA

D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA Member States have not reported.
E. Format and process requirement	
E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	No
E3. Format for reporting	Other
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	No
F2. Public information provision	No
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	None
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
<p>Purpose: The RO is designed to inform the EC of progress in implementation of the directive and challenges arising. This helps in comparative assessment, monitoring of implementation and progress.</p> <p>Benefits: Ability to improve implementation and target weaknesses. The COM report provides an overview of: 1) the implementation status quo 2) implementation challenges and 3) next steps</p>	
Analysis of costs	

Type and number of reporting entities (Q)	MS: 28 EC: 1
Time required (T)	MS: Suggest 10 days, as this reporting obligation requires information on MS application of the Directive, i.e. implementing actions and approach. EC: Suggest 20 days to compile and assess information and produce the report.
Frequency of action (F)	MS: Every three years, but last report was submitted in 1997. EC: Every three years, but last report was submitted in 1997.
Other costs types	None identified.
SCM equation(s)	MS: $Q(28) \times T(10 \text{ days} \times \text{tariff}) \times F(0.3 \text{ reports / year})$ EC: $Q(1) \times T(20 \text{ days} \times \text{tariff}) \times F(0.3 \text{ reports / year})$
Existing estimates of costs	None identified.
Significance of admin burden	MS: Minor to moderate, since it should only relate to 'information relevant to the application of the Directive'. However, if the EC requires extra input, or implementing measures are intricate, then both the time required and the significance could increase. EC: Minor to moderate, depending on level of analysis required.
Current or recent trends affecting RO	This Directive is subject to reporting under the SRD and it is understood that repeal of that Directive would lead to the repeal of certain reporting obligations.

57 Regulation (EC) No 401/2009 of the European Parliament and of the Council of 23 April 2009 on the European Environment Agency and the European Environment Information and Observation Network

[Regulation \(EC\) No 401/2009 of the European Parliament and of the Council of 23 April 2009 on the European Environment Agency and the European Environment Information and Observation Network](#)

Overview: The Regulation describes the aims and objectives of the European Environment Agency (EEA) and the European Environment Information and Observation Network (EIONET). This enables them to provide information in support of the formulation of EU environmental policy.

RO 57.1: Member States shall keep the Agency informed of the main component elements of their national environment information networks

A-B: General info

A5. Obligation Source Type	Legislative
A6. Obligation and legal base	Article 4 MS to keep the Agency informed of the main component elements of their national environment information

	networks, including any institution which in their judgment could contribute to the work of the Agency.
Reporting process and information required	MS: Information on entities (e.g. institutions) contributing to national environmental information networks is necessary. EC: No reporting obligation.
A7. Inclusion in EIONET database	No
B1-B5. DPSIR Coverage	Primary focus: Response Secondary focus: Driver, Pressure, Impact and State
C. Type of content	
C1. Type of information reported	Text
C2. Thresholds/triggers for reporting	
D. Timing of reporting	
D1. Frequency of reporting	Ad-hoc
D2. Last deadline for reporting	NA
D3. Next deadline for reporting	
D4. MS information published in a Commission report	No
D5. Next deadline for Commission reporting based on the data	NA
D6. Date of most recent Commission report	NA
D7. Deadline of MS report on which the most recent Commission report is based on	NA
D8-D9. Time elapsed between MS reporting and EC reporting (no. of days) (+ comment if applicable)	NA
E. Format and process requirement	
E1. Reporting partner/service provider	EEA
E2. Information provision requirement to international organisation	No

E3. Format for reporting	None
E4. Reference / Link to reporting template	No
E5. References / link to additional reporting guidance(s)	No
E6. Electronic reporting required/facilitated	No
F. Relevance to 3rd parties and the public	
F1. Reporting requirements on 3rd parties	None
F2. Public information provision	
H. Links to other reporting requirements	
H1 – H3. Links to reporting requirements in other legislation	
H4. Possible data overlaps with other reporting requirements	
H5. Potential informal links with other policy areas/legislation	
H6. Existing links with voluntary reporting	
Purpose and benefits of RO	
The RO requires MS to provide information about national environment information networks, in order to inform the work of the EEA and EIONET.	
Analysis of costs	
Type and number of reporting entities (Q)	MS: 28
Time required (T)	MS: Estimate 10 days total to compile information on component elements and relevant institutions, including contacting the latter where necessary.
Frequency of action (F)	MS: Once, then ad-hoc.
Other costs types	None identified.
SCM equation(s)	MS: $Q(28) \times T(2 \text{ days} \times \text{tariff}) \times F(\text{once})$
Existing estimates of costs	None identified.
Significance of admin burden	MS: Moderate, due to the time required to obtain and consolidate comprehensive information on the information network.

Current or recent trends None identified.
affecting RO

Annex 4 Summary of responses to the public consultation



STUDY TO SUPPORT THE FITNESS CHECK OF ENVIRONMENTAL MONITORING AND REPORTING OBLIGATIONS

A summary of public consultation responses

Directorate-General for Environment

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1 Analysis of responses to the public consultation: Streamlining monitoring and reporting obligations in environmental policy

1.1 Introduction

1.1.1 This report

The European Commission is undertaking a [Fitness Check](#) of the monitoring and reporting obligations resulting from EU environmental legislation. The Fitness Check aims to ensure that environmental monitoring and reporting are fit for purpose and deliver the information required in an efficient way.

As part of the Fitness Check, the EC launched a public consultation in November 2015. The consultation sought the views of stakeholders and the public about the principles to be applied in setting monitoring and reporting requirements, as well as current shortcomings, overlaps and potential improvements that should be examined during the process.

This report presents a summary of the results of the public consultation.

1.1.2 Method and timing of the consultation

The public consultation took the form of an online questionnaire and ran between 18 November 2015 and 10 February 2016. The questionnaire included 15 questions. These were organised in 6 sections (introduction, general information, general principles and objectives relating to monitoring and reporting, current perceptions, areas for further consideration and additional evidence), and were presented in a variety of closed-ended and open-ended formats.

Responses were welcomed from citizens, organisations and public authorities.

Respondents were also invited to submit supporting documentation together with their survey response.

1.1.3 Purpose and structure of this document

This document summarises key findings from the public consultation, and is structured in line with the sections contained in the survey.

- Section 1 summarises and provides a high-level profile of respondents to the survey,
- Section 2 provides an overview of overall satisfaction levels, attitudes to monitoring and reporting obligations and perceptions of the principles and objectives of monitoring;
- Section 3 provides a more detailed assessment of perceptions of effectiveness and efficiency of monitoring in relation to specific policy areas as well as attitudes to wider issues such as governance, standardisation and the role of IT;
- Section 4 summarises additional qualitative evidence submitted by respondents;
- Section 5 presents overall conclusions from the consultation and implications for the Fitness Check.

1.2 Respondents to the consultation

A total of 150 responses were made by stakeholders, citizens and organisations across the EU. The majority of these (56%) were public authorities, including EU executive agencies and Member State national authorities (see Table 1). This group included representatives of government departments and environmental agencies at the national and sub-national level.

Late responses were received after the formal deadline from two Member State authorities which needed to undertake extensive cross-departmental consultation to

establish common positions on the survey content. Whilst these survey responses were not included within the quantitative analysis, the extensive qualitative evidence and position statements provided were integrated into the findings in this report.

The findings of the public consultation were presented at a stakeholder workshop, held in Brussels on 27th April 2016. Content of the draft document was subsequently revised following comments at the workshop.

One in six respondents were individual citizens, while representatives of civil society organisations and professional bodies made up a further 9% of the sample each.

A large number of responses were received from individuals or organisations based in Germany (33%), followed by Belgium (22%) Denmark (7%) and the UK and Sweden (5% respectively) (see Figure 1).

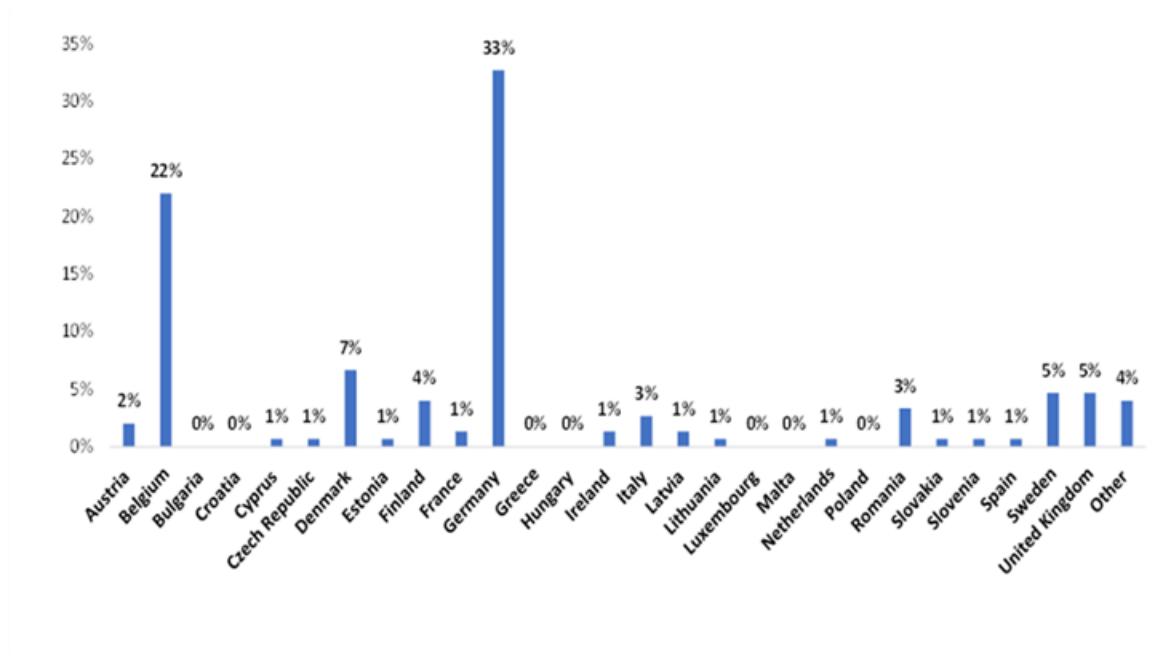
It is important to consider that these figures mask differences in the profile of respondents; the relatively high number of Belgian responses can be explained by the fact that some 19/33 (58%) of these are pan-European organisations or institutions based in Brussels. Similarly, of the high number of responses from Germany, some 23/49 (47%) represented state or municipal level authorities, with the remainder representing federal (national) level authorities, private businesses and civil society associations.

Table 1. Q2.1: Who are you? (N=150)

	Count	Proportion
An individual/private person	26	17%
Academic/research institution	2	1%
Civil society organisation	14	9%
Private enterprise	4	3%
Public authority	83	55%
International organisation	3	2%
Professional organisation	14	9%
Other	4	3%
All respondents	150	100%

This report presents numerical analyses of the responses received, as well as more qualitative summaries. The numerical summaries in the tables and charts reflect the views of those organisations and individuals choosing to respond to the survey, and are influenced by differences in administrative structures and response rates between Member States. They should not therefore be seen as a statistically representative cross section of those with an interest in environmental monitoring and reporting.

Figure 1. Please give your country of residence/establishment



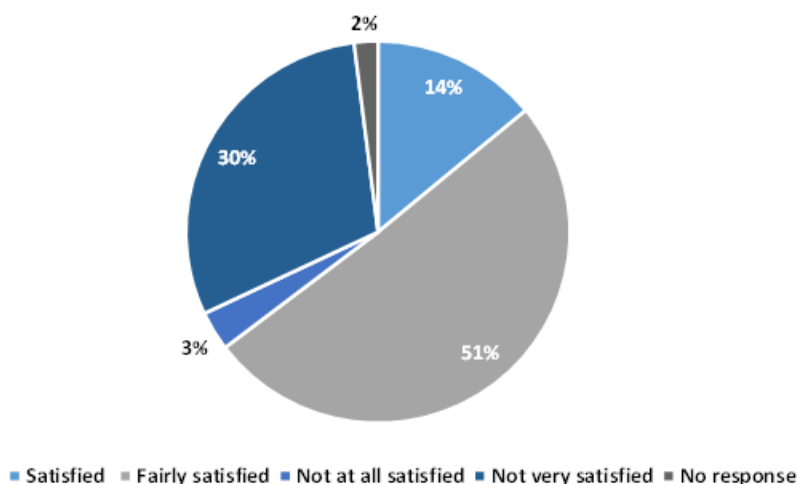
2 General principles and objectives related to monitoring and reporting of the environmental acquis

2.1 Overall satisfaction with the current arrangements

Question 3.1 asked respondents about their overall level of satisfaction with environmental monitoring and reporting requirements.

65% of the responses were positive (fairly satisfied (51%) or satisfied (14%)) about the existing environmental monitoring and reporting obligations. Nonetheless, nearly a third (30%) of respondents claimed they were not very satisfied with these requirements (see Figure 2).

Figure 2. Q3.1: On the whole, are you satisfied, fairly satisfied, not very satisfied or not satisfied at all with environmental monitoring and reporting arrangements?

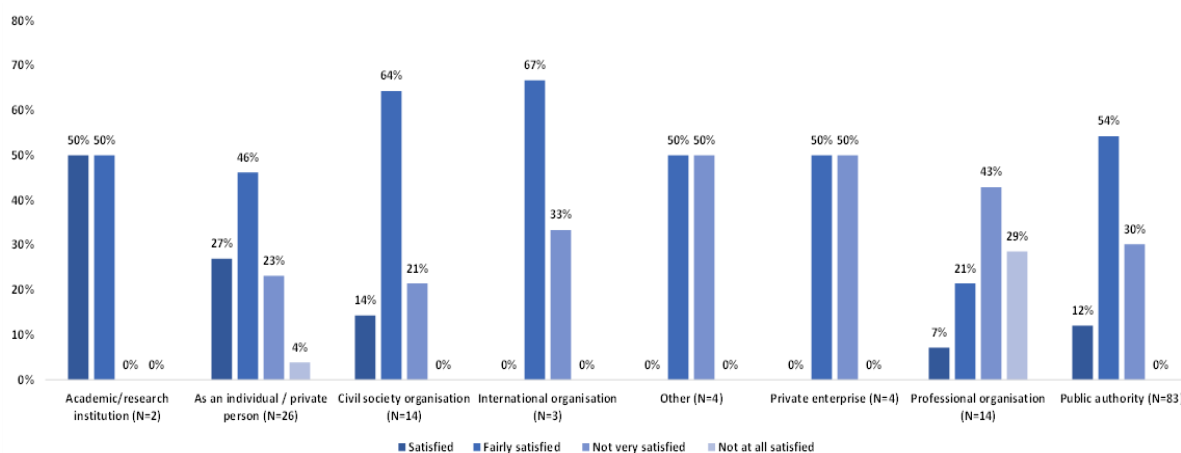


An open-ended follow up question asked those respondents expressing dissatisfaction the reasons for this.

The most common response (given by at least 17 respondents) was the lack of coordination of reporting requests for related policy areas by departments and agencies of the European Commission/European Union responsible for monitoring implementation of different Directives. There are concerns that this leads to duplication of reporting efforts to comply with similar requests relating to different Directives. Again, it is important to consider that for many respondents these survey responses represented consolidated positions across multiple international, national or sub-national departments/business domains, so the true scale of this problem may in practice be larger.

In terms of their overall satisfaction with current arrangements, most respondents in each category were 'fairly satisfied' with existing monitoring and reporting arrangements, with the exception of professional organisations – where nearly half of respondents were reportedly not very satisfied. Interestingly, the small sample of private enterprises responding to the survey was split between those fairly satisfied and not very satisfied with existing arrangements (see Figure 3). Subsequent qualitative responses provided a more nuanced understanding of the reasons behind the satisfaction or dissatisfaction of these groups.

Figure 3. Q3.1: Satisfaction with environmental monitoring and reporting requirements, by respondent category²⁹⁵



More detailed analysis suggested that much of this dissatisfaction also resulted from a lack of clarity as to the subsequent use of requested data. Two respondents from public authorities commented, that while in general requirements to collect data are precise, they are concerned that this data may not be actively used to support assessment of policy implementation.

Specific comments were provided by a number of respondents, although it is important to caution that these represent a relatively small sub-sample and may not represent the opinion of respondents as a whole (while noting that some MS authorities reportedly based comments on consultation across multiple departments):

- Of the five respondents who indicated dissatisfaction with existing arrangements, two respondents explained that not all data reported at the Member State level will be comparable at the EU level to support policy decisions owing to different interpretations of reporting requirements between Member States.
- One respondent suggested that one lesson learnt during the implementation of different Directives as well as the INSPIRE process is that not every kind of data will be comparable at the EU level owing to different initial positions and different interpretations between MS. Another drew the specific example of the Water Framework Directive, where the massive differences in water bodies across the

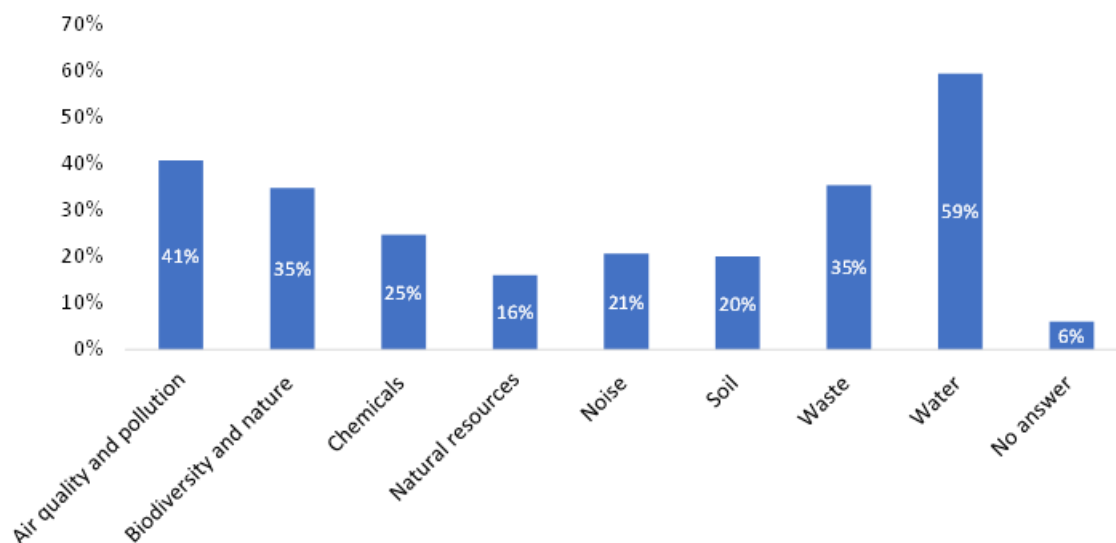
²⁹⁵ Please note the small size of some sub-samples (as given in brackets for each group)

EU28 lead to very different data requirements between MS despite standard monitoring objectives.

- Seventeen respondents indicated that greater coordination between the Directorate-Generals of the Commission and EU executive agencies (for example, under the INSPIRE Directive) could support greater harmonization and prevent redundant data acquisition and reporting.
- Four respondents cited the deficiency of the European Pollutant Release Transfer Register (E-PRTR) to support environmental monitoring and reporting in relation to the Industrial Emissions Directive and other policy areas because of the format of the dataset, although one respondent cited the ongoing merger between E-PRTR reporting and IED reporting as a positive step that is likely to reduce administrative burdens.
- Four respondents (three environmental authorities and one private enterprise) felt that existing reporting requirements were too prescriptive (in the sense that the resources required to collect data may be far greater than the value gained from the data). These respondents also indicated a lack of clarity as to how this data is used by the Commission, and for what purpose it is requested.
- One respondent (representing a national environmental agency) indicated that they were fairly satisfied overall but highlighted the areas of IED, Waste and the E-PRTR as areas with which they tended to be less satisfied with.
- A view was expressed by two industry associations that information requirements relating to existing monitoring obligations place a disproportionate burden on smaller organisations.
- Three respondents (one individual and two civil society organisations) were dissatisfied with the existing regime as they felt requirements were not strict enough in terms of delivering the required environmental outcomes, and enforcement action was lacking because of a lack of confidence in data. Some Member States were seen to be collecting more data than their counterparts, meaning benchmarking was not always possible.

Question 3.2 asked respondents with which environmental policy domains they were most familiar. The most common policy domain reported by respondents was water (59%) followed by air quality and pollution (41%) waste (35%) and biodiversity and nature policy (35%). A majority of respondents had familiarity with reporting requirements for more than one policy domain.

Figure 4. Q3.2: Please choose the environmental policy area(s) for which you are familiar with the monitoring and reporting requirements



Effectiveness

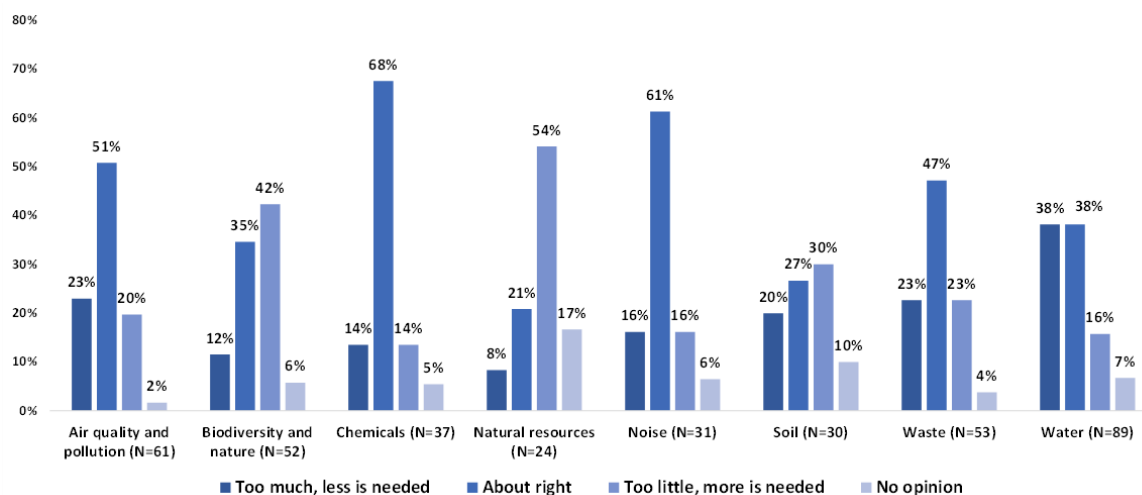
The second part of Question 3.2 asked respondents about the volume of information collected in the policy domains with which they were most familiar. Overall, the responses to this question reveal a spread of opinion about whether too much or too little, or the right amount of information, is collected (see Figure 5).

Respondents generally felt that more information was required in relation to biodiversity and nature protection, natural resources (particularly with regard to lifecycle production impacts on natural resources) and soil, where baseline data and monitoring was cited by at least four respondents in public authorities as being particularly deficient in their MS.

A large majority of respondents felt that existing amounts of information collected in the air quality and pollution, chemicals, noise and waste were 'about right' to meet policy objectives.

In relation to water, respondents with knowledge of this area were split on whether existing information requirements were appropriate or whether less was needed.

Figure 5. Q3.2b: Which of these statements do you consider as appropriate about the amount of information that is collected (for the areas which you are familiar with)?



Respondents were also asked to provide specific comments and examples relating to the effectiveness of monitoring in their specific policy domain:

- For those familiar with **air quality and pollution** issues, the largest proportion (51%) indicated that the current amount of information collected is about right, followed by those who consider that too much information (23%) or too little information (20%) is collected. Of those making specific comments on this topic three respondents indicated that existing reporting obligations (ROs) lead to collection of too much data beyond what is needed (in the words of one respondent, often in a format without context which lessens the usability of the data, like the PRTR). One respondent suggested that providing links from data to reports, websites or information services would be beneficial in this regard. Three respondents noted the lack of reporting for issues such as concentrations of small particles, despite growing evidence of their harmful effects on human health. It was suggested that recommendations from health experts (such as the World Health Organisation) should have a greater bearing on monitoring requirements. One MS authority suggested that European Environment Agency statistics could be modified to include compliance modelling data (such as that used in the UK).
- For those engaged in **biodiversity and nature** issues, the largest proportion (42%) indicated that too little information is collected and more is needed, followed by those who consider that the existing level is about right (35%) and those who think less is needed (12%). Of those making specific comments on this topic, five respondents felt there was a lack of detail from MS authorities on monitoring methods applied and an overall lack of objectivity in reporting, meaning that results cannot be easily compared. One respondent from an environmental authority noted the substantial level of detail in their reporting in comparison to other MS, suggesting that this may have arisen through differences in the translation of the Directives into domestic law. Specific limitations were cited by five respondents with regard to the Birds and Habitats Directive – where MS are not required to report on screening results and outcomes of Appropriate Assessment. This data would, it is argued, be necessary to assess the effectiveness of the Directives in achieving their objectives. By contrast, reporting of derogations under the Birds Directive was felt by one respondent to place a substantial burden on authorities with little species protection benefit. One MS authority also highlighted potential duplication of reporting with information required for programme monitoring under Pillar 2 of the CAP and biodiversity, as well as the Marine Strategy Framework Directive (which explicitly instructs MS to utilise assessments of marine elements that are also covered and reported on under the Habitats and Birds Directives and Water Framework Directive, yet places different reporting requirements on authorities, leading to duplication of effort).
- For those engaged in **chemical** regulation reporting, the largest proportion (68%) felt that existing information requirements were about right, followed by those who felt less was needed and those who felt more was needed (14%, respectively). Of those making specific comments, one respondent suggested that the industrial relevance of certain monitoring and reporting requirements should be more clearly communicated by authorities. Another respondent pointed to considerable potential to address substance classification issues and different labelling systems throughout the EU through standardized chemical exposure criteria. With regard to REACH, the ECHA's new dissemination portal was highlighted by four respondents as best practice in monitoring, and thought to have made information more easily accessible to the public, although there are ongoing issues around establishing clear exposure scenarios and tonnage bands for registration data within Chemical Safety Reports.
- For **natural resources**, the largest proportion (54%) felt that more information was needed, followed by those that thought this was about right (21%) and those

with no opinion (17%). Of those with specific comments, respondents were split on the effectiveness of the Circular Economy Initiative – with one suggesting that the circular economy ‘scoreboard’ model was sufficiently comprehensive and four suggesting that more data is required on consumption of raw materials, life-cycles, import and export factors and their impacts on the environment. Three respondents indicated that comparable data on secondary raw materials is missing from the existing framework. One respondent (from a public authority) highlighted the Austrian Resource Efficiency Action Plan as a best practice example. Another suggested additional data requirements for Member States and industry should be based on the footprint methodology.

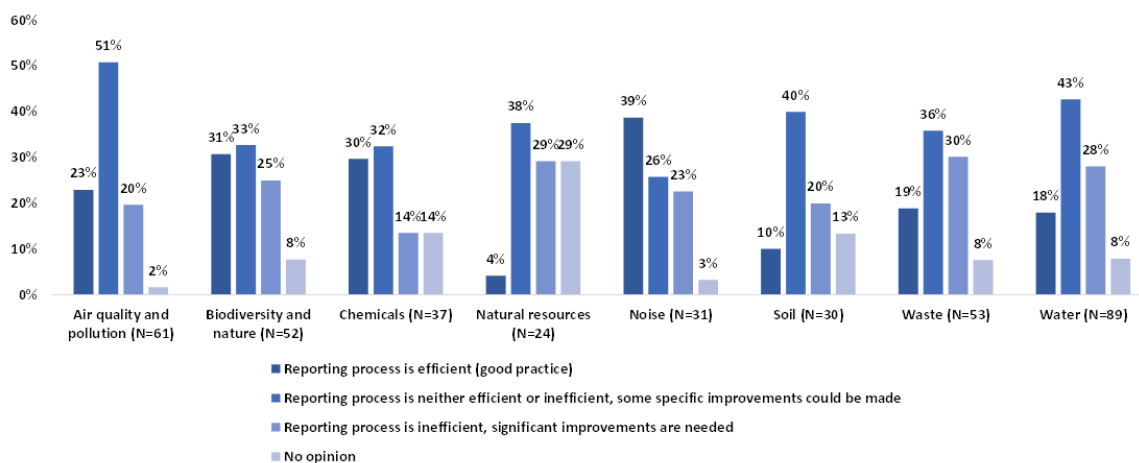
- For **noise**, the largest proportion (61%) thought that existing arrangements were about right, followed by those who felt too much or too little information was collected (16% respectively). Of those making specific comments, one respondent suggested that existing ROs should be updated to better reflect scientific evidence about health impacts. For instance, reporting thresholds could be updated to match the latest World Health Organisation Night Noise Guidelines for EU recommended indicator values. One Member State authority suggested that the distinction between voluntary and regulatory actions for authorities needed to be more clearly distinguished.
- For **soil**, the largest proportion of respondents (30%) thought that existing arrangements provided too little information and more was needed, followed by those who felt these were about right (27%) and those who thought too little information was collected (20%). Of those with specific comments, a number of respondents perceived difficulties arising from differences in the implementation of national policies to tackle soil contamination. This has resulted in a variety of definitions and reportedly leads to problems with the interpretation of indicators when reporting. A legally-binding Framework Directive was suggested by one respondent as a solution, together with structured and harmonized monitoring and reporting.
- For **waste**, the largest proportion of respondents thought that existing information collection was about right (47%) followed by those who felt either less or more was needed (23%, respectively). Of those providing additional comments, implementation reports were criticised by one respondent (a public authority) as an ineffective tool for verifying compliance and ensuring implementation, whilst generating substantial administrative burden. One respondent suggested that reports should be asked to specify more clearly what uncertainty/level of assumption is associated with any estimates made. Another suggested that, whilst the overall scope of reporting seems appropriate, there are a number of situations where the requirements do not seem to have been fully assessed at an EU level before being implemented – for example, the change in EEE/WEEE categories from the current ten to the new six categories. This was intended to simplify and align reporting procedures but the category definitions selected are likely to have a large impact both on obligated businesses and treatment facilities which will need to re-evaluate their reporting practices as a result of an arbitrary threshold change. One other respondent highlighted the lack of clarity in reporting requirements under the Waste Statistics Regulation – despite the distinction between ‘household’ and ‘construction’ industry reporting, for some waste types it is unclear which would be the relevant industry for reporting and there is evidence of waste being incorrectly assigned to the wrong industries. Another MS authority suggested that guidance establishing a minimum harmonisation of such reporting procedures, while recognising the different context of different MS, is long overdue.
- For **water**, an equal proportion of respondents (38%) thought existing information requirements were about right as those that felt this was too much, followed by 16% who thought this was too little. one respondent highlighted the

huge differences in water bodies between MS. In northern Europe, for example, a risk-based monitoring approach could be more appropriate and the current Common Implementation Strategy is seen as too bureaucratic to allow dynamic changes in monitoring and development of assessment methods (e.g. the development of new indicators). Another respondent pointed to the potential value of standardising non-compulsory reporting practices and associated tools such as remote sensing, passive sampling, effect-based monitoring and e-DNA. Reporting burdens were felt to differ between Directives; one respondent considered the Urban Waste Water Treatment and Nitrates Directives as having appropriate information requirements, whilst the WFD was felt to be disproportionately burdensome due to the low level of aggregation (e.g. the water body). Nonetheless, progress is thought to have been made on standardised reporting through the official guidance document. Eight respondents indicated that the overall burden of data reporting for the WFD has continuously risen in recent years, despite working group discussions around streamlining reporting for over five years. There was also concern that major parts of the provided data have not been analysed, weakening understanding of the natural background concentrations of substances of interest.

Efficiency

Question 4.2 asked respondents about their perceptions of the efficiency of the reporting process (with regard to cost and administrative burden) in the policy domains with which they were most familiar. Again, there was a spread of opinion in all policy domains about whether or not current monitoring and reporting arrangements are efficient (see Figure 29). Noise was the only policy domain where the largest proportion of respondents viewed the current process to be efficient. Monitoring and reporting processes for waste and natural resources were seen by a greater proportion of respondents to be inefficient than efficient, while the remaining policy areas tended to be viewed as neither efficient or inefficient – but with the potential for significant improvements to be made.

Figure 6. Q4.2: Which of these statements do you consider as appropriate when assessing the cost and administrative burden of the reporting process?



Respondents were also asked to provide specific comments and examples relating to the efficiency of monitoring in their specific policy domain:

- For those familiar with **air quality and pollution** issues, the greatest proportion of respondents viewed the monitoring and reporting process as neither efficient nor inefficient (51%) followed by those who viewed the reporting process as efficient (23%) and those who viewed the process as inefficient (20%). Of those providing comments, three respondents voiced some concern as to the presence of errors and differences in interpretation of data arising from non-standard

reporting formats, although the benefits of electronic reporting on the European Pollutant Release and Transfer Register were highlighted by two other respondents in this regard. It was also argued by one respondent that BREF (Best Available Techniques) documents could be more concise and targeted in terms of their data requirements. Respondents also highlighted the importance of achieving greater reporting consistency between the Ambient Air Quality and Industrial Emissions Directives. In the view of one MS authority, there is a need for further simplification of the reporting format, with a simple accessible format translated into local languages and providing context for the data reported.

- For those engaged in **biodiversity and nature** issues, the greatest proportion of respondents thought that the process was neither efficient nor inefficient (33%) followed by those who viewed it as efficient (31%) and those who viewed it as inefficient (25%). Of those providing comments, five respondents felt there was a certain lack of objectivity in reporting arising from political pressure on nature conservation authorities. The Marine Strategy Framework Directive was highlighted as a particularly efficient reporting framework – particularly in the possibility to give web links to regionally coordinated actions. By contrast, Habides, the tool for the Birds and Habitats Directive, was thought by one respondent to be overly cumbersome and result in considerable staff time requirements for its annual completion.
- For those engaged in **chemical** regulation reporting, the greatest proportion (32%) regarded the process as neither efficient nor inefficient, followed closely by those who viewed it as efficient (30%) or inefficient (14%). Amongst those providing comments, there was a perception by two respondents that REACH data is not used in a comprehensive and consistent manner to promote substitution of Substances of Very High Concern throughout the whole sector. According to two respondents, there is substantial duplication of environmental permit monitoring within several different reporting requirements. Extending the reporting requirements of the E-PRTR to a priority list of pollutants to be addressed in outputs was seen by one respondent to be potentially beneficial and would help simplify the complexity and duplication arising under the existing system. Another MS authority suggested efficiency could be enhanced by making templates for triennial reporting under Article 12 of the POPs Regulation downloadable in Word format to facilitate assembly at the Member State level from information provided by competent authorities and others. It was also suggested by one respondent that historical data ‘trends’ should be subject to revision following new information – arguing that it is important to be able to re-baseline data over time to observe effects of improved measurement on levels of persistent chemicals detected.
- For **natural resources**, the greatest proportion (38%) regarded the process as neither efficient nor inefficient, followed closely by those who viewed it as inefficient (29%) or had no opinion (29%). Amongst those providing comments, there was a perception amongst some four respondents (particularly one representing the extractive industry) that the monitoring framework associated with the Circular Economy initiative would have adverse effects on such producers because of its use of a lead indicator based on production volumes and centralised setting of targets. One respondent suggested the monitoring framework needs to account for global pressures on natural resources, including ecosystem-level impacts and risks to human health, ideally within a BREF.
- For **noise**, the greatest proportion (39%) regarded the process as efficient, followed closely by those who viewed it as neither efficient nor inefficient (26%) or inefficient (23%). One respondent highlighted the duplication of data to the EEA and to the EC under INSPIRE – suggesting that EEA reporting requirements should be adapted to be INSPIRE compliant. Two MS authorities highlighted the demanding nature of the reporting process for noise, and suggested that the

existing time allocated between mapping and action planning under the Environmental Noise Directive do not allow for considered revision and consultation between authorities and the wider public. They suggested that the deadline between noise mapping and action planning should be extended to 2 years.

- For **soil**, the greatest proportion (40%) regarded the process as neither efficient nor inefficient, followed by those who viewed it as inefficient (20%), or efficient (10%). Amongst those providing comments, the range of baseline monitoring requirements and the overall burden of the reporting process was thought by two public authorities to be significant – with some information systems and databases not structured or organised to report certain indicators. The lack of a coordinated EU monitoring approach was thought by two respondents to add to the complexity and cost of monitoring at the MS level.
- For **waste**, the greatest proportion (36%) regarded the process as neither efficient nor inefficient, followed closely by those who viewed it as inefficient (30%) or efficient (19%). Amongst those providing comments, concern was voiced by two respondents about producers and processors of waste submitting data about the same material – leading to double reporting of tonnages. Five respondents pointed to the need for more detailed breakdowns in reporting for some key data types – for example, energy recovery from waste. These respondents pointed to a need for more information on the gaps between waste generation and treatment – more co-operation in reporting and use of data (for example, through the E-PRTR) was thought by one respondent to be a useful approach. According to another respondent, the overall usability of reporting formats could be greatly improved, with non-compliance being reported early and not in the final data validation. Reporting for waste is thought to result in some considerable costs to businesses (1 FTE for battery traceability and control, for example and 2 FTEs per year relating to WEEE reporting).
- For **water**, the greatest proportion (43%) regarded the process as neither efficient nor inefficient, followed by those who viewed it as inefficient (28%) or efficient (18%). Amongst those providing comments the range of related Directives and the lack of a uniform reporting system was felt by three respondents to be a major barrier to efficiency, often requiring the same data to be reported multiple times, although one respondent acknowledged that the reporting processes in the water sector are in a period of transition and may require more resources – noting, for example, that the Water Framework Directive included the repeal or streamlining of several previous Directives. Nonetheless, the number of data elements required was seen by two respondents to have increased in recent years and the harmonisation process was often challenging. According to one MS authority, the WFD monitoring cost is in the region of €30m/year, of which River Basin Characterisation represents around €10m a year. Whilst modelling and IT skills have helped improve the timeliness and validity of data, increasing complexity in reporting is thought to require increasing resources in the future. One respondent highlighted the significant potential for spatial data to be provided via the INSPIRE format. One MS authority indicated that the Water Information System for Europe (WISE) is an excellent system for reporting which could be extended – for example, through reporting at the River Basin District level rather than the MS level for some obligations, as this would give flexibility where multiple national administrations are involved.

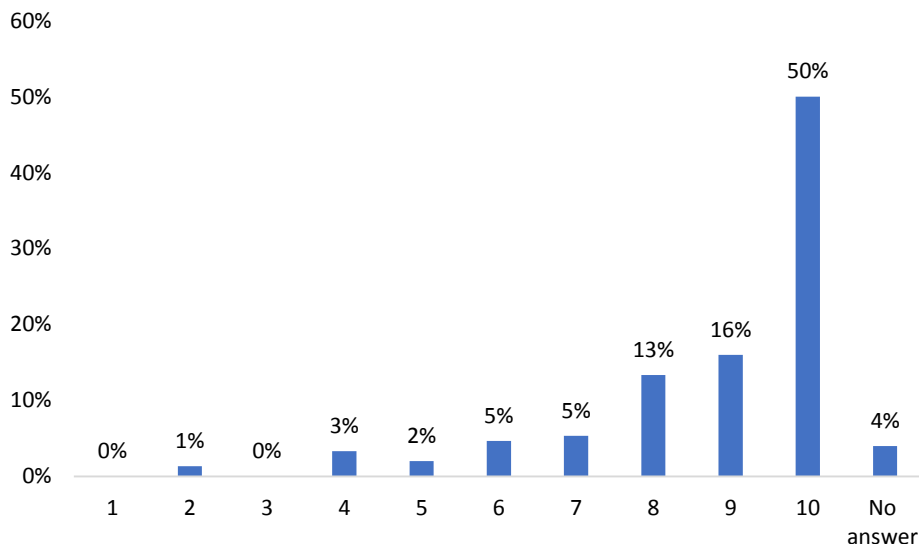
2.2 Objectives of monitoring and reporting

Question 3.3 asked respondents to rate different objectives for setting environmental monitoring and reporting requirements, scoring each one out of 10 (where a score of 1 is of no importance and 10 is of very high importance).

The majority of respondents agreed strongly with the assertion that monitoring and reporting should allow for an assessment of whether EU legal obligations are being met, with 50% assigning a score of 10 to this objective (see Figure 7).

Figure 7. Q3.3: How important do you rate these different objectives (which relate to relevance and coherence) for setting environmental Monitoring and Reporting requirements?

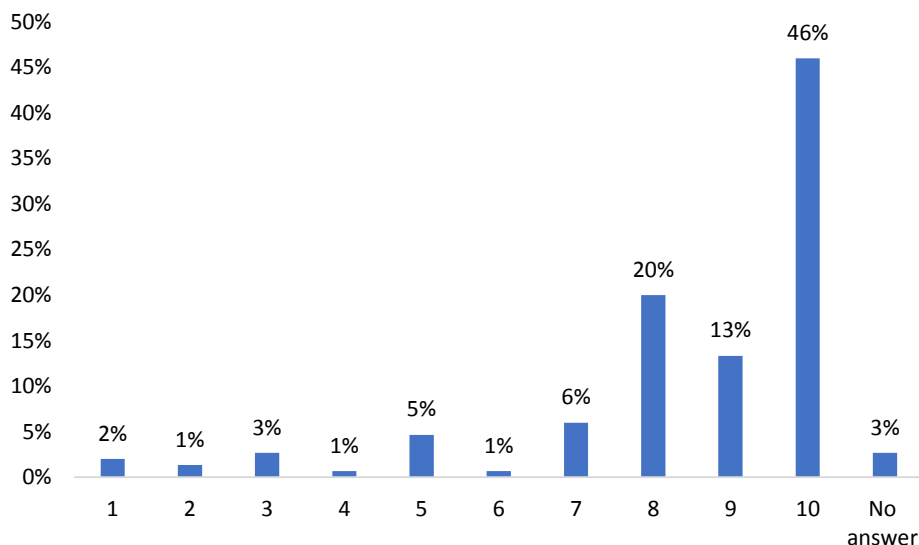
'Monitoring and reporting should allow for an assessment of whether EU legal obligations are being met'



There was also strong agreement for the statement that monitoring and reporting should support interested stakeholders to understand the state of the environment and the actions undertaken by authorities to maintain and improve it, with 46% assigning a rating of 10 to this objective (see Figure 8).

Figure 8. Q3.3: How important do you rate these different objectives (which relate to relevance and coherence) for setting environmental Monitoring and Reporting requirements?

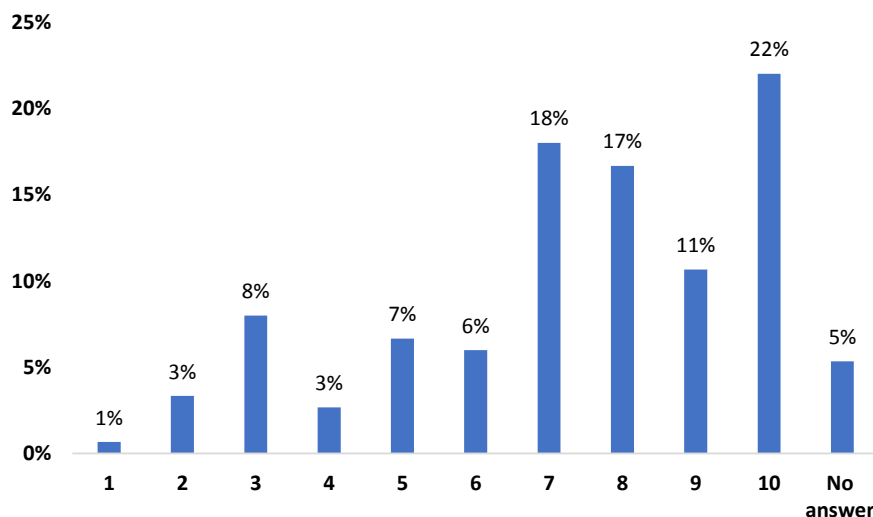
'Monitoring and reporting should allow stakeholders to understand the state of the environment and the actions taken to maintain and improve it'



Respondents were less emphatic about the need to evidence the costs and benefits of legislation within monitoring, although the majority expressed a high degree of agreement for this suggestion (see Figure 9).

Figure 9. Q3.3: How important do you rate these different objectives (which relate to relevance and coherence) for setting environmental Monitoring and Reporting requirements?:

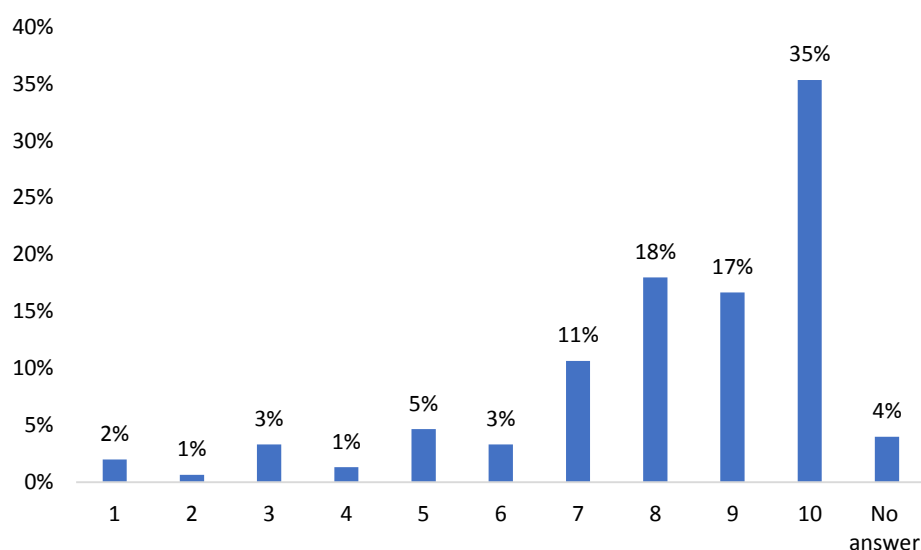
'Monitoring and reporting should indicate how well the legislation is working (i.e. costs and benefits)'



Respondents also tended to agree strongly with the assertion that monitoring should generate reliable environmental information for citizens so they understand what EU legislation achieves, in line with qualitative responses pointing to the potential to maximize the value of data in the context of the INSIRE Directive (see Figure 10). However, the strength of agreement with this assertion was less than for some of the other objectives.

Figure 10. Q3.3: How important do you rate these different objectives (which relate to relevance and coherence) for setting environmental Monitoring and Reporting requirements?:

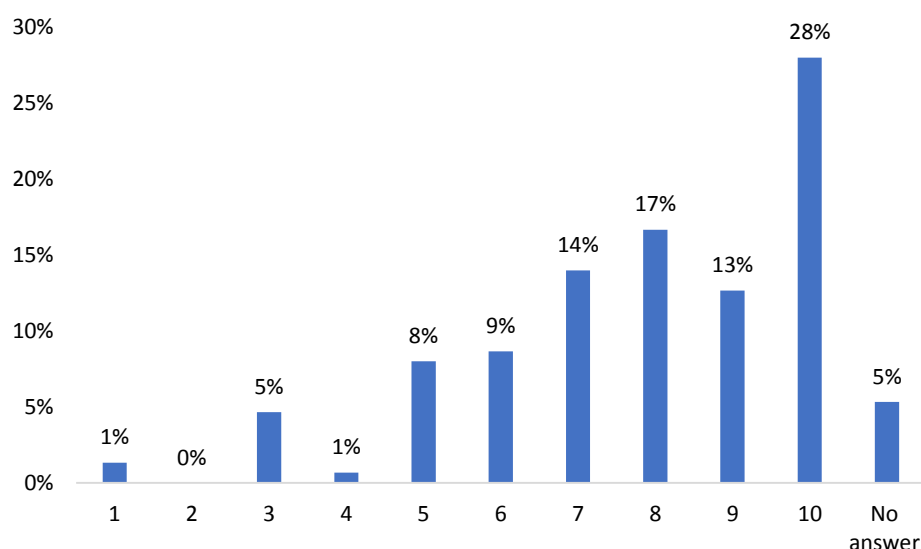
'Monitoring and reporting should generate reliable environmental information and ensure access to environmental information for citizens'



Most respondents also agreed with the suggestion that monitoring and reporting should allow assessment and comparison of the relative performance of Member States, despite the aforementioned challenges in doing so, but again expressed less emphatic support than for the other stated objectives (see Figure 11).

Figure 11. Q3.3: How important do you rate these different objectives (which relate to relevance and coherence) for setting environmental Monitoring and Reporting requirements?

'Monitoring and reporting should allow comparison between Member States as regards their performance when implementing EU environment law'



When the overall average ratings attached to these different objectives are compared, they demonstrate that respondents consider that all are important. Highest importance is attached to providing an assessment of whether legal obligations are met, followed by allowing stakeholders to understand the state of the environment and actions being taken to maintain it, ensuring access to environmental information for citizens and comparing MS performance in implementing EU law.

Table 2. Q3.3: Average importance scores by objective²⁹⁶

Monitoring and reporting objectives	Average importance score (out of 10)
Monitoring and reporting should allow for an assessment of whether EU legal obligations are being met	8.8
Monitoring and reporting should allow stakeholders to understand the state of the environment and the actions taken to maintain and improve it	8.5
Monitoring and reporting should generate reliable environmental information and ensure access to environmental information for citizens	8.2
Monitoring and reporting should allow comparison between Member States as	7.7

²⁹⁶ Weighted mean average calculated across all responses

regards their performance when implementing EU environment law

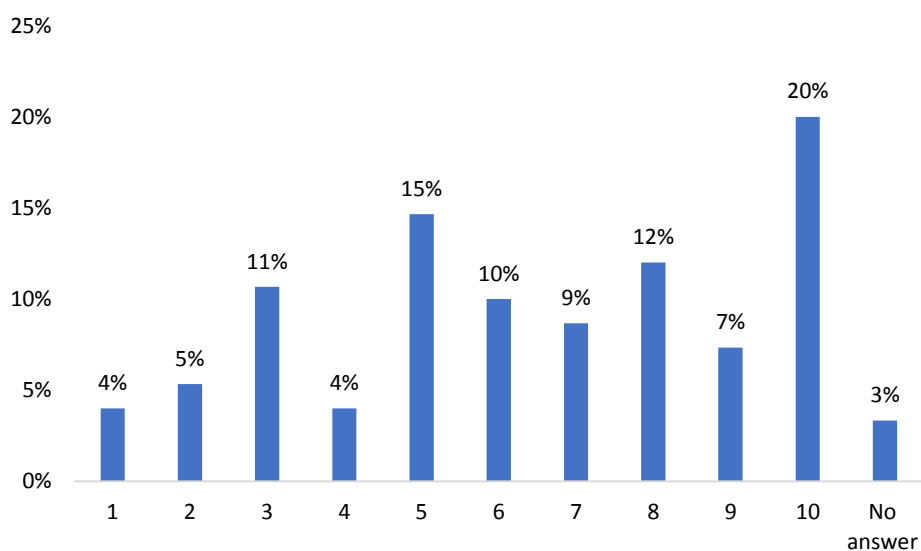
2.3 Principles of monitoring and reporting

Question 3.4 asked respondents about their perceptions relating to the importance of different criteria in setting environmental monitoring and reporting requirements and delivering EU value added. Respondents were asked to score each criterion out of 10, with a score of 1 meaning that the objective is not important and a score of 10 indicating that it is extremely important.

In response to the principle that monitoring and reporting should provide 'a very detailed picture', respondents were relatively split on the importance of this criterion (see Figure 12).

Figure 12. Q3.4: How important do you rate these different criteria for setting environmental Monitoring and Reporting requirements and delivering EU value added?

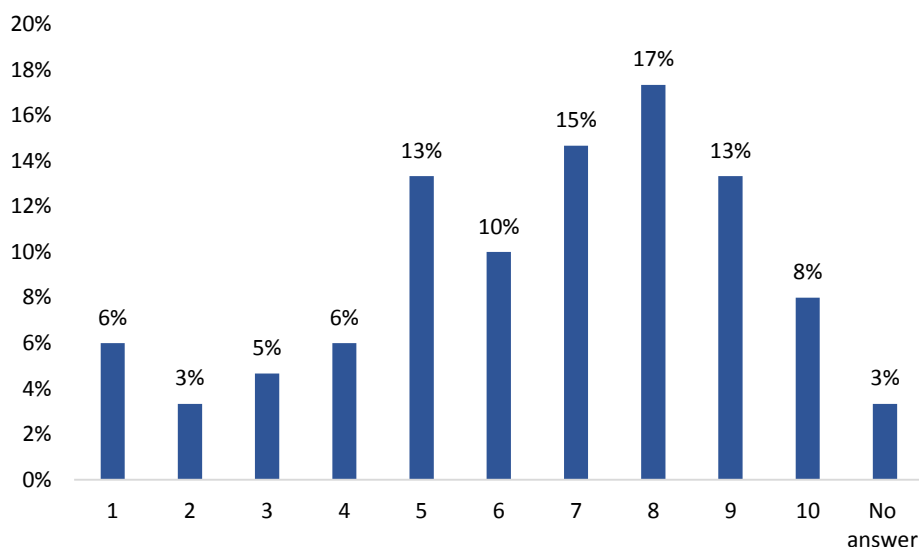
'Monitoring and reporting should provide a very detailed picture'



Respondents were broadly supportive of the suggestion that monitoring and reporting should cover the costs and benefits of the action, although again there was a wide spread of opinion about the importance of this criterion (see Figure 13).

Figure 13. Q3.4: How important do you rate these different criteria for setting environmental Monitoring and Reporting requirements and delivering EU value added?

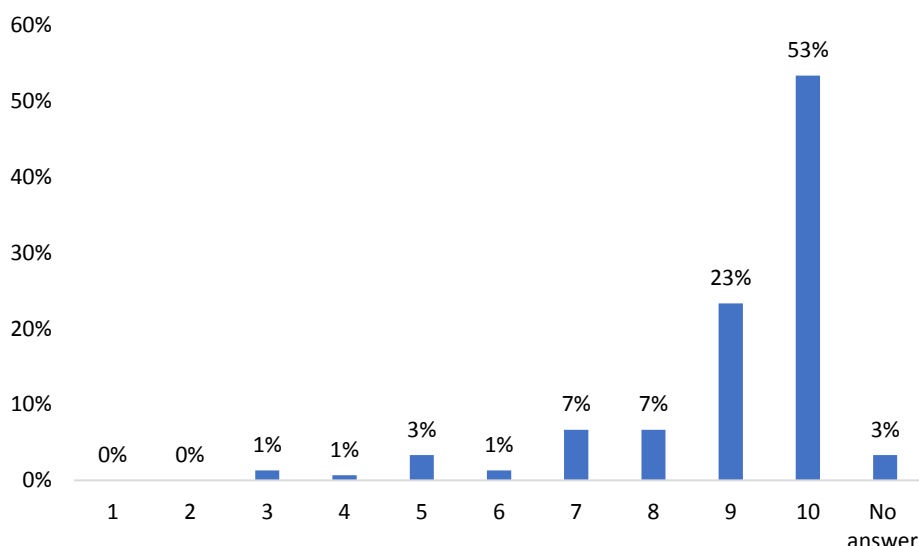
'Monitoring and reporting should cover the costs and benefits of the action'



A majority of respondents were strongly supportive of the assertion that information should be collected once and shared where possible to maximise value and minimise duplication, with 53% assigning a maximum score of 10 to this criterion (see Figure 14).

Figure 14. Q3.4: How important do you rate these different criteria for setting environmental Monitoring and Reporting requirements and delivering EU value added?

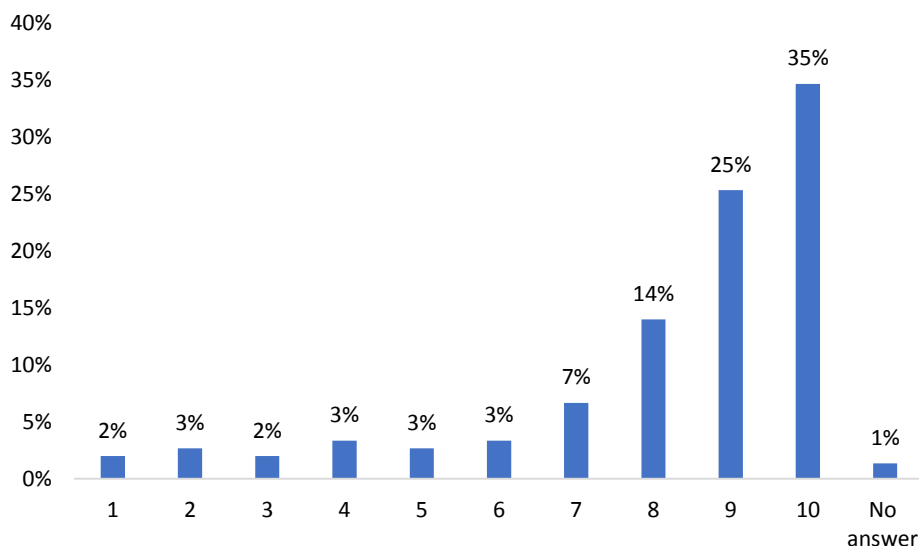
'Information should be collected once and shared where possible for many purposes'



Respondents also strongly agreed with the idea that a balance should be struck between the value of asking for more monitoring information, and the cost of obtaining that information, with 60% scoring this criterion a 9 or 10 (see Figure 15).

Figure 15. Q3.4: How important do you rate these different criteria for setting environmental Monitoring and Reporting requirements and delivering EU value added?

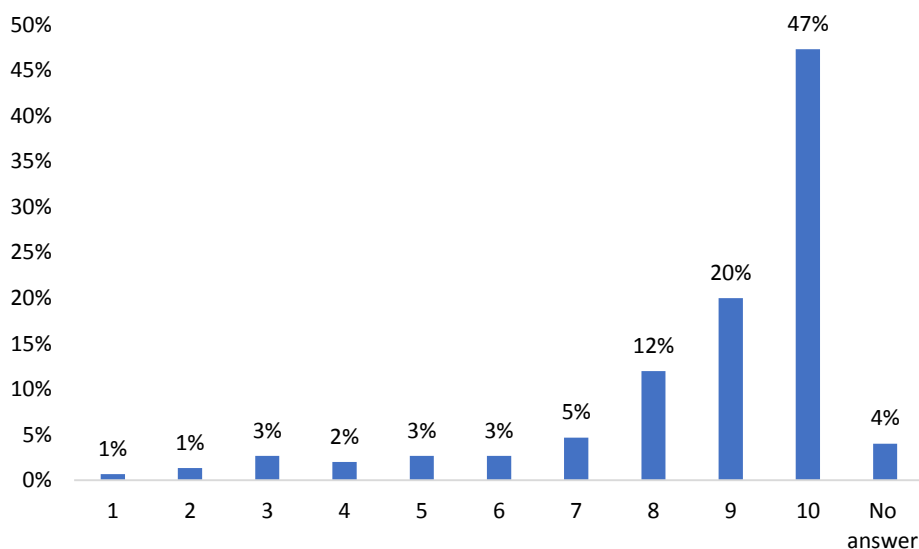
'A balance should be struck between asking for more information, and the cost of that provision'



There was also very strong support for the principle that reported information should be fully available to the general public, albeit at an appropriate scale and taking confidentiality into account, with two thirds giving this criterion a score of 9 or 10 (see Figure 16).

Figure 16. Q3.4: How important do you rate these different criteria for setting environmental Monitoring and Reporting requirements and delivering EU value added?

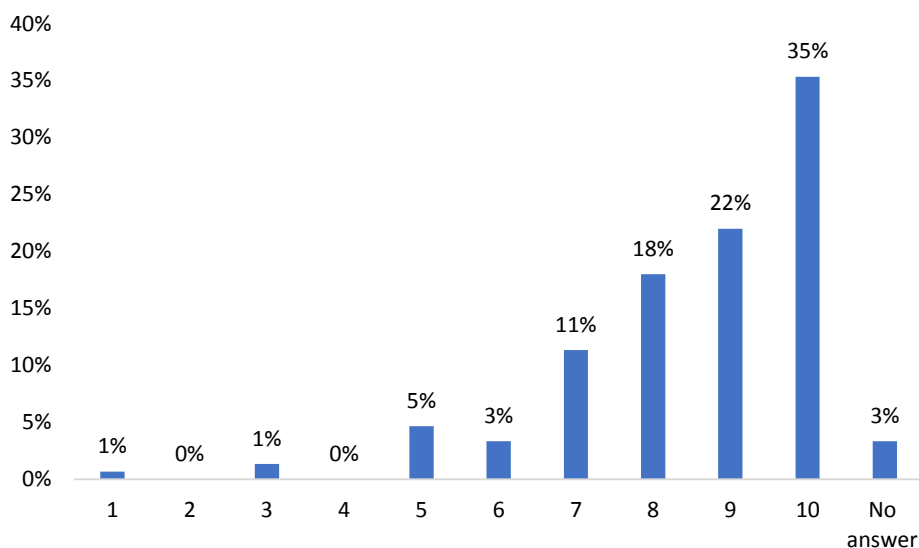
'Reported information should be fully available to the general public, after due consideration of the appropriate level of aggregation and subject to appropriate confidentiality constraints'



Respondents strongly agreed that monitoring and reporting should be timely and up to date (see Figure 17).

Figure 17. Q3.4: How important do you rate these different criteria for setting environmental Monitoring and Reporting requirements and delivering EU value added?

'Monitoring and reporting should be timely and up to date'

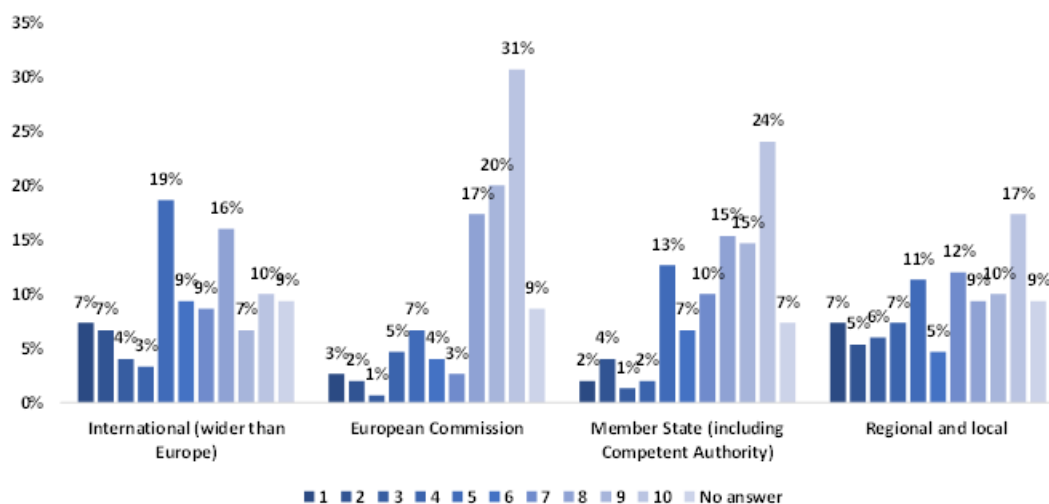


3 Current perceptions of environmental monitoring and reporting

3.1 Different governance levels

Question 4.3 asked about different levels of governance for environmental reporting, and which offered greatest potential to combine or streamline reporting requirements in order to reduce costs or administrative burdens. While there was agreement that such potential existed at all governance levels from regional and local to international, the strongest views were expressed for the potential at European Commission level (see Figure 18).

Figure 18. Q4.3: As well as environmental reporting obligations towards DG Environment, there are a number of international obligations, for example, to European marine conventions, OECD, UN, and UNECE. Attention needs to be made to ensuring that synergies are exploited between these commitments, and inconsistencies avoided. What are the levels of governance where there is the biggest potential to combine or streamline reporting requirements in order to reduce costs and administrative burdens?



Respondents were also asked to provide comments relating to the issue of different governance levels:

- One respondent highlighted the potential of the UN Sustainable Development Goals to promote more harmonised reporting internationally.
- Five respondents provided additional comments in support of further action at the EU level. One respondent clarified that since many EU environmental standards are relatively stringent in an international context, achieving consistency with international standards is relatively straightforward in this respect. The remaining four respondents took the view that the role of the Commission is to provide a clear indication of the data that needs to be collected – with one respondent explaining the particular importance of this in the context of complex or technical Directives (such as the Seveso Directive).
- Two respondents argued that the local level is the most appropriate area of focus, with one giving the explanation that this is where the bulk of monitoring efforts occur and the other highlighting that certain directives such as the Water Framework Directive have a specific focus on local or regional management (for example, through River Basin Districts).
- Another two respondents argued that additional resources (in the form of guidance or assistance from the EU and Member States) to the local level are needed to support more consistent approaches.
- Another respondent suggested that it was difficult to generalise in this regard, given the diversity of focus of different Directives as well as the diversity of regulatory and administrative systems between MS.

3.2 Standardised Reporting Directive

Question 4.4 asked respondents about the legal basis for reporting obligations. The Standardised Reporting Directive was agreed in 1991 to provide a single harmonised approach to monitoring and reporting. Many specific reporting decisions in different policy areas (e.g. water, waste) have been agreed. Over time, however, most

reporting requirements have been included in specific pieces of legislation so that they can be tailored to meet the requirements of the legislation.

Respondents expressed stronger support for reporting obligations being laid down specifically in individual pieces of legislation (61% agreed or strongly agreed) rather than being agreed informally between the Commission and Member States (28% agreed or strongly agreed) (see Figure 19 and Table 3).

When responses are broken down by respondent group, we can see strong support for setting down reporting obligations (ROs) within legislation and harmonisation being achieved through collaboration amongst research institutions, private enterprise and professional organisations (see Table 3). These groups are also more inclined to disagree with the suggestion that ROs should be agreed on a case-by-case basis between the European Commission and Member States.

Figure 19. Q4.4: The Commission is now considering the repeal of the Standardised Reporting Directive including its specific reporting questionnaires – most of these being obsolete already. However, the question in relation to the Fitness Check on monitoring and reporting is whether such a legally-binding, horizontal approach should be developed again in the future. In this context, do you agree or disagree with the following statements?

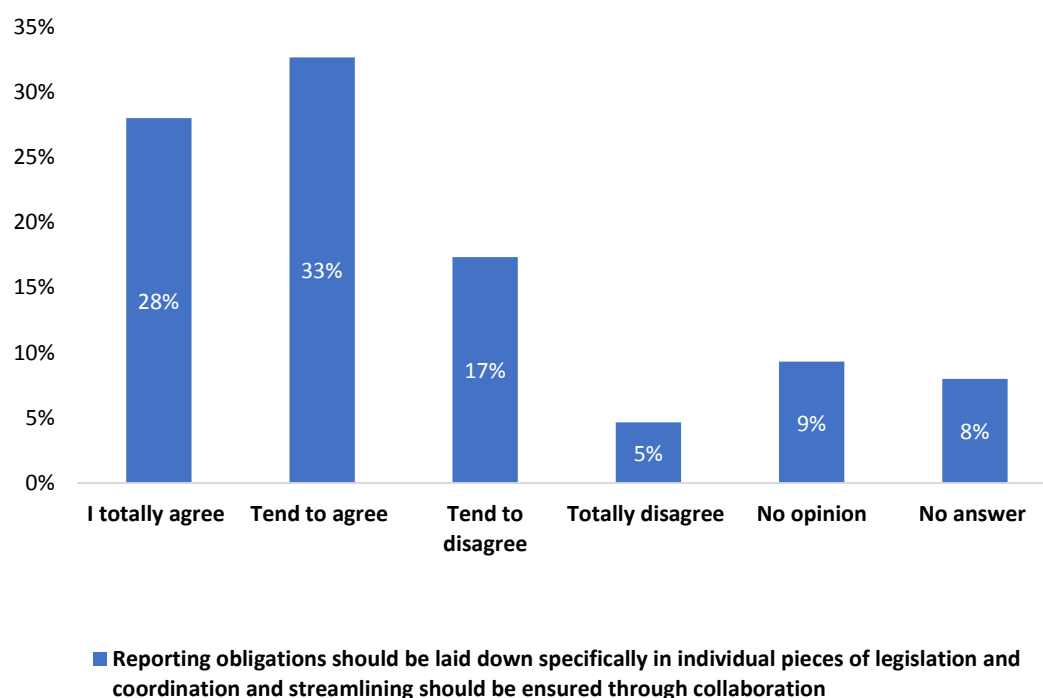
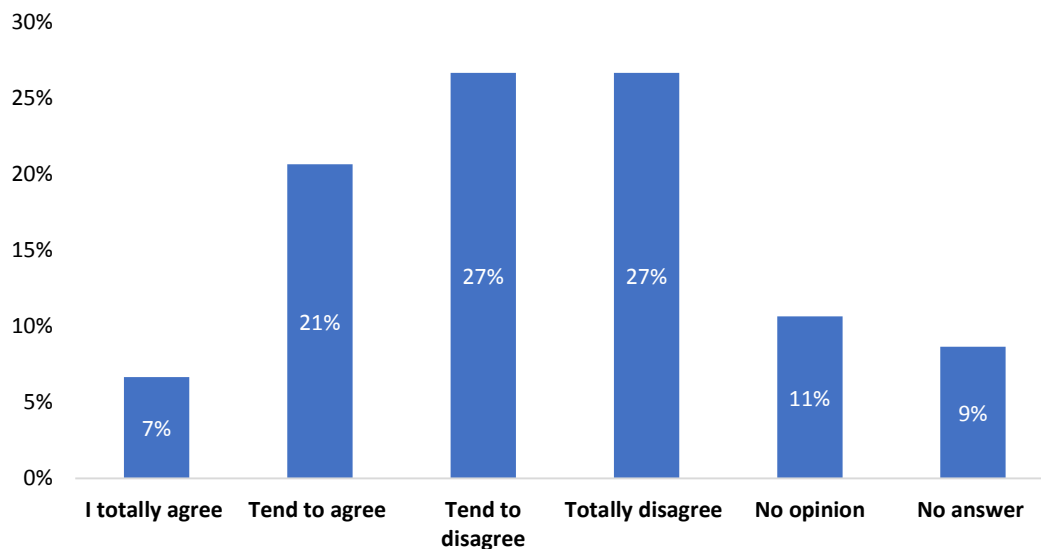


Table 3. Q4.4: Reporting obligations should be laid down in individual legislation – breakdown by respondent group

	I totally agree	Tend to agree	Tend to disagree	Totally disagree	No opinion
Academic/research institution (N=2)	50%	0%	0%	0%	50%

As a n individual / private person (N=26)	27%	46%	12%	0%	4%
Civil society organisation (N=14)	21%	14%	21%	7%	21%
International organisation (N=3)	33%	0%	33%	0%	33%
Other (N=4)	50%	25%	25%	0%	0%
Private enterprise (N=4)	0%	75%	0%	25%	0%
Professional organisation (N=14)	50%	21%	7%	21%	0%
Public authority (N=83)	25%	34%	20%	2%	10%

Figure 20. Q4.4: The Commission is now considering the repeal of the Standardised Reporting Directive including its specific reporting questionnaires – most of these being obsolete already. However, the question in relation to the Fitness Check on monitoring and reporting is whether such a legally-binding, horizontal approach should be developed again in the future. In this context, do you agree or disagree with the following statements?



■ Reporting requirements do not need to be laid down in legislation but should be agreed informally on a case-by-case basis between the EU Commission and the Member States

Q4.4: Reporting requirements should be agreed on a case-by-case basis between the EC and MS – breakdown by respondent group

	I totally agree	Tend to agree	Tend to disagree	Totally disagree	No opinion
Academic/research institution (N=2)	0%	0%	0%	50%	50%
As an individual / private person (N=26)	12%	15%	27%	27%	4%
Civil society organisation (N=14)	0%	0%	21%	36%	29%
International organisation (N=3)	33%	0%	67%	0%	0%
Other (N=4)	0%	50%	25%	25%	0%
Private enterprise (N=4)	25%	0%	25%	25%	25%
Professional organisation (N=14)	7%	7%	43%	43%	0%
Public authority (N=83)	5%	29%	24%	23%	11%

Respondents were also asked to provide general comments relating to the possible repeal of the Standardised Reporting Directive:

- Overall, five respondents to this question supported the concept of a 'core' set of monitoring requirements within delegating/implementing acts, with the details integrated into sectoral legislation.
- One respondent indicated that repeal of the SRD could be beneficial where there are different burdens for different Member States depending on the object of monitoring (for example, monitoring of water bodies). In such cases, a risk-based approach to monitoring could be beneficial.
- Another respondent pointed to the Common Implementation Strategy approach under the WFD and UWWTD as effective examples of processes for informally agreed reporting requirements.
- One proposed a balanced approach; general monitoring and reporting requirements in a 'horizontal' Directive, with specific requirements within the

specific Directives and practical arrangements being informally agreed. The horizontal element could include items of responsibilities, e-governance, e-reporting, codification systems, the role of questionnaires, etc., whilst specific requirements would deal with monitoring requirements, frequency and timing. Informal arrangements would include templates, guidance and data element attributes.

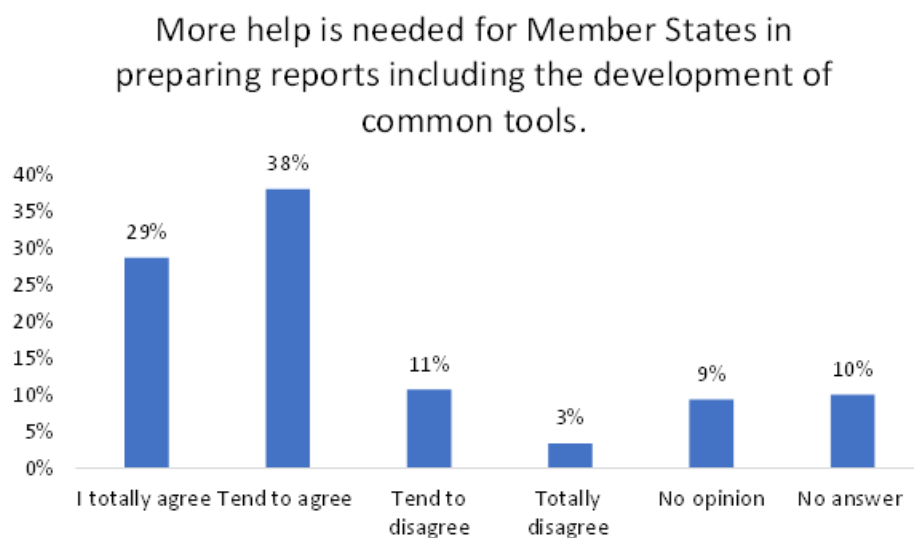
- Two respondents indicated that the Commission could support MS by giving greater forward guidance of information requirements, arguing that if MS know far in advance what information will be required and when, they can allocate resources appropriately and provide better data.
- One respondent highlighted that Water Framework Directive as an example of how much can be achieved even through the use of non-binding guidelines, although powers to specify monitoring and reporting requirements will usually need to be conferred on the Commission through implementing acts to spell out further detail.
- One respondent indicated that it would be useful to set out a requirement to report under the Water Framework Directive, while retaining flexibility to adapt and change specific reporting flows as required. Currently the WFD is in a consensus driven process. Legally binding regulations can be difficult to change, and there have reportedly been several occasions on which MSs have been told to ignore certain issues because the environmental situation has developed and the legislation cannot keep up.

3.3 The process for reporting

Question 5.1 asked about the process for reporting.

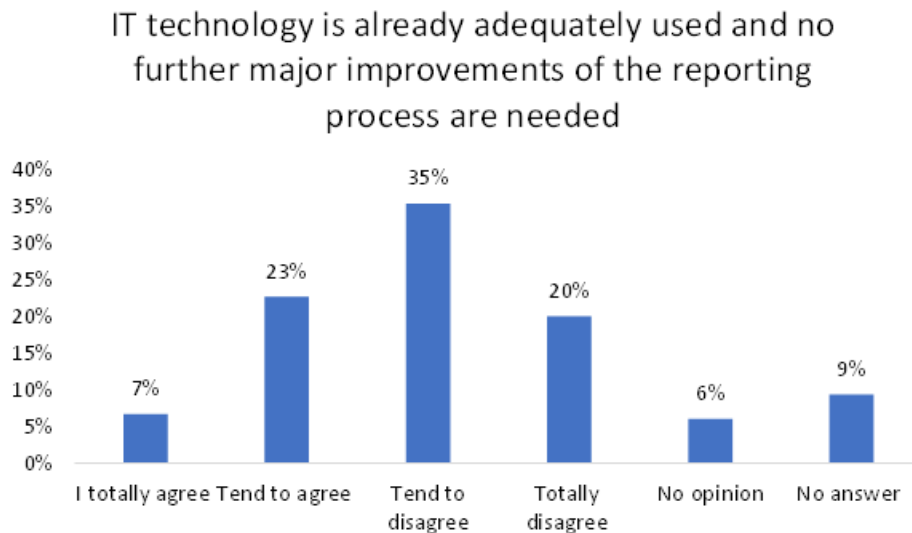
Two thirds of respondents totally agreed or tended to agree that more help is needed for Member States in preparing reports and for the development of common tools.

Figure 21. Q5.1: As well as the content of what is reported, the process for reporting is important for ensuring that the right information is collected, processed and disseminated at the lowest possible cost. IT technologies could be one of the answers. In this context, do you agree or disagree with the following statements?



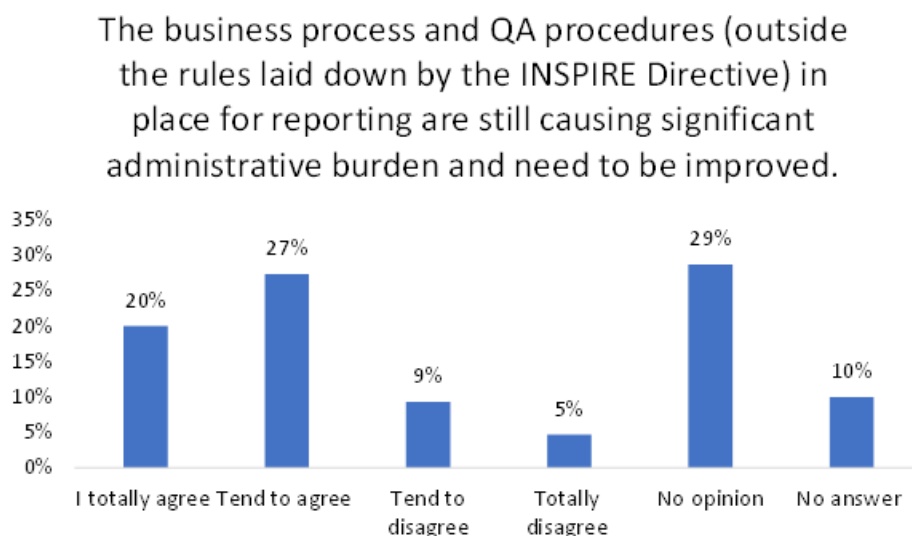
Many respondents also felt that IT systems are not being used to their full potential, with 55% either totally disagreeing or tending to disagree that IT is already adequately used and that no improvements are needed (Figure 22).

Figure 22. Q5.1: As well as the content of what is reported, the process for reporting is important for ensuring that the right information is collected, processed and disseminated at the lowest possible cost technologies could be one of the answers. In this context, do you agree or disagree with the following statements?



Respondents tended to agree with the statement that business processes and quality assurance procedures are still causing significant administrative burden and need to be improved. However, 39% either did not respond or expressed no opinion on this topic.

Figure 23. Q5.1: As well as the content of what is reported, the process for reporting is important for ensuring that the right information is collected, processed and disseminated at the lowest possible cost. IT technologies could be one of the answers. In this context, do you agree or disagree with the following statements?

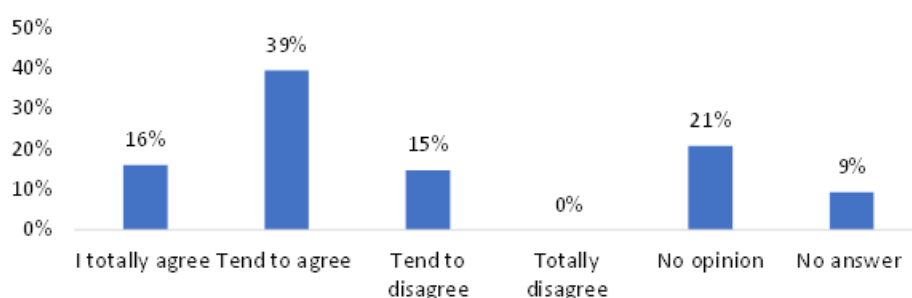


Strong support was expressed for the potential for the INSPIRE Directive to provide a common approach for reporting, reducing administrative burden and facilitating reuse

of the reporting process and information across different levels of government. 55% of respondents totally agreed or tended to agree with this statement, although 30% expressed no opinion or did not answer.

Figure 24. Q5.1: As well as the content of what is reported, the process for reporting is important for ensuring that the right information is collected, processed and disseminated at the lowest possible cost technologies could be one of the answers. In this context, do you agree or disagree with the following statements?

The INSPIRE Directive can provide a common approach and process for reporting, reducing administrative burden and facilitating reuse of the reporting process and information across different levels of government.



When the answers are broken down by respondent group, we can see that public authorities, civil society and private enterprise disagreed strongly with the statement that IT technology is already adequately used, potentially pointing to additional potential for IT within reporting as well as information requirements.

Table 4. Q5.1: 'IT technology is already adequately used' – breakdown of responses by respondent category

	I totally agree	Tend to agree	Tend to disagree	Totally disagree	No opinion
Academic/re search institution (N=2)	50%	50%	0%	0%	0%
As an individual / private person (N=26)	4%	31%	19%	27%	8%
Civil society organisation (N=14)	0%	7%	50%	29%	0%
International organisation (N=3)	33%	33%	33%	0%	0%

Other (N=4)	0%	25%	75%	0%	0%
Private enterprise (N=4)	0%	0%	50%	25%	0%
Professional organisation (N=14)	14%	7%	14%	14%	29%
Public authority (N=83)	6%	25%	40%	19%	4%

Public authorities and civil society were also supportive of the role of the INSPIRE Directive in promoting a harmonised approach to reporting, whilst enterprises and professional associations appeared to be more equivocal.

Table 5. Q5.1: 'The INSPIRE Directive can provide a common approach and process for reporting'

	I totally agree	Tend to agree	Tend to disagree	Totally disagree	No opinion
Academic/research institution (N=2)	50%	0%	50%	0%	0%
As an individual / private person (N=26)	15%	38%	15%	4%	12%
Civil society organisation (N=14)	43%	2%	1%	1%	1%
International organisation (N=3)	67%	33%	0%	0%	0%
Other (N=4)	0%	50%	25%	0%	25%
Private enterprise (N=4)	25%	25%	0%	0%	25%
Professional organisation (N=14)	29%	21%	0%	0%	29%

Public authority (N=83)	30%	45%	11%	4%	5%
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International organisations, private enterprise and public authorities all tended to agree with the assertion that business processes and QA are contributing to administrative burdens and need to be improved (although sample sizes were small and a significant proportion expressed no opinion) .

Table 6. Q5.1: 'Business processes and QA procedures are causing significant administrative burden' – breakdown of responses by respondent category

	I totally agree	Tend to agree	Tend to disagree	Totally disagree	No opinion
Academic/research institution (N=2)	0%	0%	0%	0%	100%
As an individual / private person (N=26)	8%	23%	12%	19%	38%
Civil society organisation (N=14)	0%	7%	7%	50%	36%
International organisation (N=3)	33%	67%	0%	0%	0%
Other (N=4)	0%	0%	25%	0%	75%
Private enterprise (N=4)	0%	50%	0%	25%	25%
Professional organisation (N=14)	21%	14%	0%	21%	43%
Public authority (N=83)	29%	34%	11%	7%	19%

The small numbers of respondents representing international associations and civil society agreed with the statement that more help is needed for Member States in preparing reports, while the greatest proportion of public authorities 'tended' to agree with this statement.

Table 7. Q5.1: 'More help is needed for Member States' – breakdown of responses by project category

	I totally agree	Tend to agree	Tend to disagree	Totally disagree	No opinion
Academic/research institution (N=2)	50%	0%	50%	0%	0%
As an individual / private person (N=26)	15%	38%	15%	4%	12%
Civil society organisation (N=14)	43%	2%	1%	1%	1%
International organisation (N=3)	67%	33%	0%	0%	0%
Other (N=4)	0%	50%	25%	0%	25%
Private enterprise (N=4)	25%	25%	0%	0%	25%
Professional organisation (N=14)	29%	21%	0%	0%	29%
Public authority (N=83)	30%	45%	11%	4%	5%

Respondents were also asked to provide specific comments or suggestions relating to the process of reporting.

Several respondents provided suggestions about enhancements of data-sharing arrangements, including on technologies and evaluation procedures:

- One respondent from a public authority suggested that while INSPIRE will contribute to the harmonisation of spatial data, there are risks inherent in converting too much data to INSPIRE compliance as technical specifications and formats quickly become outdated, resulting in cumbersome systems that erode the overall competitiveness of the EU. While harmonisation of reporting is supported, it poses challenges from an IT perspective.
- One respondent proposed to the Commission that the INSPIRE Schema should be revised to become a 'super schema' which would set the pattern for the schemas in other reporting Directives. This approach, it is argued, would meet the use

case, satisfy user needs and avoid duplication as in effect it would harmonise these to the INSPIRE Schema. It was argued that this proposal has obtained wide support from other MS.

- Two respondents felt that Member States should ideally distribute open data in order to increase efficiency – suggesting that the Commission could support this process through distributed services or ‘meta data’ on the analytical quality of reporting
- One respondent argued that as many of the problems legislation seeks to address are transboundary, there are clear benefits to data reported being cross-comparable. This could entail ‘European added value’ and the Commission could, it is argued, produce performance scoreboards to publicise compliance or lack of compliance. For example, DG Environment posts a Natura 2000 barometer on its website illustrating MS progress in implementing the Birds and Habitats Directives. Similar databases could be developed covering the whole spectrum of EU environmental law including information on the relevant implementing actors such as local authorities, individual companies, facilities or other undertakings.
- Another respondent argued that the owner of the policies, i.e. the Commission, should take a leading role in convincing the (environmental) reporting community to participate more actively in INSPIRE implementation through regulatory alignment of the existing reporting obligations to INSPIRE.
- One respondent felt that the focus of existing monitoring requirements fell too much on costs, and not enough on the wider benefits of this monitoring. They were thus broadly supportive of monitoring that could also evidence the wider societal and economic benefits of the Directive or Regulation concerned.
- One respondent commented that monitoring is mainly based on local needs (based on the existing legislation), whereas reporting is the process of compiling and aggregation the information available to a level, which allows for the evaluation according to the objectives of the different levels involved in the implementation process.

Respondents also provided specific suggestions in relation to their own policy domains:

- There was strong support for the integration of the E-PRTR into waste monitoring for management of hazardous waste.
- E-reporting was seen by one respondent as a good use of technology for air quality reporting but barriers to its wider use remain, including the lack of compliance modelling data in EEA aggregate statistics and the lack of data discovery services.
- One respondent pointed to the potential for reporting of data on timescales for product types to biodegrade, and equivalent resources saved through recycling.
- One respondent proposed extending REACH authorisation and risk assessment to legacy spare parts.

4 Additional evidence provided

In addition to survey responses, 16 of the 150 respondents provided 18 additional evidence documents to support the views expressed in the survey. These 18 documents included:

- Eight detailed position statements relating to the Fitness Check and content of the consultation;
- Four documents containing additional comments, providing clarification of responses within the consultation;

- Four slide decks providing outputs from national or international workshops on topics relating to environmental monitoring and reporting;
- One national environmental monitoring strategy; and
- One copy of questionnaire outputs from an EU-wide evaluation of the E-PRTR Regulation.

4.1 Public authorities

Seven public authorities provided a range of additional evidence, including one workshop output, three position statements, one additional set of comments relating to the survey, and a copy of questionnaire outputs from an evaluation of the E-PRTR Regulation. Key points raised were as follows:

Harmonisation of data and reporting

- According to one position statement, the Fitness Check could be particularly beneficial in terms of standardising reporting – E-PRTR was highlighted as one area in particular where common validation tools were seen as potentially useful. In addition, high level indicators were proposed to track key issues and trends relating to each Directive, whilst it was suggested that more timely indicators and map-based systems could be developed to support more specific, regional and local information. Similarly, in the biodiversity and nature policy domain, one authority highlighted the potential for greater synchronisation of requests for information and survey processes across the Commission as a means to reduce reporting burdens on MS.
- One respondent pointed to the particular opportunities around Open Data, including making data available free of charge, developing appropriate skills and people to make better use of data and building the right tools and policies to maximise the value of existing data.
- One position statement highlighted the need to engage Member States closely in the course of this Fitness Check so as to anticipate future changes in data needs and to build flexibility into national reporting processes.
- Another Member State position statement pointed to the need for gradual integration of common datasets across Directives, the promotion of a Common (INSPIRE-compliant) Data Model as well as bottom-up MS initiatives to promote greater policy coherence.
- One respondent provided workshop outputs from the Make It Work initiative, including recommendations to focus on the needs of data users in the medium term through establishment of a less common reference data set, consideration between MS and the Commission of which products (maps, statistics, etc.) are needed to support policy objectives, coordination of long-term indicators and implementation of a Common Data Model. In the longer term, distributed information systems were seen to have particular promise for the Floods Directive, WFD and other areas. Gradual expansion of the EU information service, together with an Open Data Strategy, was also seen as a long-term priority. One MS authority highlighted the potential to make wider use of Open Data within ROs as a means to lessen the overall reporting burden.
- One national data steering group provided general comments that the most important principles for monitoring in the EU are contained within the Shared Environmental Information System communication²⁹⁷. This outlines that information should be:
 - Managed as close as possible to the source;

²⁹⁷ <http://ec.europa.eu/environment/archives/seis/>

- Collected once and shared between many users; and
- Readily available to fulfill reporting obligations.
- Whilst in general, there is a need to balance frequency of data collection against the overall reporting burden, this relationship may not always be clear. One MS authority indicated that water data collected through Eurostat may actually be more valuable if collected annually rather than biannually, as authorities could improve and streamline the reporting process whilst learning from their mistakes.

Balancing EU and Member State actions

- In the view of one authority, the biggest potential to improve existing monitoring and reporting requirements is at the national and regional level. Even though agreed standards exist in many areas, the prevalence of different practices is seen to make results incomparable and evaluation of implementation biased.
- In the view of one MS authority, the Commission's preference for reporting via webforms (without context or information on how the data is to be utilised) necessitates the authority to develop its own tools. It is suggested that the Commission could take steps to encourage the wider use of such reported data in certain domains, particularly the Water Framework Directive. Wider sharing of guidance and best practice is seen as particularly important in the case of air quality – again, existing reporting formats lessen the opportunity for wider learning.
- The Water Information System for Europe and Ozone web (EEA portal for sharing ozone information) were identified within two position statements as strong examples of the operation of data integration at the EU level. It was also suggested that traditional compliance reporting might be replaced or supplemented by alternatives including making information available through Copernicus (remote sensing), making more use of science and research in order to collect information directly or indirectly, and focusing more on capacity-building as an alternative to infringement measures. One MS authority underlined the importance of maintaining proportionality in water-related ROs – suggesting that whilst certain data requirements are useful at the national level this may not be the case at the EU level. Equally, some data may be expensive or time consuming to collect but highly valuable at the right scale.
- Concerning the implementation of the INSPIRE Directive, one national data steering group argued that in the context of environmental reporting obligations, the thematic units of DG Environment should take the lead and initiative to adapt environmental reporting specifications accordingly. This should also determine the timing of the Inspire implementation in practice in order to avoid additional costs and burden for the member states.
- With regard to REACH substitution, one authority took the view that data available through REACH is not used in a comprehensive and effective manner to promote substitution of Substances of Very High Concern through the whole sector e.g. in setting Green Chemistry / substitution requirements within the BREF standards, despite these "state of the art" benchmarks being explicitly aimed to promote the substitution of hazardous pollutants. Available information should, it is argued be used to improve production processes throughout the production life cycle.
- In the view of one authority, extending the reporting requirements in the E-PRTR to a priority list of product groups pollutants to be addressed in outputs (including wastes) would be beneficial to chemicals policy and resource efficiency objectives.
- Significant shortcomings in relation to the reporting obligation which stem from the UNECE Protocol on PRTRs were highlighted by one authority. This respondent argued that the E-PRTR related reporting needs to be improved significantly to

promote objectives such as benchmarking, compliance assessment and strengthened pollution prevention at source areas.

4.2 Professional associations

One EU-level workshop output and one detailed position statement were received from two professional organisations operating in the energy generation and distribution and waste management sectors. Key points raised were as follows:

Harmonisation of data and reporting

- One respondent highlighted findings from a survey of waste producers and managers by MS and Eurostat, showing significant differences between MS due to different identification criteria, waste management practices but also different statistical criteria and sources; this results in recording errors (e.g. kg instead of tonnes) which are not always verified before being published on the Eurostat website. Accordingly, this respondent recommended that waste statistics should be based on PRTR declarations rather than other regulations – better guidance from authorities could be beneficial in this case, together with data verification in cooperation with waste operator associations to avoid errors.

Linking monitoring data to measuring compliance

- Another respondent, representing the energy sector, stressed that the link between environmental monitoring and reporting on the one hand, and performance or compliance checking on the other, is not very clear. Monitoring and reporting information should, it is argued, be read against the background of national, regional or local environmental conditions. Some policy areas are very sensitive to the local environmental setting of a plant/site (e.g. water or soil) and this will lead to a different appreciation of the output. In the case of emissions or other impacts from power plants, the local conditions must be considered carefully (other emitters, historical pollution, impact of climate change, etc.).
- This association reiterated the view that is important for the public to have access to clear and comprehensive environmental information in order to be better informed about its local environment (e.g. what are the main sources of pollution in the area), pointing out that emissions from electricity generation have steadily declined in recent years. It was therefore seen as important that 'public oriented' websites do not only focus on large stationary sources of pollution (such as the power sector which is already reporting extensively, for instance in E-PRTR), but also include analogous information from diffuse sources of emissions such as transport, domestic heating or agriculture, preferably also providing seasonal analysis concerning such emissions.

Scaling information requirements to impacts

- With respect to the Industrial Emissions Directive, one respondent (representing an energy industry association) indicated that in some areas there is an undue administrative burden and lack of evaluation of the costs and benefits associated with relevant monitoring and reporting requirements, arguing that these should be better adapted to the size and operating mode of a site to avoid costs and administrative burden that are likely to outweigh any environmental benefit. This burden was seen to fall particularly on smaller installations or installations running at very low operating hours (e.g. plants running less than 500 hours per year), whose overall environmental impact is limited. The respondent pointed to average capital costs of around €200,000 a year for continuous monitoring of a large combustion plant in line with the relevant BREF – a substantial share of overall operating costs.

4.3 Civil society organisations

Six civil society organisations (including four national organisations and two EU-level organisations) submitted four detailed position statements and, two sets of additional consultation comments and two workshop outputs on themes related to the Fitness Check. Key points raised were as follows:

Harmonisation of data and reporting

- The delayed implementation of the INSPIRE Directive was seen by one organisation as a barrier to effective and efficient monitoring and reporting. Integrated information under different media belonging to the same industrial activities should, it is argued, be used to improve standards-setting (eg. Best Available Techniques conclusions) and fulfilling other aims such as compliance and benchmarking purpose. The ability for such integrated information to support the strengthening of industry-specific BREF documents could be explored in more detail.
- One organisation's position statement highlighted the constantly-expanding body of reporting requirements and indicators (for example, the 17 Sustainable Development Goals) indicating that this points to the growing need for integration of monitoring and reporting across policy domains, with a particular focus on providing comprehensive information in a more user-friendly manner for all stakeholders including citizens, whose awareness of environmental issues and their relations to other policy areas. Accordingly, it is argued that the Fitness Check should focus 'on integration, effectiveness and dissemination of existing data streams rather than reduction'.
- In the context of the E-PRTR, one respondent highlighted the US EPA Air Markets Programme Data portal as a strong example of an easily accessible and comprehensive portal allowing for both multi-query search and streamlining of reporting²⁹⁸.
- One respondent provided outcomes from a workshop on enhancing the EU Added Value of the E-PRTR. Among the proposals included were ensuring data of adequate quality and quantity in a format that allows interpretation by non-experts, including providing links to EU Environmental Quality Standards, assessment of compliance of industrial facilities with permit requirements (eg. permitting and inspection information), providing an assessment of the true environmental performance of industry and techniques used (eg. BREF-related information), and providing a link to parameters relevant to the environmental performance assessment/benchmarking (in line with US EPA best practice).

Linking monitoring data to measuring compliance

- One respondent stressed the need for the Commission to invest in a structured monitoring of implementation of key provisions of EU legislation, giving the example of a structured sampling of Natura 2000 sites to assess the effectiveness of management plans. Targeted research, particularly using randomized sampling methods, was seen to greatly increase the ability of decision-makers to make objective decisions and could help support capacity-building measures in place of infringement.
- According to submissions from one organisation, the High Level Group on Administrative Burdens (HLG) found that that approximately one-third of the administrative burden associated with EU environmental policies is a result of inefficient implementation at Member State level²⁹⁹. According to this respondent, a range of measures could be taken at individual Member State level to improve

²⁹⁸ <http://ampd.epa.gov/ampd/>

²⁹⁹ http://ec.europa.eu/smart-regulation/refit/admin_burden/high_level_group_en.htm

and streamline implementation of the monitoring and reporting obligations associated with EU environmental policies. Examples of measures that could be taken to improve cost-effective implementation and minimise any unnecessary costs to business at Member State level include the appropriate resourcing of competent authorities, greater cross-departmental coordination, the development of streamlined data collection systems, and the production of clearer, more consistent, and more easily accessible guidance, as identified by many stakeholder responses to the 'Fitness Check' of the Nature Directives.

- One respondent highlighted a number of gaps in terms of the current implementation of the monitoring and reporting obligations associated the Nature Directives. Although monitoring and reporting under these Directives has significantly improved our knowledge and understanding of the status and distribution of species and habitats across the EU, evidence gathered through the 'Fitness Check' of the Nature Directives suggests that these obligations are not being properly complied with by many Member States. As a result, there are some serious gaps in terms of the data currently available, as reflected in the significant percentage of "unknown" assessments reported by Member States. This is not only a problem from a conservation perspective; it also results in costs and delays to businesses/developers due to the insufficient data available upon which to assess impacts and avoid/mitigate potential damage.

The burden of environmental monitoring and reporting relative to other policy areas

- In its final report, the High Level Group on Administrative Burdens recommended that in future the European Commission concentrate on reducing unnecessary administrative burdens in those policy areas with the highest estimated costs. In the view of this respondent, it is clear from the findings above that environmental legislation is not a priority policy area, and no evidence of unnecessary burdens has been presented.

5 Conclusions

5.1 General conclusions from the consultation

Based on the consultation findings, the following general conclusions can be drawn:

- **A majority of respondents are fairly satisfied with existing monitoring and reporting arrangements**, although they see some specific areas for improvement in certain policy domains. Some 65% of consultation respondents indicated that they were satisfied or fairly satisfied with existing arrangements, although nearly a third were dissatisfied. Public authorities appeared to report the highest satisfaction with current arrangements, whilst professional organisations, private enterprise and academic/research institutions appeared amongst the most dissatisfied.
- **Respondents generally regard existing information requirements as appropriate, with some exceptions.** A strong majority of respondents felt that existing amounts of information collected in the air quality and pollution, chemicals, noise and waste were 'about right' to meet policy objectives. Respondents generally felt that more information was required in relation to biodiversity and nature protection, natural resources and soil, whilst respondents with knowledge of water policy were divided on whether existing information requirements were appropriate or too demanding – with some suggesting that this represents the heterogeneity of water resources across the EU.
- **Most monitoring and reporting requirements were viewed as neither efficient nor inefficient, with specific areas of improvement possible.** Noise was the policy domain where the current process was thought by the

largest share of respondents to be efficient, with waste and natural resources having the greatest share of respondents viewing them as inefficient.

- **In terms of the principles and objectives of monitoring, respondents felt that the most important principle is that monitoring and reporting should collect information once, and share it where possible for many purposes.** There is strong support for the INSPIRE Directive as a means to realise this principle and minimise overlap and improvement. The most important objective, meanwhile, is to allow for an assessment of whether EU legal obligations are being met, and to allow stakeholders to understand the environment and the actions taken to maintain and improve it. For both of these objectives, it was felt that there are possible areas for improvement in most policy domains.
- **The EU is seen as the most appropriate area of focus for harmonisation of monitoring and reporting processes.** Whilst respondents acknowledged the growing range of national and international monitoring and reporting obligations, they generally viewed the European Commission as the most appropriate area of focus for harmonisation between policy areas. Similarly, there was much stronger support for reporting obligations to be formalised within legislation and harmonisation achieved through collaborative action rather than ad-hoc arrangements between Member States.
- **Respondents generally felt that IT systems have significant potential to support streamlining of reporting processes and reduced administrative burden.** Almost all categories of respondents expressed the view that IT technology is not being used to its full potential and could support harmonisation of monitoring and reporting between policy areas, with a majority agreeing that the INSPIRE Directive can help support a common approach and reduction in administrative burden. Nonetheless, a substantial proportion of respondents (67%) felt that more support is needed for Member States in preparing reports, including the development of common tools.

5.2 Wider implications in the context of the Fitness Check

In addition to these conclusions, qualitative responses highlighted a number of wider findings with relevance to the Fitness Check:

There may be need for more structured comparison of costs versus benefits for reporting obligations and information requirements.

Some public and private sector respondents questioned the value of some reporting requirements for certain Directives, indicating that recent changes to the scope of reporting place substantial additional costs on authorities for reporting obligations and on businesses in terms of information requirements, whereas the marginal benefit of such changes is sometimes perceived to be limited.

Equally, some civil society groups and public authorities responding to the survey argue that more evidence is needed of the benefits of monitoring and reporting in terms of policy implementation to balance analysis of the costs.

It could be useful in the context of this Fitness Check to consider the extent to which outcome monitoring and providing evidence of monitoring benefits drives costs, as well as some of the potential benefits of this monitoring.

In particular, it could be important to understand where the burden of these costs fall – whether in additional reporting obligations or information requirements, as these appear to vary significantly between policy areas and some responses to the consultation appear to confuse these terms.

There is a perceived need for greater transparency in monitoring and reporting that could be supported by the EC and MS

A number of respondents to the consultation highlighted a perceived lack of transparency, both in the sourcing and recording of data by MS authorities, and in the processing of data submissions to the Commission. This sometimes appears to arise from differences in the implementation of EU law in the Member States.

Some respondents suggested that this could be addressed through 'soft' approaches such as the promotion of standardized reporting templates and the use of common databases such as the Water Information System for Europe. Others suggested a more hands-on approach from the Commission, such as DG Environment's publishing of indicators of Natura 2000 implementation by Member State on its website to spur compliance.

Other respondents have pointed to the value of indicative (or risk-based) sampling or monitoring of MS implementation at the EU level. The Fitness Check provides an opportunity to assess the viability of such an approach for different policy areas.

There appears to be some degree of consensus about the need to focus on building MS capacities

Despite clear progress in the harmonisation of monitoring and reporting for many policy areas, the challenge of differing interpretations of these obligations within different legal and regulatory systems remains.

Many respondents indicated that the focus of the Commission should be on providing supporting infrastructure for monitoring and reporting (such as common databases and Open Data) and providing broad principles for effective monitoring, whilst MS authorities should focus on building their own reporting capacities. Nonetheless, the prevalence of many transboundary environmental problems seems to support greater collaboration between MS authorities in many policy areas, such as water.

In other areas, such as linking waste to the E-PRTR, or soil quality management, there appears to be a stronger case for European Commission intervention to drive up compliance. In the context of the Fitness Check, it will be important to explore the subsidiarity principle across different policy areas and establish where action from the Commission is most likely to establish EU Added Value.

The Water Framework Directive is one example where repeated cases of non-compliance with 'good chemical and ecological water status' in water bodies across the EU28 may partly reflect significant uncertainties inherent in baseline monitoring data. A number of respondents point to the need to strengthen authorities' monitoring capacities in relation to the Directive as a prerequisite for improving compliance over the longer term.

These examples highlight the importance of capacity-building as well as enforcement activities.

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Annex 5 Horizontal issues fiches

1 E-reporting

Introduction

Environmental monitoring and reporting is the process by which Member States and other entities provide policy-relevant information to the Commission and other European (and international) bodies. It is undertaken in response to specific obligations, which may be mandatory or voluntary, to provide certain information.

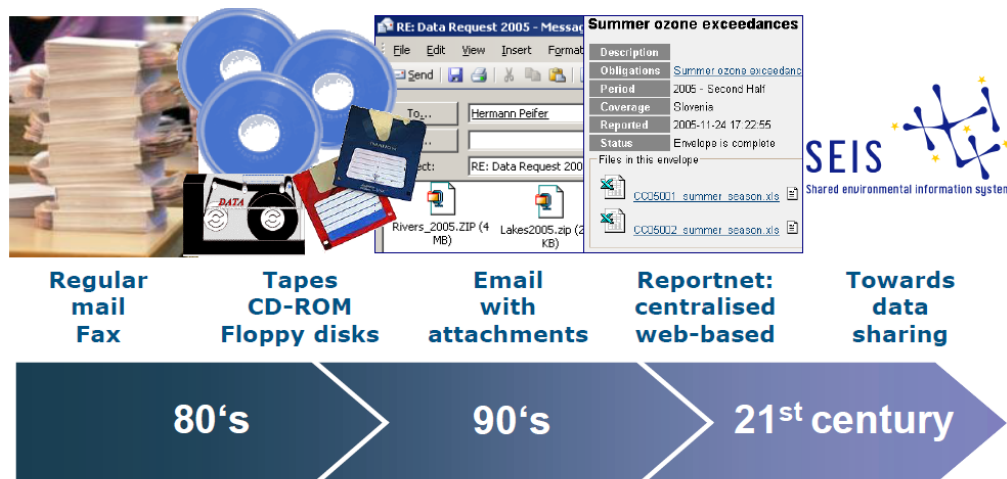
The process of environmental monitoring and reporting refers to the series of steps that are taken to achieve the result of delivering the required information from the obliged entity to the requesting entity (typically from Member States to the EU). These steps include: the specification of the information required, the collation, processing, analysis, quality checking and transmission of data by the Member States, and then the quality checking, analysis and reporting that takes place at EU level.

E-reporting refers to the use of IT systems to deliver one or more of the stages of the reporting process. It can influence both the costs and benefits of reporting.

Overview of current situation

Environmental reporting was originally carried out using regular mail to transmit paper-based data and other information reporting. The advent of the internet opened up opportunities for e-reporting to replace paper-based reporting. Initially this enabled transmission via email and then, since the early 2000s, web-based reporting. Current developments are continuing around web-based reporting. Figure 1.1 provides a timeline of changes in the format and medium of reporting.

Figure 1.1: History of reporting



Paper based reporting >> Electronic data reporting

Source: EEA (nd). What is Reportnet?

The Inventory of Reporting Obligations indicates that electronic reporting is explicitly supported for at least 56 of the 180 reporting obligations identified. However a significantly higher number will make use of e-reporting in practice.

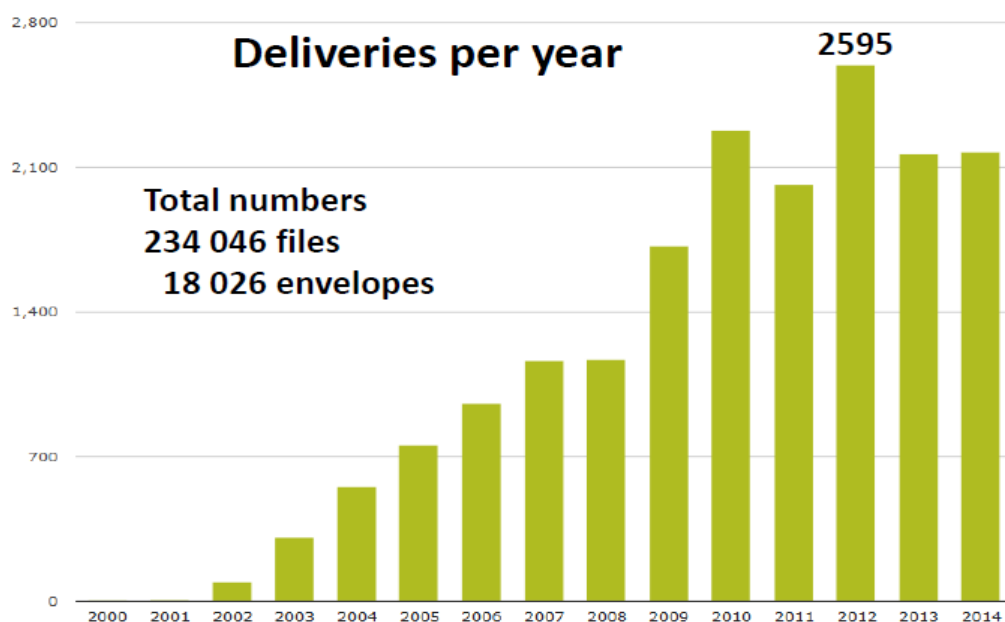
The establishment of Reportnet³⁰⁰ by the EEA in 2002, was the catalyst for a shift from predominantly email-based reporting to web-based reporting. Reportnet provides an inter-related set of tools and processes delivered via the internet. It was initially used for reporting environmental data to EEA, but now also hosts some of DG Environment reporting tasks and is the currently the dominant reporting mode.

In an analysis³⁰¹ of reporting requirements and complaints procedures it was found that 20 out of 30 Directives/Regulations reviewed make use of electronic reporting systems with Reportnet used in 75% of such instances. Figure 1.2 shows the rapid increase in activity via Reportnet since its launch in 2002.

³⁰⁰ <https://www.eionet.europa.eu/reportnet>

³⁰¹ Moore Stephens (2014). Analysis of Reporting Requirements and Complaint Procedures. Draft Final Report. European Commission. 07.010211.00.04/2014/ENV.SRD.1/SI2.675250

Figure 1.2: Scale of Reportnet use



Source: EEA (nd). What is Reportnet

However, even for those reporting obligations where Reportnet is available, it is not fully utilised. The research³⁰² found that even when Reportnet is available, some Member States chose to report hard copies and/or via email, but in no instances was reporting only paper-based. For example, the END REFIT found that a majority, but not all MS use Reportnet.

Further, in some instances it was found that paper-based reporting still persists. The EPRTTR REFIT evaluation found that the majority of Member States use electronic systems for submitting EPRTTR data, but there are still cases (Brussels region in Belgium and Greece) where there is no electronic reporting tool and data are reported on paper. Some Member States have both paper and electronic systems.

More recently, more advanced web-based reporting systems have been developed, based on principles of data-sharing and bring better integration of all facets of reporting-related activities. A notable example is the Water Information System for Europe (WISE) (see Box 1.1).

The Water Information System for Europe (WISE)

WISE was developed as a result of the Water Framework Directive (WFD) which advocates an integrated and holistic approach to water management. It covers monitoring and reporting of all water-related legislation including the ones adopted later (e.g. the Flood Risk Management Directive²⁷), but goes beyond that. WISE looks at ways of streamlining legislative reporting with the EEA's state-of-the-environment data flows. Since it was launched in 2007, it has:

- moved to electronic reporting only, getting rid of paper reporting;

³⁰² Moore Stephens (2014). Analysis of Reporting Requirements and Complaint Procedures. Draft Final Report. European Commission. 07.010211.00.04/2014/ENV.SRD.1/SI2.675250 (ICF analysis of raw survey data)

- harmonised electronic reporting to build comparable publicly accessible EU datasets;
- streamlined with State of the Environment reporting to avoid duplication and ensure complementarity – "provide once, use often";
- stimulated the development of national information systems (Sweden, France, Spain, Austria, Ireland...).

In particular, the reporting under the second river basin management plans (March 2016) is a state-of-the-art example of what can be achieved by effective collaboration between all partners.

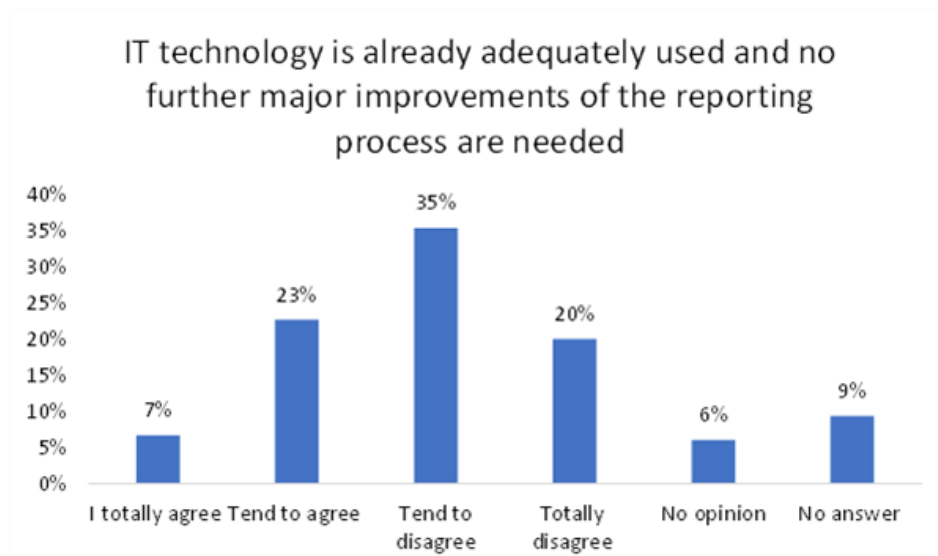
For more information: <http://water.europa.eu>

Current Issues and problems

Whilst reporting has clearly taken advantage of developments in IT (and technology more broadly), and both legislative and non-legislative initiatives are seeking to further capitalise on this, there remain a number of issues that need to be addressed – both with the current reporting system and the new systems made available through IT and other technological developments.

Respondents to the Public Consultation indicated that insufficient use of IT was made within environmental reporting (across collection, processing and dissemination), with 55% either 'totally disagreeing' or 'tending to disagree' that IT was adequately used (see Figure 1.3).

Figure 1.3 Public consultation Q5.1



Source: Environmental Monitoring and Reporting Fitness Check Public Consultation

With regard to current e-reporting processes, a number of issues have been raised in recent REFIT evaluations (e.g. END and Nature Directives) and in stakeholder responses to this REFIT evaluation and the Make it Work initiative. These can be summarised as:

- Tools are sometimes launched whilst elements of them are still under development and are therefore not fully functioning
- There are ongoing technical problems with the tools and platforms used; this includes constraints caused by insufficient capacity of EEA Reportnet;

- Low level of user-friendliness
- Incomplete guidance

The integrated nature of emerging web-based reporting solutions bring broader challenges around data management and interpretation, which were less relevant under the previous, narrower e-reporting approaches.

There is a notable divergence of approaches currently in use, covering the full range of the spectrum of reporting approaches summed up previously in Figure 1.1 – across Member States for a given area of legislation, and across areas of legislation. It must be recognised that the adoption of new technologies and systems can create significant investment costs, both for the EU and MS. It is important the adoption of technologies serves to enhance the achievement of the objectives of reporting and takes account of its principles. There is a need to ensure that it is demand-driven rather than supply-driven and that it is recognised that more sophisticated reporting systems can increase cost burdens (as well as reduce them – see next section). These costs may be relatively more significant for smaller Member States where fixed costs are high. Evaluation of the implementation of INSPIRE has found that there are significant resource implications (e.g. the specialised technical human resource requirements) on data providers of complying with the Directive³⁰³.

There is a risk that further divergence in the scope and sophistication of reporting systems used by Member States could begin to undermine the efforts of the 'early adopters' and prohibit the realisation of the benefits that more sophisticated approaches can bring.

Costs and benefits of current situation

Costs

Each of the reporting process steps requires resources and generates costs – how monitoring and reporting is organised therefore has implications for the nature and scale of the costs at each of these steps.

Overall, it can be considered that the evolution of the reporting system (as shown earlier in Figure 1.1) has meant that the time taken to report has greatly reduced, and hence the administrative burdens of reporting at MS level, as well as the time taken by the EEA and Commission to compile, process and analyse data at EU level.

There is a very wide spread of administrative burdens among different items of legislation, ranging from zero to millions of euro annually (see Annexes 2 and 3 for further details on assessment methods and estimates by item of legislation).

These costs include:

- **The costs of time taken to fulfil reporting requirements** – including the collation, processing, quality checking and transmission of data, and the preparation of reports by MS, the EEA and EC;
- **The costs of developing and maintaining systems for reporting**, at both EU and MS level. Advances in IT have led to the development of more sophisticated and often automated systems for reporting and data transfer. There have been substantial investments in these systems at EU and MS level, both in terms of capital investments in systems development and in annual maintenance;

³⁰³ EEA (2014). Mid-term evaluation report on INSPIRE implementation. EEA Technical report No 17/2014

- **Outsourcing costs**, such as the costs of consultants' time in processing and synthesising reports at EU level.

As such, whilst e-reporting has helped to drive down unit costs of reporting, particularly around the collation and transmission steps of the process, it has resulted in an increase in costs to deliver the supporting actions, notably systems and outsourcing costs

For many items of legislation, the systems for environmental monitoring and reporting have developed significantly in recent years, reflecting advances in information technology. This has enabled greater automation of the processing and sharing of data on environmental quality and emissions. These developments have greatly enhanced the ability to share environmental data between Member States, the EEA and Commission, and to make information available to the public.

Development of systems for monitoring, reporting and data sharing have required significant levels of investment at EU and Member State level. For example, the EEA reports that it invested in the region of €1m in the development of the new centralised Air Quality e-reporting database, with the majority of this cost incurred in software development by contractors. In addition, the EEA incurs additional costs in the maintenance and development of the system annually. These system costs may be expected to decline over time as the system becomes more established and less time is needed to manage it.

Significant costs are also incurred at MS level in maintaining reporting systems. For example, the German Federal Environment Agency estimates annual costs in the region of EUR 100,000 for maintenance of the IT system needed to maintain the reporting system for the E-PRTR and Industrial Emissions Directive. The costs are shared between the federal government and the Länder authorities and the work is conducted by an external consultant. The maintenance costs enable ongoing adaptation and improvement of the software, which was recently upgraded from MS Excel to a more modern system.

The EEA has provided estimates of the central IT and administrative costs attached to reporting activities of each of the European Topic Centres. The figures are based on average expenditures between 2014 and 2016, as well as associated staffing and IT costs. They indicate that the Agency incurs annual costs in the region of EUR 4.5 million on reporting activities. The figures indicate that the EEA's IT costs related to reporting average around EUR 2 million annually.

Benefits

The role of environmental reporting is to enable the collation of data that provides evidence on the implementation and impacts of EU environmental policy. This is a critical part of Better Regulation and ensures that evidence-based actions can be taken.

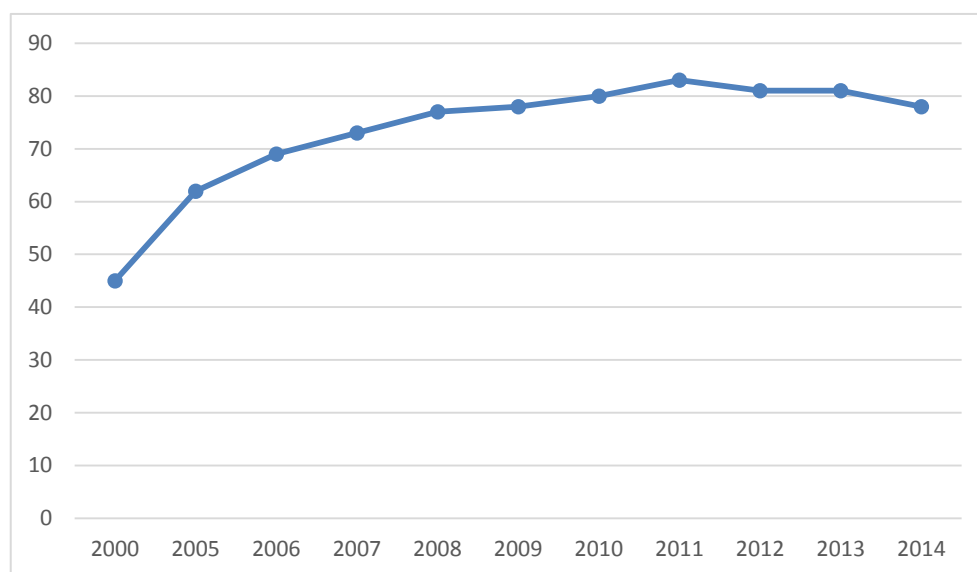
E-reporting has provided for both efficiency and effectiveness benefits.

- The process of data collation and transmission has become more efficient with each new development in e-reporting
- The need for manual manipulation of data has reduced with each new development in e-reporting, reducing the opportunities for human error.
- Ever larger volumes of data can be transmitted, increasing the opportunities for more detailed and powerful analyses
- Most recently, the opportunity to harvest data and obtain near real-time access provides benefits, particularly for reacting to events (e.g. pollution events, natural hazards).

The completeness and quality of Member State reporting has improved over the last ten years. This coincides with the advent of e-reporting, primarily through Reportnet. There is a positive correlation between reporting activity through Reportnet (see Figure 1.2) and performance (Figure 1.4). This supports a causal claim of e-reporting enhancing reporting performance, but it should be noted that many other factors also effect Member State performance.

Figure 1.4 shows the reporting performance of EEA member countries for the EEA's priority data flows. A result of 0% means that no data have been delivered at all, and a result of 100% means that complete data sets for all areas have been delivered on time. To calculate these scores, the scores from all priority data flow areas are summed up for each country and then expressed as a percentage of the country's maximum score, and then an overall average taken.

Figure 1.4: EEA Priority Data Flows – Reporting performance of EEA member countries (performance score: %)



Source: EEA (2015). Eionet priority data flows. May 2014–April 2015. ISSN 1830-7701

The benefits of Reportnet – an example for the Environmental Noise Directive

The use of Reportnet by most MS under the END helps to promote an integrated approach to environmental reporting, since national authorities are using Reportnet as the reporting system to submit data and information to the EC in respect of other environmental Directives. For instance, national CAs can use their Eionet username in order to access the Central Data Repository (CRD) within the Reportnet. Using the same system to report on different Directives is more efficient than developing different IT systems for different Directives.

The use of Reportnet by the majority of MS since 2009 has helped to strengthen the efficiency of END reporting, since there would be inefficiencies if MS used different methods of submitting SNMs and NAPs (e.g. due to the need for manual data entry)

However, it should be cautioned that issues with Reportnet were also raised.

Source: END REFIT Evaluation

More recently, the adoption of integrated web-based systems have brought wider benefits to all aspects of reporting and related objectives, such as improving access to

environmental information for citizens. These developments are discussed in more detail in the next sections.

Developments since 2010

There have been a number of developments in reporting at both EU and Member State level, including both broad, cross-cutting developments and those which are legislation-specific. Prominent examples are identified below:

E-Reporting has been enhanced in a number of specific thematic areas of legislation. WISE, launched in 2007, is already outlined in Box 1.1. Other prominent developments include:

- Reporting and mutual exchange of information under the Ambient Air Quality Directives³⁰⁴ is organised via a dedicated internet interface, i.e. the so-called 'air quality portal'³⁰⁵. This utilises a state-of-the-art electronic reporting approach by which air quality information is made available in a standardised, machine-readable and INSPIRE compliant form. The approach is explicitly geared towards streamlining the amount of information made available by Member States, to maximise the usefulness of such information and to reduce the administrative burden. The associated reporting tool is also used to check consistency of information, data quality and to aggregate primary data
- EMODnet and WISE-marine: The European Marine Observation and Data Network (EMODnet)³⁰⁶ harvests and holds marine data from Member States. It provides an important driver for a common approach, and INSPIRE-compliant approach, to reporting for the Marine Strategy Framework Directive (MSFD) and will integrate with WISE-marine. WISE-marine is currently under development. It is an extension of WISE (see Box 1.1) and will be part of a Shared Environmental Information System (SEIS) that will offer Member States a common platform to facilitate their reporting, and will provide public access to this data.
- THETIS-S: Is a dedicated Union information system, developed and operated by the European Maritime Safety Agency. It has been available to Member States since 1 January 2015. The system serves as a platform to record and exchange information on the results of individual compliance verifications under Directive 1999/32/EC (the Sulphur Directive). Member States are encouraged to use the system in order to rationalise and optimise the assessment of compliance with the requirements of the Directive. The information system can be used by MS to fulfil their annual reporting obligations under the Directive, using latest technologies to keep administrative burden to a minimum. Use of the system is optional, leaving flexibility to those Member States which prefer to report in a more traditional way³⁰⁷.

More generally, the Commission has developed two open data portals:

- The European Open Data Portal (ODP): since 2012, the ODP has provided access to information, including environmental information, from the institutions and other bodies of the European Union that are collected and published by the European Institutions.

³⁰⁴ Commission Implementing Decision 2011/850/EU

³⁰⁵ <http://www.eionet.europa.eu/aqportal>

³⁰⁶ <http://www.emodnet.eu>

³⁰⁷ Source: Commission Implementing Decision (EU) 2015/253 of 16 February 2015 laying down the rules concerning the sampling and reporting under Council Directive 1999/32/EC as regards the sulphur content of marine fuels; and <http://www.emsa.europa.eu/main/air-pollution/sulphur-directive.html>

- The European Data Portal (EDP) harvests metadata from public sector portals throughout Europe, as well as from the ODP; available in beta mode since November 2015.

A number of other related initiatives are ongoing, which are outlined in the next section on 'current initiatives'.

Current initiatives

While a number of actions are ongoing at specific thematic and legislative levels, there are a small number of critical cross-cutting initiatives which are driving forward opportunities for developments in e-reporting. They provide the framework for sharing environmental information, including data obtained from environmental monitoring and reporting activities, and for the coherent development of more specific tools such as those identified in the previous section and the systems being developed by Member States.

These will provide benefits for the full range of reporting activities and reported related needs – for example, both the satisfaction of reporting obligations requiring MS to transmit data to the EU, but also the requirements to provide better access to environmental information for citizens.

The Access to Environmental Information Directive

The Aarhus Regulation ((EC) No 1367/2006) addresses the "three pillars" of the Aarhus Convention³⁰⁸ - access to information, public participation and access to justice in environmental matters. The first of these pillars is addressed in the Directive on public access to environmental information³⁰⁹. The definition of 'environmental information' in the Directive encompasses information in any form on the state of the environment or on the state of human health and safety. The Directive requires that:

- Public authorities make environmental information available proactively.
- Members of the public are entitled to request environmental information from public authorities.

It provides a legislative driver for active dissemination. An evaluation of the Directive³¹⁰ concluded that:

- The Directive has substantially improved access to environmental information on request.
- The emergence of an 'information society', with an emphasis of wide access requires a rebalancing of emphasis from information-on-request to active and wide dissemination.
- Most Member States offered public access to information via online portals and websites, but further efforts were required to better structure data for active

³⁰⁸ The United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters; adopted on 25 June 1998

³⁰⁹ 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 (repealing Council Directive 90/313/EEC)

³¹⁰ European Commission (2012). REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT ON THE EXPERIENCE GAINED IN THE APPLICATION OF DIRECTIVE 2003/4/EC ON PUBLIC ACCESS TO ENVIRONMENTAL INFORMATION. COM(2012) 774 final

dissemination i.e. through implementation of Structured Implementation and Information Frameworks (SIIFs).³¹¹

INSPIRE

The INSPIRE Directive³¹² was adopted in 2007. It sets technical standards for the interoperability of spatial data. It seeks to take advantage of the opportunities created by IT to create a European Union (EU) spatial data infrastructure and enable the sharing of environmental spatial information among public sector organisations and better facilitate public access.³¹³ This is now more widely endorsed in the Digital Single Market agenda³¹⁴.

Shared Environment Information System (SEIS)

SEIS³¹⁵ was proposed in 2008. The goal of SEIS is to establish a network of public environmental information providers that share their environmental data and information through a decentralised but integrated, web-enabled system. IT is a core element of the SEIS, with adoption of tools such as sensors, satellites, interactive map services, web services and mobile applications. Prominent examples of SEIS include interactive map viewers such as the Water Information System for Europe (WISE) and the Biodiversity Information System for Europe (BISE). The EEA considers³¹⁶ that some countries are fairly advanced in implementing SEIS, while others need to take significant steps and that most countries are up-to-date with the new opportunities offered by modern ICTs.

SIIFs

The European Commission has introduced Structured Implementation and Information Frameworks (SIIF) as a means of information management to implement the INSPIRE and public access to environmental information directives. SIIFs aim to guide the development by Member States of consistent and transparent information systems that track implementation of environmental law on the ground and make this information accessible online.

Since 2012, the European Commission has run a pilot programme under the Urban Waste Water Treatment Directive (UWWTD, 91/271/EC) to improve reporting processes and data dissemination towards the public by the development of Structured Implementation and Information Framework (SIIF). It is intended that improved data management will contribute to better implementation of the Directive and reduction of administrative burden, as well as allowing efficient fulfilment of requirements under the INSPIRE Directive (2007/2/EC) and Directive on public access to environmental information (2003/4/EC). So far several EU Member States have been involved in the development of national UWWTD SIIF, including the development of improved IT systems and websites on urban waste water data. The Commission is also working with the European Environmental Agency to improve the way to organise and disseminate the information at EU level

³¹¹ The SIIF concept introduced in the 2012 Implementation Communication (COM(2012)95) Improving the delivery of benefits from EU environment measures: building confidence through better knowledge and responsiveness

³¹² 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) (for more details, see <http://inspire.ec.europa.eu/>)

³¹³ The Directive aims to address problems with: missing or incomplete spatial data, incomplete descriptions of spatial data, difficulty to combine different spatial data sets, inaccessibility of spatial data and various barriers to data sharing.

³¹⁴ See European Interoperability Framework in COM(2015)192

³¹⁵ COM(2008)46 of 1 February 2008

³¹⁶ Based on 50 'SEIS Country Visits' by the EEA since 2007 to its member and cooperating countries, and to its European neighbours. <http://www.eea.europa.eu/about-us/what/seis-initiatives#toc-1>

Copernicus

Copernicus, and the advances in earth-observation techniques that it represents, is an example of where the potential remains largely unexploited. However, this is as much about the process of monitoring and data collection as it is reporting.

At the September 2016 workshop³¹⁷ stakeholders identified that Copernicus could provide new ways of collecting data, thus potentially reducing the burden of reporting. Specific suggestions received from stakeholders in responses to this study included: satellite data could be used to track land use change as part of monitoring of Natura 2000 sites (source: Birdlife International); satellite data could be combined with other forms of data collection to enhance information (and improve efficiency) for air quality reporting (source: Netherlands).

The successful implementation of the INSPIRE Directive is recognised as an important component in enabling the use of such earth-observation techniques, as remote sensing data often need to be combined with spatial data to add value and context. This linkage is formally recognised – according to the Copernicus Regulation, the data and service policy as well as the implementation of the services have to conform with INSPIRE rules. Reciprocally, implementing INSPIRE in a way that it serves Copernicus is therefore important³¹⁸.

MS-level initiatives

In certain Member States, electronic platforms have been developed to facilitate data collection at national level. Investment in such platforms has helped to streamline processes and reduce the time dedicated by Member States to reporting, and the associated administrative burden. Examples include:

- Enhanced use of ICT systems – including examples of good practice in online reporting/ webforms, improved information and reporting systems at MS level (e.g. Ireland), enhanced reporting formats;
- Integrated information systems which address the reporting needs of different Directives, thereby reducing duplication of efforts and associated administrative burdens, as well as enhancing public access to environmental information (e.g. Ireland, France, Netherlands);
- Centralised dashboards, searchable databases and web portals (e.g. Flanders' Geopunt) for citizens and EU institutions; and
- Coordination of Member States reporting processes within one single organisation, particularly for shared resources and transboundary issues (e.g. HELCOM for the EU Marine Strategy Framework Directive).

Potential future changes

It is notable that despite ongoing developments in certain Member States and at EU level, the potential for adapting national systems to the developments in the field of digital technologies seems only tapped to a limited degree and more benefits could be reaped from expanding the scope of existing ICT to other reporting requirements.

- The advent of open-data policies and the continual advance of IT and other technologies will continue to opportunities for change.
- Wider adoption of SIIFs and integration of data uses under SEIS platforms
- Data harvesting and active dissemination

³¹⁷ 3rd Stakeholder Workshop on the Fitness Check on Environmental Monitoring and Reporting (26-28 September 2016. Workshop Meeting Note

³¹⁸ INSPIRE evaluation

- New approaches for environmental monitoring, made feasible by improved IT and technology that need to be applied to the needs of environmental monitoring and reporting e.g. integration of citizen science monitoring programmes; further development of the policy applications of technology enabled monitoring programmes e.g. Copernicus

In addition to the above changes focussed on the further evolution of monitoring and reporting, there are also a number of smaller changes which may be taken to address issues present within the existing systems and processes to ensure that reporting systems are fit for purpose in the short term.

Potential costs and benefits of future change

System investment and maintenance costs

More sophisticated systems and use of IT present a demand for more complex software design and maintenance and increase use of staff (and/or contractors) with specialist skills. As outlined earlier, such costs can be significant.

Administrative cost efficiencies

More sophisticated systems support the continuing march of automation in monitoring and reporting. As levels of automation increase so the time requirements for each part of the reporting process decrease – time, and the labour costs associated with it, is a major variable that drives the scale of administrative burden for any given reporting obligation.

Some elements of the reporting process will remain e.g. quality assurance, regardless of the reporting system used, although increased automation may assist in reducing errors and improving the efficiency of quality checking processes.

Notably, increased capacity (be it computing or labour) is often used to expand what can be achieved, rather than banked as an efficiency saving e.g. to obtain more, better data. Improvements in cost efficiency may therefore have a more marked effect on the costs per unit of data reported than on the overall cost of reporting.

More and better data and analyses

More sophisticated systems have the capacity to bring in and make better use of new/underutilised monitoring approaches (e.g. citizen science, Copernicus), enable the transmission of ever larger datasets with ever small time lags, and support the EU-wide adoption of common data standards.

Independently and together these different facets can provide for more sophisticated, detailed, timely and coherent analyses that can improve the quality of the evidence base available for environmental policy decision makers.

Wider access to environmental information

Combined with open data policies, emerging reporting approaches, such as those built around SEIS, can provide the public (e.g. NGOs, scientists/researchers, citizens) with greater access to environmental information. There remain challenges in ensuring that this is actually translated into an improved understanding of the environment, and the frameworks placed to guide the development of systems are an important element of overcoming these. Ultimately this can support the EU's efforts to increase transparency and accountability towards its citizens, and provide its citizens and other communities (e.g. researchers) with the information they need to make better decisions in their own lives.

Barriers, constraints and opportunities for future change

Even within the existing approaches for electronic reporting there remain a number of weaknesses in how tools are implemented and used, such as technical problems with operation, low levels of user-friendliness and incomplete supporting guidance.

In seeking to take advantages of advances in technology it is important to ensure that new approaches are fit-for-purpose – both in their specification and how they are ultimately used.

It is important that the adoption of technologies serves to enhance the achievement of the objectives of reporting and takes account of its principles. There is a need to ensure that it is demand-driven rather than supply-driven. There is a need for the technology, the reporting and the policy making communities to work together to ensure that this is achieved.

It must be recognised that more sophisticated reporting systems can increase cost burdens, which may be relatively more significant for smaller MS in situations where fixed costs are high. Developments must ensure that they deliver genuine efficiency benefits, taking account not only staff time but also the costs of IT and systems maintenance.

It is notable there is a wide divergence in the sophistication of reporting systems used by Member States (and their regional authorities) and other parties. Ongoing efforts are required to support all Member States in the investment and adoption of enhanced e-reporting approaches. A growing inequality in the capacity of reporting systems would potentially prohibit realisation of on the benefits of more advanced systems; and may even undermine existing efforts where it results in a reduction in the comparability of information received from Member States.

2 The Timing of Reporting

Introduction

The issue of timing plays an important role in determining the effectiveness, efficiency and coherence of the reporting system. Relevant dimensions include:

The frequency at which reporting is required, as specified in the legislation; and

The timeliness of the reporting process, in terms of the time taken to fulfil reporting obligations and hence the currency of the information reported.

Overview of current situation

Frequency

The timing of reporting obligations varies widely across the environmental acquis.

Information in the reporting obligations inventory reveals that 81 reporting obligations require the Member States to regularly report to the Commission while 97 of the reporting obligations were either one-off or ad-hoc requirements. A one-off reporting obligation is for instance a requirement to transmit the list of competent authorities dealing with the legislation, which was the case for instance under the Invasive Alien Species Regulation³¹⁹ or the Access and Benefit Sharing Regulation³²⁰. Other examples include when the Member State needs to notify the Commission on exemptions or penalties. Examples of ad-hoc reporting obligations include those requirements where the reporting is linked to the occurrence of a specific event. For instance, if a Member State decides to limit any incoming shipments of waste destined to incinerators that are classified as recovery under the Waste Framework Directive³²¹ it needs to notify the Commission.

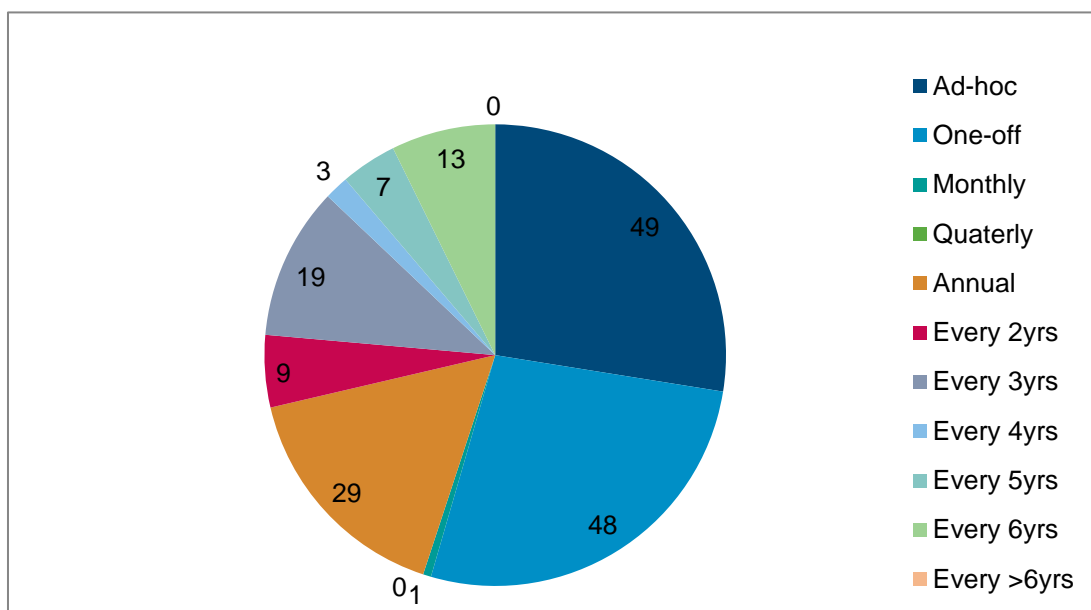
Figure 2.1 presents the full overview of the frequency of reporting which also sub-categorises the regular reporting obligations. As indicated above the one-off and ad-hoc reporting obligations cover almost two-thirds of the reporting obligations. Out of the 79 regular reporting obligations the largest category is annual reporting obligations, but with more than half having reporting periods of more than two years, including a significant number (particularly in the water legislation) having a 6-year cycle.

³¹⁹ EU Regulation (EU) No. 1143/2014 on Invasive Alien Species

³²⁰ Regulation No 511/2014 of the European Parliament and of the Council on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union

³²¹ Directive 2008/98/EC on Waste Framework

Figure 2.1: Frequency of reporting



There are good reasons why the timing of reporting may vary between different items of legislation. Differences in timing may reflect, for example:

Differences in the purpose of reporting. Where reporting focuses on the state of the environment, there is a demand for frequent reporting of environmental information, often on an annual basis. This is the case, for example, for bathing water quality and air quality. Similarly, numeric reporting of progress towards targets (e.g. in relation to waste recycling) is also amenable to frequent reporting, often focusing on annual statistical data. On the other hand, reporting on implementation of legislation is often less frequent, particularly for those items of legislation with extended implementation timetables;

Differences in policy cycles. Particularly for implementation of legislation, reporting may be aligned to the policy timetable, often reflecting deadlines set in the legislation itself. For example, reporting under the Water Framework Directive is aligned with requirements in the Directive for the completion and revision of River Basin Management Plans and Programmes of Measures.

Increasing the frequency of reporting also increases the time demands and administrative burdens of the reporting process (except in fully automated reporting systems). On the other hand, reporting needs to be sufficiently frequent to provide up-to-date and policy relevant information. An efficient reporting system will therefore balance the costs of more frequent reporting with the benefits of improving the timeliness of the data. Such a system is likely to involve reporting more frequently for some items of legislation than others, where it is cost effective to do so and where the pace of change is such that frequent reporting is justified.

Analysis of the timing of reporting obligations indicates that there are often significant differences in timing even for related items of legislation. For example Table 1 below, summarises the timing of reporting for water-related legislation.

Table 1: Timing of Reporting against water related legislation

Directive	Reporting obligation	Frequency	Last deadline for reporting
Directive 2000/60/EC establishing a framework	Programmes of Measures	Every 6 years	22 December 2012

for Community action in the field of water policy	River Basin Management Plans	Every 6 years	22 March 2010
Directive 2008/105/EC of the European Parliament and of the Council on environmental quality standards in the field of water policy (consolidated version)	Report on monitoring of substances included in the Watch List	Annual	N/a
Directive 2007/60/EC of the European Parliament and of the Council on the assessment and management of flood risks.	Preliminary Flood Risk Assessment and Areas of Potential Significant Flood Risk	Every 6yrs	22 March 2012
	Flood Hazard Maps and Flood Risk Maps	Every 6yrs	22 March 2014
	Flood Risk Management Plans	Every 6 years	22 March 2016
Council Directive 98/83/EC on the quality of water intended for human consumption.	Report on Quality of Water for Human Consumption	Every 3 years	28 February 2015
Directive 2006/7/EC concerning the management of bathing water quality	Monitoring and Classification of Bathing Waters	Annual	31 December 2015
Council Directive 91/271/EEC concerning urban waste-water treatment.	Information on monitoring results Situation report on the disposal of urban waste water and sludge in MS areas	Every 2 years	30 June 2014
Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural source.	Monitoring and implementation report	Every 4 years	30 June 2012
Directive 86/278/EEC on the protection of the soil, when sewage sludge is used in agriculture.	Report on the use of sludge in agriculture: the quantities used, the criteria followed and any difficulties encountered	Every 3 years	30 September 2013

Source: Reporting obligations inventory

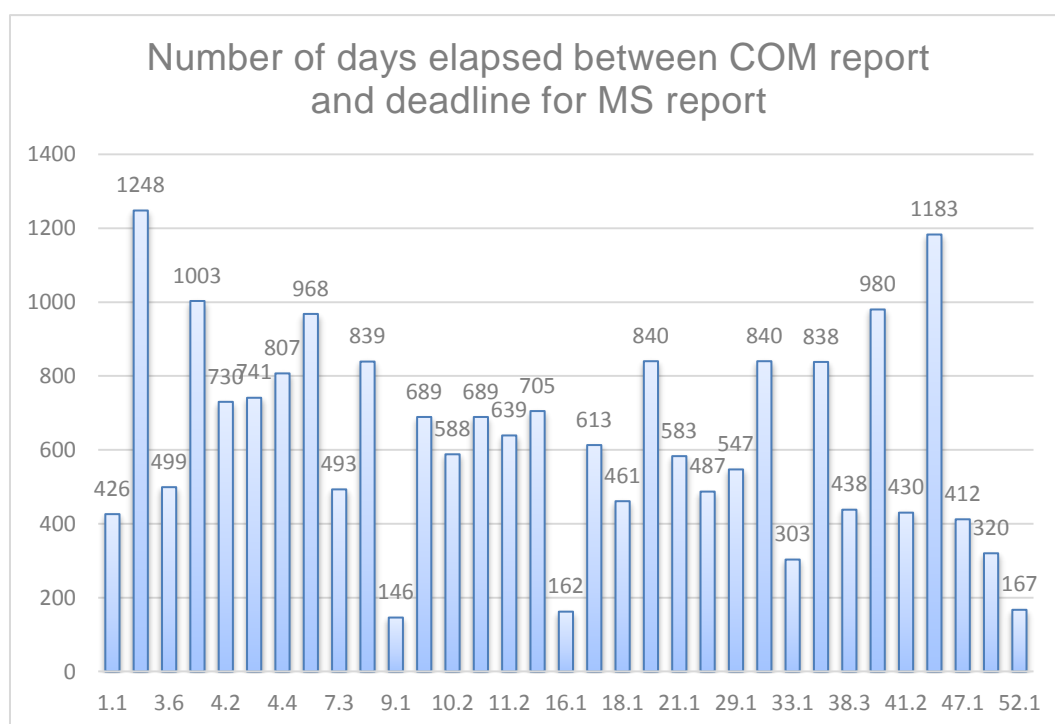
Timeliness

A measure of the timeliness of reporting is the duration between the date of the most recent Commission report and the deadlines of the Member State reports on which this Commission report was based. With these two figures it was possible to calculate the number of days that elapsed between these two dates.

Figure 1.2 indicates the time elapsed between the Member State report deadline and the date when the Commission published its report for those 33 ROs where reliable information was available. Based on this information the average number of days elapsed between the Member State report and the Commission report was 631 days, i.e. more than 1.5 years. The longest time was required for the Strategic Noise Maps under the Noise Directive (no. 3.5), while the classification of bathing waters under the Bathing Water Directive (no. 9.1) was the fastest.

Nevertheless, there are some **important caveats** which need to be mentioned. Out of the 78 reporting obligations, reliable information on these dates was first identified for 38. Nevertheless, as in some cases multiple reporting obligation requirements for Member States are used in the same EC report there were some duplicate time delay figures. These were removed and led to identification of 33 time figures. Furthermore, it should be kept in mind that even though the inventory records the deadline for the MS reports, in many cases the reports from some Member States might have been submitted at a later date (or in some cases not at all). The Commission experts noted that in many cases at least some Member State reports were delayed. In addition, the complexity of the reported information, or variability in its quality, also has an impact on the time delays. The Commission experts noted that in many cases there is a need for a consistency check, or for additional analysis, or a public consultation, to be undertaken by the Commission, or for external consultancy to be used in order to analyse the information; and this further delays the publication of the Commission report. Further explanations for delay may be the internal procedures required to secure college approval of reports, particularly if accompanied by policy proposals, or the potential for reports to be caught up in the timetable for review of the policy, including through REFIT.

Figure 1.2: Time elapsed between the MS reporting and the EC reporting (no. of days)



Nevertheless, the figure indicates that many items of legislation have experienced a delay of more than two years between the deadline for Member States reporting to the Commission and the Commission releasing its report. Whatever the reason for them, such delays affect the timeliness and the relevance of the information reported at EU level.

The strikingly high results for the analysis of the delay between Member State reports in principle becoming due, and Commission reports in practice being published, is likely to reflect a number of reasons, but delays in or incompleteness of Member State provision of information clearly play a significant part. The underlying reasons may be many, for example, a lack of prioritisation in Member States, difficulty in generating the information, a lack of clarity on information requirements, a lack of effective Commission pressure to produce the information, delays internally in the Commission in using the information, and in some cases a simple lack of realism on the part of the legislator on the speed with which the Commission would be able to assimilate and analyse the information, and the resources which could be devoted to it. The practical result is the same: a reduced value from the reporting as a result of a delay in its use. Improved design of reporting obligations, aimed at maximising simplicity in meeting them by Member States, and ensuring that the reports have a clear value in policymaking terms at national level, may be one approach to overcoming this. In relation to the rationales for reporting obligations identified in the preceding section, however, asking Member States themselves to report on the effectiveness of their implementation may not create an effective alignment of incentives.

In order to better understand the nature of delays, the timeliness of Member State reporting was further assessed. Information about Member State reporting submissions was collected from the EOINET Reporting Obligation Database (ROD), the platform where Member States upload their submissions. These submission dates under specific reporting obligations linked to Commission reporting were recorded and with the respective deadlines the delays were estimated for each Member State. As Member State submissions on the EOINET are not made according to any specific formula it was challenging to determine how complete and robust each submission is. In many cases, submissions are delivered in multiple files, some with different time coverage, geographical coverage and/ or scope. In other cases, submission of these files spreads across a period of time; MS submit a part of their reporting requirements prior to the reporting deadline (or on-time), but then take time to complete it that results in a late submission. Some entries have a resubmission or revision request added to them. In some cases, no submissions with relevance to the most recent reporting deadline were made.

The submission delays of Member States are presented in Figure 1.3 and Figure 1.4 for the Strategic Noise Maps under the Noise Directive³²² (reporting obligation no. 3.5) and the classification of bathing waters under the Bathing Water Directive³²³ (reporting obligation no. 9.1), respectively. As indicated above, these two reporting obligations were the most delayed and most timely in terms of the time elapsed between the Member State report deadline and the date when the Commission published its report for those. With regard to the Strategic Noise Maps it is clear that some of the Member States were very delayed which has important implications on delivering the Commission report in a timely manner. On the other hand, the reporting obligation relating to the classification of bathing waters seems to be delivered to a large extent before the submission deadline with only few minor delays.

³²² Directive 2002/49/EC relating to the assessment and management of environmental noise

³²³ Directive 2006/7/EC concerning the management of bathing water quality

Figure 1.3: Delay in Member State submission of information under the Noise Directive relating to the assessment and management of environmental noise (reporting obligation 3.5 in the inventory)³²⁴



* Negative entries denote submissions ahead of the deadline.

** Reliable information was not available for Cyprus, Greece, Italy, Latvia, Romania, Slovenia and the United Kingdom.

Figure 1.4: Delay in Member State submission of information under the Bathing Water Directive relating to the monitoring and classification of bathing waters (reporting obligation 9.1 in the inventory)³²⁵

³²⁴ Entries based on the information available under the Deliveries tab for each piece of legislation on the EIONET ROD website.

³²⁵ Entries based on the information available under the Deliveries tab for each piece of legislation on the EIONET ROD website



* Negative entries denote submissions ahead of the deadline.

** Reliable information was not available for Germany, Greece, Lithuania, Luxembourg, Poland and Portugal.

Current Issues and problems

The analysis above demonstrates the wide range of frequencies in reporting against environmental legislation, often in related areas of the environmental acquis. It is not always clear whether these differences arise for good reasons (i.e. because the optimum reporting frequency is judged to vary between different pieces of legislation) or is the result of historical anomalies. Differences in reporting frequencies increase the overall complexity of the system, but are not necessarily problematic if they are underpinned by a sound rationale.

The analysis of time delays in reporting suggests that much could be done to enhance the timeliness of reporting in some areas of legislation, and hence the overall effectiveness and efficiency of the system.

Costs and benefits of current situation

The frequency of reporting is a key parameter in the Standard Cost Model, directly affecting the administrative burdens of reporting. Other things being equal, a reduction in the frequency of reporting will result in a proportionate reduction in administrative burden. The cost scoping fiches (Annex 3) therefore identify the frequency of each reporting obligation and incorporate this information in the relevant cost equations. On the other hand, more frequent reporting can help to provide more up-to-date data and therefore enhance the benefits of reporting. It follows that an efficient reporting system will optimise the frequency of reporting to ensure that the relationship between benefits and costs is optimised.

The timeliness of reporting is also a key determinant of the benefits the system delivers – unless data is sufficiently up to date the system will not be fit for purpose and will not

meet its objectives. Ensuring that reporting processes are efficient will help to contribute to timeliness and hence influence the overall effectiveness of the system.

Current and recent developments

Significant investment in reporting systems has taken place in recent years, which has significantly reduced the time taken to undertake some reporting tasks, and can be expected to enhance the timeliness of reporting in coming years.

Potential future changes

The table suggests that there is potential to reduce costs by reducing the frequency of reporting under some Directives, thereby aligning them with those which report less frequently.

However, this would need to be viewed against the potential loss of benefits from less frequent reporting, and in light of the information needs for the implementation of the relevant Directives. Reducing the frequency of reporting, while it could reduce costs, would only enhance efficiency if these cost savings outweighed the loss of benefits.

With regard to timeliness, ongoing process improvements should help to enhance the timeliness of information provision. In addition, a greater focus on active dissemination of environmental information offers the potential to accelerate the reporting process – providing data online makes it publicly available at an early stage in the process.

Potential costs and benefits of future change

The box below highlights the potential savings in costs that could be made by aligning reporting frequencies under the Urban Wastewater Treatment and Nitrates Directives with those of the Water Framework Directive.

Costs of reporting under the Urban Wastewater Treatment and Nitrates Directives

Analyses for this study (see fiches, Annex 3) estimate that biennial implementation reports under Article 17 of the Urban Wastewater Treatment Directive are likely to require average time inputs of 30 days per Member State every two years. In addition, an additional 60 days are estimated to be required for reporting by the EEA. For the Nitrates Directive, four-yearly implementation reports are estimated to require 100 days' input per Member State and a further 200 days at EU level. On the basis of these estimates, and using the Standard Cost Model and a daily average tariff of EUR 300, the administrative burden could be estimated to average around EUR 126,000 annually under the UWWTD and EUR 225,000 annually for the Nitrates Directive.

If the timing of reporting were reduced to every 6 years, as under the Water Framework Directive and Marine Strategy Framework Directive, and if it was assumed that the time required would be reduced in proportion to frequency, this would result in a two thirds reduction in the time and cost of reporting under the UWWTD and a one third reduction under the Nitrates Directive. On this basis the annual reduction in administrative burden would be EUR 84,000 under the UWWTD and EUR 75,000 under the Nitrates Directive.

These rough estimates show that cost savings would be possible by aligning the timing of reporting obligations under these Directives. However, this would need to be viewed against the potential loss of benefits from less frequent reporting.

Participants in the stakeholder workshops highlighted the scope to reduce administrative burdens by streamlining timing under the water-related directives. It was also argued, however, that synchronisation of reporting should take account of the capacity of the Member State authorities, and that there could be problems and resource constraints if everything had to be reported at once.

One of the problems of reducing the frequency of reporting is that the available information becomes increasingly outdated as the time elapsed since the last report increases. For example, the EEA told us that MSFD reporting is of limited value for the evaluation of the EU Biodiversity Strategy as the timelines are not synchronised for the two policy cycles. Reporting on the implementation of the MSFD follows a six year cycle, with the next round of MS reports not due until the end of 2018. When the current EU Biodiversity Strategy is evaluated, the latest available MSFD data will date back to the beginning of the period covered by the Strategy.

Barriers, constraints and opportunities for future change

Changes in the timing of reporting are likely to require legislative change.

However, the timeliness of reporting can be enhanced by process improvements and adoption of best practice, and will be facilitated by ongoing technological advances.

3 Key Performance Indicators

Introduction

An indicator is a quantitative or qualitative measure of how close we are to achieving a set goal, such as a policy outcome. The EC Better Regulation Guidelines stress that core indicators should be defined that enable assessment of progress against the main policy objectives. These indicators can be defined at different levels:

- Output indicators measure the specific deliverables of the intervention (such as site management plans, inspections, monitoring reports);
- Outcome/Result indicators assess the effects of the intervention with reference to those directly affected (such as sites achieving required emission limits or good environmental status);
- Impact indicators measure the broader effect of the intervention in terms of impact on the wider economy, society or environment (such as the overall state of air quality or water quality in the EU).

Tool #35 in the Better Regulation Toolbox provides more detailed guidance on monitoring arrangements and indicators. It stresses that indicators must be based on reliable and comparable data collected through sound monitoring systems, and be clearly and consistently defined. However, they can vary in detail depending on the type of initiative, the complexity of the intervention logic and the hierarchy of objectives for the intervention. To the extent possible, all indicators should be 'RACER':

- Relevant, i.e. closely linked to the objectives to be reached. They should not be overambitious and should measure the right thing.
- Accepted (e.g. by staff, stakeholders). The role and responsibilities for the indicator need to be well defined.
- Credible for non-experts, unambiguous and easy to interpret. Indicators should be simple and robust as possible.
- Easy to monitor (e.g. data collection should be possible at low cost).
- Robust against manipulation.

Key Performance Indicators (KPIs) are metrics used to assess overall progress against objectives. They are widely used to assess the performance of businesses, public services and individuals, as well as the delivery of public policy. Application of KPIs aims to select the most relevant set of headline indicators which together capture progress against objectives.

Monitoring and reporting obligations involve the collection and transfer of significant quantities of data and information about the implementation of the environmental acquis. The greater use of KPIs has the potential to reduce the amount of information demanded and hence to streamline reporting requirements. However, this requires careful consideration to ensure that reporting is not oversimplified and important information is not lost.

Overview of current situation

Key Performance Indicators (KPIs) play an increasingly prominent role in assessing the progress and impact of EU policy. DG Environment has adopted five KPIs in order to help to measure progress towards the achievement of its objectives. These five indicators, which are reported in the Annual Activity Report, are:

- KPI1: Resource productivity, measured as GDP (Gross Domestic Product) over DMC (Domestic Material Consumption) as a proxy for greening the economy, sustainable competitiveness and reducing environmental impacts of resource use.
- KPI2: Common birds population, as a proxy for the state of biodiversity and the integrity of ecosystems
- KPI 3: Exposure to Air Pollution: percentage of urban population resident in areas in which selected pollutants exceed daily limit values.
- KPI 4: Percentage of surface water bodies in good ecological status or with good ecological potential
- KPI 5: Residual error rate (RER), to reflect the degree of legality and regularity compliance.

KPIs 1-4 focus on the overall state of the environment, rather than the specific influence of environmental legislation, and DG Environment recognises that external factors often outside the DG's control also play a role³²⁶.

The Better Regulation Guidelines indicate the importance of indicators in assessing progress at different levels: outputs, results and impacts. Environmental monitoring and reporting obligations cover data at a variety of different levels in the driving force/ pressure/ state/ impact/ response cycle, but data from the reporting obligations inventory show that two thirds of obligations are primarily concerned with policy responses to environmental problems. The outputs, outcomes and impacts of policy interventions can all be taken to represent indicators of the effects of policy responses. "Results" indicators assess the effects of interventions in tackling environmental drivers and pressures, while "impact" indicators assess the resulting effects on the state of the environment.

This suggests that KPIs might address a range of outputs, outcomes and impacts, especially relating to the effects of policy responses and implementing activities. For example, the Urban Wastewater Treatment Directive (91/271/EEC, amended as 98/15/EEC) requires Member States to collect and treat urban wastewater, to require the treatment of industrial wastewater, and to monitor discharges of wastewater to ensure compliance with specified emissions limits. Member States are required to report every two years on the situation relating to the treatment and disposal of urban

³²⁶DG Environment Annual Activity Report 2015 -
http://ec.europa.eu/atwork/synthesis/aar/doc/env_aar_2015.pdf

wastewater and sludge. Relevant indicators include outputs (% of wastewater collected and undergoing different forms of treatment), results (changes in load of pollutants entering the marine and freshwater environment) and impact (changes in the state of marine and fresh waters).

Table 1: Potential Key Performance Indicators for Urban Wastewater Treatment Directive

	Indicator	Comment
Outputs	% of wastewaters collected % of wastewaters undergoing secondary treatment % of wastewaters undergoing more stringent treatment	These are the key measures of compliance with Articles 3-5 of the Directive and form the main basis for compliance reporting
Results	Pollutant load entering freshwater and marine environment – measured for different pollutants (BOD, COD, total suspended solids)	Article 15 of the Directive requires MS to monitor specified parameters, and the results of this monitoring need to be reported in the biennial situation reports.
Impacts	Quality of bathing waters Ecological/ environmental status of marine environment and freshwater bodies	The legislation aims to impact on the state of the environment (i.e. water quality), which is also affected by the impacts of other legislation and wider environmental pressures (e.g. Nitrates Directive, changes in agricultural practices).

The example illustrates that particular items of legislation may focus only on particular stages in the chain of environmental effects. For example, the Urban Wastewater Treatment Directive aims to positively influence the overall quality of the marine and freshwater environment, but this is also affected by other environmental pressures and the legislation that addresses them (e.g. the Nitrates Directive). This suggests that a suite of KPIs addressing environmental impacts as well as outputs and results would need to work across related items of legislation, rather than being specific to each.

By comparison, reporting on air quality in Europe focuses primarily on the state of the environment, the pressures affecting it, and the impacts of air quality on people and ecosystems. It therefore focuses on the “impact” stage of the hierarchy of indicators specified in the Better Regulation Guidelines. Within the wide range of data and indicators, certain core headline indicators can be identified such as the percentage of the urban population in the EU-28 exposed to air pollutant concentrations above certain EU and WHO reference concentrations. This indicator is presented in the executive summary of the EU report³²⁷. The report does not present indicators of the outputs and results of EU legislation, which are largely determined by other items of legislation aiming to control emissions.

Reports under different items of legislation often include indicators suitable for assessment of the effects of implementation at different levels (outputs/results/impacts) as advocated in the Better Regulation Guidelines. However,

³²⁷ European Environment Agency (2015) Air quality in Europe — 2015 report.
<http://www.eea.europa.eu/publications/air-quality-in-europe-2015#tab-data-references>

we could find no examples of a structured approach to this, involving tiered sets of indicators in line with an intervention logic model.

We carried out a preliminary analysis of the links between the reporting obligations identified in the inventory (in other words, legislative obligations requiring information to be provided to the Commission, or an EU agency) and the performance indicators set out in DG Environment's Strategic Plan for 2016-2020. As mentioned above, the Strategic Plan (in its Annex 1) identifies a number of indicators of policy performance, four of which are identified as potential KPIs (a fifth KPI, on the risk of financial mismanagement, is not linked to policy outcomes).

As could be expected from the nature of most of the reporting obligations (which are often focused primarily on checking, or enabling the checking of, compliance with the legislation, rather than performance in terms of environmental outcomes), the links with KPIs are not extensive. The source data identified for each of the performance indicators is, in most cases, not explicitly linked to the provision of information under reporting obligations, with only indicator 2.2 (conservation status of species), indicator 2.4 (marine waters under spatial protection measures), and indicator 3.2 (water bodies in good ecological status) referring to the relevant legislation (Habitats Directive, Marine Strategy Framework Directive, and Water Framework Directive, respectively). In other cases, some of the data used by the EEA may be based in part on reporting under environmental legislation (for example, under the Air Quality Directive, or the Environmental Noise Directive). Table 2 below sets out initial data on which Reporting Obligations in the inventory are potentially linked to the KPIs; a total of 12 are, with the remaining 169 not linked. In addition, we assessed whether the data reported under environmental legislation either clearly was, or possibly was, a contributor to the reporting against the identified performance indicator; 6 clearly were, and an additional 5 might contribute (further work identifying data sources from the relevant EEA reports would be required to provide a clearer picture).

Table 2: Potential links between KPIs and reporting obligations

	DG Environment policy performance indicators (Key Performance Indicators in bold)	Data source (legislative ROs in bold)	ROs linked to KPI
1.1	Total waste generated (kg/person)	Eurostat	0
1.2	Municipal waste generation (kg/person) and treatment (%)	Eurostat	2
1.3	Share (%) of toxic chemicals in total EU chemicals production ¹²	Eurostat	0
1.4	Getting prices right; environmental taxation: share of environmental taxes (energy, transport, pollution/resources) in total tax revenue (%), subsidies to fossil fuels phased out	Eurostat, OECD	0
2.1	Common birds population, index 1990=100	Eurostat	0
2.2	Conservation status of species and habitats of European importance (percentage in conservation categories)	Habitats Directive reports	2
2.3	Mean annual urban land take per country as a percentage of 2000 artificial land	EEA/Corine	0
2.4	Percentage of the surface area of marine waters (marine regions and sub-regions)	Marine Strategy Framework Directive	3

	conserved through spatial protection measures		
3.1	Percentage of urban population exposed to air pollution above EU standards	EEA	1
3.2	Percentage of surface water bodies in good ecological status or with good ecological potential	Water Framework Directive	2
3.3	Noise: percentage of population in urban areas exposed to more than 55 dB Lden and 50 dB Lnight	EEA	2
4.1	Effectiveness of application of EU environment legislation	DG Env data	0
4.2	Structural funds interventions	DG REGIO data	0
4.3	% of EAFRD payments related to environment and climate	DG AGRI data	0
4.4	Fish catches from stocks outside safe biological limits managed by the EU in the North-East Atlantic (% of total catches per year)	ICES/CFP data	0
5.1	Percentage of EU cities applying for the European Green Capital Award (EGCA)	DG Env data	0
6.1	Level of progress towards a greener, resource efficient global economy as, inter alia, reflected by clear policy commitments at the multilateral level	DG Env data	0
6.2	EU participation in Multilateral Environmental Agreements: number of MEAs the EU is a signatory or a party to	DG Env data	0
6.3	Progress with pre-accession work in candidate countries and potential candidate countries and with the implementation of association agreements (AAs) and wider cooperation with neighbourhood countries	DG Env data	0
6.4	Environmental provisions introduced in bilateral agreements between the EU and third countries and regions	DG Env data	0
6.5	Number of significant timber exporting countries with which EU has signed agreement to prevent illegal logging (Voluntary Partnership Agreements - VPA)	DG Env data	0
Other	Inventory ROs with no link to DG ENV KPIs		169

Source: IEEP analysis based on the Inventory of Reporting Obligations

An initial scoping was carried out on the question of whether the reporting obligations were in principle capable of being used as KPIs in respect of the relevant policy area. In some cases, notwithstanding their absence from the list identified in the Commission's strategic plan, they already are: for example, the compliance of bathing water with the requirements of the Bathing Water Directive is regularly reported, and used in practice

as an indicator of progress. In other cases, even where the data provided under the reporting obligations is not primarily numerical, it could potentially be used to generate information in numerical form to provide evidence on progress and performance (for instance, reports on accidents under the Seveso Directive). In total, and on the basis of a very preliminary scoping, we identified a total of 38 ROs out of 181 which could potentially be used in this way. The evidence from the analysis of the inventory therefore suggests that the bulk of reporting obligations are not closely aligned with reporting on the policy outcomes of environmental legislation; which in turn matches the earlier finding that they are primarily focused on assessing whether the legal requirements of the legislation are being complied with in practice.

Indicators play an important role in assessing overall progress towards environmental and sustainable development priorities at EU and global level. For example:

- The European Environment Agency uses a set of 30 indicators to monitor progress against the 7th Environmental Action Programme. These include a variety of state indicators (e.g. status of species and habitats, water and air quality), pressure indicators (e.g. greenhouse gas emissions, air pollutant emissions, production of toxic chemicals) and response indicators (e.g. environmental expenditures, renewable energy). They draw heavily on data reported under environmental legislation, as well as in related policy areas (e.g. fisheries, climate and energy policies)³²⁸. These are a subset of a catalogue of more than 200 environmental indicators developed by the EEA and Eurostat³²⁹;
- A set of more than 200 indicators has been established to report progress against the UN Sustainable Development Goals (SDGs). These cover a range of economic, social and environmental issues. Data reported under EU environmental legislation are relevant to a number of these indicators (e.g. in relation to waste management, air and water quality and protected areas)³³⁰.

These indicator sets demonstrate that current monitoring and reporting arrangements allow the construction of headline indicators on the overall state of the environment, which is affected by environmental policy as well as other external influences. They are helpful in assessing the overall state of the environment, but do not tell us in detail about the implementation of environmental legislation. They may therefore need to be accompanied by output and result indicators specific to particular items of legislation, particularly if there is a need to understand the reasons for adverse trends in the state of the environment.

KPIs play a particularly important role in reporting with respect to some areas of environmental legislation. For example, reporting against the Directive on Bathing Water Quality focuses on a simple headline indicator – the numbers and proportion of sites achieving different standards of bathing water quality (Box 1).

Box 1: Reporting of Bathing Water Quality in the EU

The Bathing Water Directive was adopted in 1976 by the Council of the European Communities (76/160/EEC). It requires Member States to monitor the quality of bathing waters and to ensure that they meet specified quality standards. The Directive was revised in 2006 (2006/7/EC) to take account of advancements in scientific evidence, ensuring that the most reliable indicators are used to predict microbiological health risk and achieve a high level of protection.

³²⁸ European Environment Agency (2016) DRAFT EEA INDICATOR REPORT - MONITORING OF THE THEMATIC PRIORITY OBJECTIVES OF THE 7TH ENVIRONMENT ACTION PROGRAMME

³²⁹ <http://ec.europa.eu/eurostat/web/environment/overview/environmental-indicator-catalogue>

³³⁰ UN Statistics Division (2016) Tier Classification for Global SDG Indicators.

<http://unstats.un.org/sdgs/files/meetings/iaeg-sdgs-meeting-04/Tier%20Classification%20of%20SDG%20Indicators%20Updated%202023-09-16.pdf>

Under the Bathing Water Directive, Member States are required to report annually on the results of monitoring of bathing water. On 25 May 2016, the European Environment Agency published its report on the state of European bathing waters in 2015. The report was published in advance of the summer bathing water season, in order to provide timely information to the public on the state of bathing waters. This timetable requires Member States to report their annual monitoring results to the EEA by 31 December each year.

While monitoring of bathing water is required to cover a range of parameters, the EU report focuses on a simple indicator of bathing water quality, the numbers of waters in each Member State that meet different quality standards. A summary of the 2015 results is given in Table 3.

Table 3: Summary of the state of the EU's Bathing Waters, 2015

Total number of bathing water sites	21 288	
Number of sites with sampling frequency satisfied	20 620	
Number and % of sites with excellent quality	17 959	84.4%
Number and % of sites with good quality	1 939	9.1%
Number and % of sites with sufficient quality	558	2.6%
Number and % of sites with poor quality	349	1.6%
Number and % of sites with quality classification not possible	483	2.3%

The number of sites achieving different quality standards can be regarded as an impact KPI and the number of sites for which sampling frequency is satisfied an output KPI. The quality of bathing water depends on the results of a range of actions to reduce environmental pressures, including under other items of legislation such as the Urban Wastewater Treatment Directive.

The simple nature of the indicator makes it amenable to the provision of information to the public. The Directive requires Member States to communicate information to the public, and most provide information online as well as through other media. The release of the report each year attracts high levels of media coverage.

Source: European Environment Agency (2016) European Bathing Water Quality in 2015. <http://www.eea.europa.eu/publications/european-bathing-water-quality-2015>

In some areas of the acquis, potential KPIs are not identified amongst the wider body of information provided. For example the latest report on implementation of the Sewage Sludge Directive (86/278/EEC) includes numerous items of data from different Member States, but no overall summary indicators are presented³³¹.

Current Issues and problems

The use of indicators and scoreboards varies widely across the acquis, and there is currently no structured or consistent approach. Indicators resembling KPIs are more prominent in some areas of the acquis than others. Reporting obligations rarely present KPIs in a structured way to assess the effects of implementation at different levels (outputs/results/impacts) as advocated in the Better Regulation Guidelines.

Currently, there are often substantial volumes of raw data associated with environmental reporting, and participants within the stakeholder workshops voiced

³³¹ ESWI (2012) Final Implementation Report for the Sewage Sludge Directive (86/278/EEC). <http://ec.europa.eu/environment/archives/waste/reporting/pdf/Annex%202-1%20Sewage%20Sludge.pdf>

concern that in some cases the volume of this data can be so great that only a fraction of it may be put to use in practical decision-making. The use of KPIs was seen as a way of prioritising or aggregating these data.

Developments since 2010

Changes which have taken place since 2010, e.g. in streamlining reporting, improving format and content, harmonising different obligations, repealing certain obligations etc. Effects on costs and benefits.

Scoreboards are an example of KPIs and are increasingly used to assess progress in the transposition and implementation of environmental legislation. They are particularly well suited to assessment of the outputs of legislation – i.e. measuring progress in the delivery of the required measures. Examples of scoreboards include:

- The Natura 2000 Barometer³³², which quantifies the terrestrial and marine areas designated as Natura 2000 and the level of sufficiency of the network. This is updated regularly in the Natura 2000 newsletter;
- Scoreboards used under the Water Framework Directive to measure transposition and reporting³³³, and the adoption of River Basin Management Plans³³⁴.

Scoreboards present information on key aspects of implementation of legislation in an easily digestible, summary form, enabling comparisons between Member States. They are most often used to assess progress towards implementation (e.g. transposition of legislation, designation of sites or competent authorities, development of plans, installation of treatment capacity, issue of permits etc.) but can also be used to monitor and assess ongoing compliance, both with respect to compliance activity and outputs (e.g. compliance with respect to levels of monitoring, permitting, inspection, reporting etc.) and the results and impacts (e.g. % of plant meeting emissions limits; % of sites in favourable conservation status or water bodies in good ecological status).

Current initiatives

The Circular Economy Package includes proposals to abolish three year implementation reports for the End of Life Vehicles Directive and replace them with annual reporting of rates of reuse, recycling and recovery. Similarly, under the WEEE Directive, three year implementation reports are to be replaced by annual reporting of data on the quantities and categories of WEEE produced, collected, re-used, recycled, recovered and exported. The Commission will review these data as a starting point for assessing compliance with the legislation.

These changes signal a greater emphasis on quantitative indicators – rather than text-based implementation reports – as a means of assessing implementation and compliance. It is also notable that they focus on results based indicators (such as rates of reuse, recycling and recovery) rather than assessment of outputs (such as the actions taken by Member States to comply with the legislation). It could be argued that reporting of activities and outputs is less important than the results that these achieve – such details might therefore only be sought in cases of non-compliance with result-based targets.

Potential future changes

Greater use of KPIs has the potential to establish a more streamlined set of indicators that can more readily inform the evaluation of policy implementation and success. It

³³² http://ec.europa.eu/environment/nature/natura2000/barometer/index_en.htm

³³³ http://ec.europa.eu/environment/water/water-framework/transp_rep/scoreboard_en.htm

³³⁴ http://ec.europa.eu/environment/water/participation/map_mc/map.htm

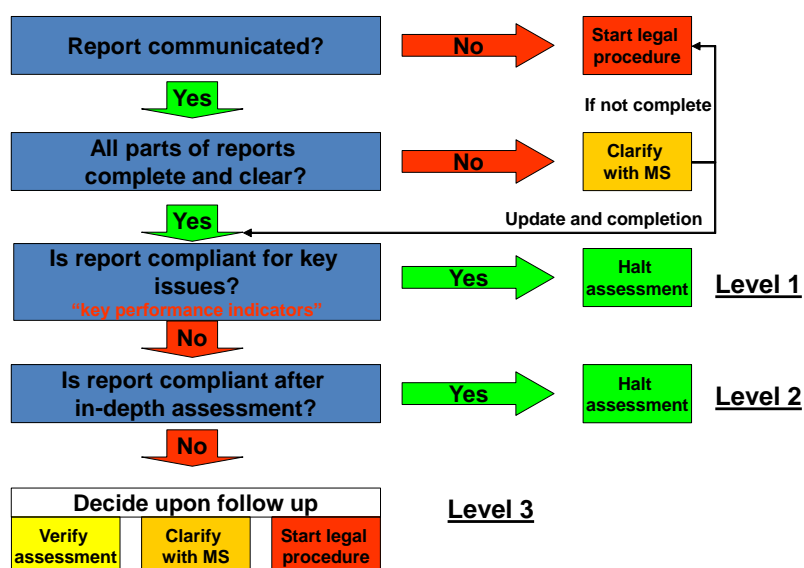
could foster a more coherent and coordinated approach to presenting information across environmental legislation, a clearer and more coherent picture on the level of implementation and the “distance to target”, and a better linking between the content of what is reported and the use of data in the context of scoreboards and strategic communication³³⁵.

Early thinking by DG ENV as part of the Fitness Check has suggested that KPIs could be employed as ‘level 1’ in a multi-level approach to reporting, conceptually defined as³³⁶:

- Level 1: KPIs are numeric (only) and can be assessed very quickly (i.e. turn around less than 6 months).
- Level 2: additional information and data are only requested for non-compliant situations; and
- Level 3: additional, targeted information and data are requested only if issue is pursued further.

KPIs could be used as a first step in assessing overall compliance with respect to key issues addressed by the legislation. Only in cases of non-compliance would additional information be sought (Figure 3.1).

Figure 3.1: Possible use of KPIs within a multi-level approach



Source: DG Environment, unpublished internal discussion paper

Such an approach would involve a significant reduction in the volume of reporting and could significantly reduce the time taken for reporting and the associated administrative burdens. However, careful consideration would be needed to ensure that important information was not lost, and that greater reliance on KPIs did not oversimplify reporting in particular policy areas, given the complexity of the environmental problems being addressed.

There is potential to make more use of KPIs and that they could potentially prove useful tools both in streamlining reporting obligations and improving the accessibility of reports as a communication tool. The latter could benefit especially from a more structured and consistent approach to reporting and the use of indicators across the

³³⁵ European Commission (2015). Concept Paper for the Fitness Check of monitoring and reporting obligations in environment policy. The role of scoreboards in the context of the regulatory monitoring and environment implementation review and the development of “key performance indicators” - initial ideas for a conceptual approach. (Draft, 09/09/2015).

³³⁶ European Commission (2015) [ibid]

environmental acquis. On the other hand, the risks of an oversimplified, one-size fits all approach, and the potential loss of valuable information this could entail, would also need to be understood.

A way forward might be to explore how a structured set of KPIs, in line with the Better Regulation Guidelines, would work across the environmental acquis as a whole, and could meet the specific reporting needs of each item of legislation. This would require both an overall framework (distinguishing between outputs, results and impacts and recognising that these apply differently across the acquis) and a structured case-by-case analysis of the particular issues and needs relating to each item of legislation.

Potential costs and benefits of future change

Participants in the stakeholder workshops supported the idea of KPIs and underlined the potential for KPIs to streamline reporting obligations and reduce administrative burdens. While KPIs were seen to play a role in reporting at different levels (outputs, results and impacts), participants were generally sympathetic to the idea that there could be a greater focus on the results and impacts of legislation, and that detailed reporting of compliance might only be necessary in cases where environmental targets are not being met.

A greater focus on KPIs could bring significant savings in costs and administrative burdens compared to the current system. For example, analysis for this study estimated that triennial implementation reports for the End of Life Vehicles and WEEE Directives are currently likely to require inputs of approximately 30 days and 50 days respectively per MS every three years. At an average cost of EUR 300 per day this would imply an annual cost to MS of EUR 84,000 for the ELV Directive and EUR 140,000 for the WEEE Directive. The Circular Economy Package includes proposals to remove the requirement to produce these implementation reports, thus removing these costs – and instead focusing reporting on quantities of waste generated, treated, recycled and recovered – which are already reported annually under these Directives.

Barriers, constraints and opportunities for future change

Participants in the stakeholder workshops cautioned that there are wide variations in environmental issues, priorities and approaches across the environmental acquis, and that any system of KPIs would need to reflect this. Opportunities to increase the focus on KPIs may vary across the acquis, depending on the nature of the reporting obligation and the intended use of the information required. The number and type of indicators that are appropriate may also vary according to the maturity and stage of implementation of the legislation. For example, implementation scoreboards may play an important role in the early years, with results-based indicators becoming more important for mature environmental legislation.

4 Active dissemination of environmental information

Introduction

The issue addressed in this fiche is the potential for the use of active dissemination of environmental information, particularly through Member State implementation of the active dissemination provisions of Article the Directive 2003/4 on access to environmental information, to meet some of the objectives of monitoring and reporting obligations.

Overview of current situation

The Mandate to the Fitness Check outlines the need to explore the feasibility of moving towards a 'zero reporting vision' based on active dissemination of information increasingly taking the place of formal reporting obligations. Whilst much of this has been driven by underlying technological changes, there are a number of legislative measures that have been implemented in recent years which have driven an expansion and promotion of active dissemination at the Member State level.

Article 7 of the Access to Environmental Information Directive³³⁷ states (paragraph 1) that:

"Member States shall take the necessary measures to ensure that public authorities organise the environmental information which is relevant to their functions and which is held by or for them, with a view to its active and systematic dissemination to the public, in particular by means of computer telecommunication and/or electronic technology, where available."

It also stipulates that:

"Member States shall ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunication networks."

The information to be made available and disseminated (paragraph 2) should include at least:

"(a) texts of international treaties, conventions or agreements, and of Community, national, regional or local legislation, on the environment or relating to it;
(b) policies, plans and programmes relating to the environment;
(c) progress reports on the implementation of the items referred to in (a) and (b) when prepared or held in electronic form by public authorities;
(d) the reports on the state of the environment referred to in paragraph 3;
(e) data or summaries of data derived from the monitoring of activities affecting, or likely to affect, the environment;
(f) authorisations with a significant impact on the environment and environmental agreements or a reference to the place where such information can be requested or found in the framework of Article 3;
(g) environmental impact studies and risk assessments concerning the environmental elements referred to in Article 2(1)(a) or a reference to the place where the information can be requested or found in the framework of Article 3."

Finally, this article of the directive also requires (paragraph 3) that "...Member States shall take the necessary measures to ensure that national, and, where appropriate, regional or local reports on the state of the environment are published at regular intervals not exceeding four years; such reports shall include information on the quality of, and pressures on, the environment."

Other legislation which is relevant to active dissemination includes the INSPIRE Directive, and the Directive on the re-use of public sector information. The aim of the INSPIRE Directive is to facilitate better environmental policy across the EU.

The Commission's Digital Single Market strategy³³⁸ of 2015 largely focuses on improving the infrastructure (in its broadest sense) for the sharing of data, rather than issues such

³³⁷ 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

³³⁸ COM(2015) 192 final, "A Digital Single Market Strategy for Europe"

as which data Governments put online, and in what forms; and the Commission's 2016 e-government communication³³⁹ focuses mainly on transactions with the public, rather than on the provision of information as part of the political process.

The bulk of the environmental information made available through "open data" mechanisms is, as evidenced from an analysis of data sets on the European Union Open Data Portal, statistical and geospatial information. As our initial analysis of reporting requirements under this project suggests, the bulk of the reporting obligations placed on Member States involve information on "Response"; that is, government action either to implement European legislative requirements, or plans and strategies adopted to respond to environmental data. And, as is clear from the wording of the active dissemination requirement, it focuses on international and EU obligations, and the actions taken in terms of policies or enforcement activity to ensure that those obligations are fulfilled.

Current Issues and problems

The reporting obligation under Directive 2003/4 (RO 46.1 in the inventory) was for a single report on experience in the application of the directive. Member States are under no continuing obligation to provide information to the Commission on their implementation of article 7; and in practice Member States vary significantly in their implementation of the requirement. While the obligation under Article 7 (3) to provide regular reports on the state of the environment is, broadly, observed³⁴⁰, although not always within the 4 year deadline specified, in most Member States there does not appear to be a systematic approach to active dissemination of environmental legislation.

The following sections identify current examples of active dissemination.

Costs and benefits of current situation

We have not assessed the costs and benefits of current active dissemination activity in detail. While in principle the dissemination of information electronically should present limited burdens for Member States, in practice the process of defining systems and formats, and identifying public requirements in terms of presentation of information, are likely to present significant challenges. A key challenge in the active dissemination of information on policy is the difficulty in determining what users are likely to want to find (rather than what they should want to find), the range of potential user needs (eg businesses or individuals seeking information on their own legal obligations and/or permit application options; members of the public seeking information on local environmental outcomes, or local regulated installations; environmental NGOs campaigning on or investigating policy). Not all of these are likely to overlap neatly with the information requirements of the Commission in monitoring the enforcement of EU environmental law, or with the categories of information covered in the active dissemination provisions of the Access to Environmental Information Directive. The variety of potential needs for information can make the route to finding the information less than straightforward.

Current examples of active dissemination

³³⁹ COM(2016) 179 final, "EU eGovernment Action Plan 2016-2020: Accelerating the digital transformation of government"

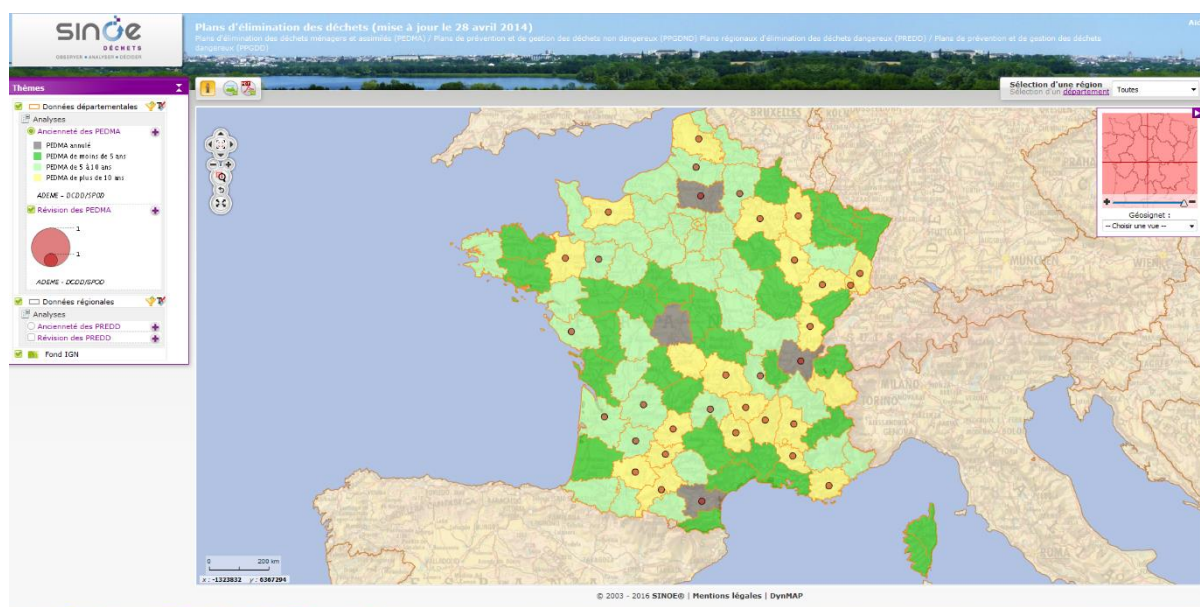
³⁴⁰ Member State reports are also made available through the EEA's website at: <http://www.eea.europa.eu/soer-2015/countries>

We have not, as with the other fiches looking at horizontal issues, assessed developments since 2010, but have instead focused on identifying current examples of active dissemination, focusing on one policy area (waste, and in particular waste management plans)

France

Some of the challenges in identifying the appropriate user route to environmental information are illustrated in the case of France's otherwise positive example of active dissemination of waste management plans. Using terms such as "plans déchets" in search engines is likely to take the user to information on national policy at the website of the Ministère de l'Environnement, de l'Énergie, et de l'Air³⁴¹, with more complete information on local (Departmental) plans somewhat down the search list, below links to individual Departmental plans. Similarly, starting from the Ministry's website does not yield an obvious route to information below the national level.

However, using the national government data site at www.data.gouv.fr and navigating via a link labelled "Logement, Développement Durable et Énergie", offers a page including a link to "Tableau de bord déchets", which in turn leads to the SINOE site³⁴², and in turn to a map of Departmental plans:



Clicking on the individual Departments on the map then takes the user to a zipfile of the relevant plans and associated documents, at departmental or regional level.

This tool is impressively and straightforwardly useable. From the point of view of the Commission, wishing to check whether the Member State has complied with the relevant requirements in the Waste Framework Directive 2008/98 for implementation of waste management and prevention plans, this tool seems to provide fairly full information, and in a much more useable format than, say, a Member State report in written form.

As noted above, the route to finding online information on departmental plans in France is not straightforward; however, assuming (as suggested below) that active dissemination tools were used in conjunction with clear protocols on how the information

³⁴¹ The page at <http://www.developpement-durable.gouv.fr/La-Prevention-de-la-Production-de.html>, consulted on 16/05/2016, which complies with the active dissemination article's requirement to provide information on international (including EU) and national policies

³⁴² <http://www.sinoe.org/>

should be communicated, it could in this case perform some of the functions associated with the information provisions in the legislation. Other elements of the current information requirements in the waste framework directive (for example, information on waste oil management, and on extended producer responsibility schemes) would be less easy to incorporate in a similar mechanism, without making it significantly less useable for members of the public.

Hungary

We also checked for waste management plan information in other Member States, again finding that information is often present but can be difficult to locate for members of the public who may not be familiar with the relevant terminology. In Hungary, for example, a page of reasonably full information on waste management planning, with links to the relevant plans, is available³⁴³, and can be accessed by using the Hungarian terms for waste management plans in a search engine. However, for individual citizens unfamiliar with the relevant terms, and trying to discover information from the homepage of the Ministry, or from the Government's central site (www.kormany.hu), it is unclear how the plans could be located, with broken links and other impediments to navigation. Information can be gleaned from a press release from the adoption of the plans, but it is not possible then to identify whether the plans are still in place or might have been superseded.

Spain

A more positive example is available from the Spanish Agriculture and Environment Ministry, where both search engine use and the homepage of the Ministry lead through a logical progression to a page with full documentation for national plans, and plans of the autonomous communities, which would seem to provide both full information on the process and the plans themselves for individual citizens, and an adequate resource for Commission-level checking of the completeness of Member State implementation of the planning requirements of the Waste Framework Directive.

Agriculture and Environment Ministry website

The screenshot shows the website of the Spanish Ministry of Agriculture, Food and Environment. The main navigation bar includes 'Ministerio', 'Áreas de actividad', 'Participación pública', 'Cartografía y SIG', 'Estadísticas', 'Sede electrónica', and 'Sala de prensa'. The page is titled 'Calidad y evaluación ambiental' and 'Planes y Programas'. A sidebar on the left lists various categories like 'Temas', 'Días mundiales y fechas destacadas', 'Servicios', 'Campañas', 'Estadísticas', 'Formación, congresos y jornadas', 'Legislación', 'Organismos y organizaciones', 'Participación pública', 'Planes y estrategias', 'Proyectos de cooperación', 'Publicaciones y documentación', 'Preguntas frecuentes', and 'Enlaces de interés'. The main content area features a section titled 'En esta página:' with links to 'Programa Estatal de Prevención de Residuos 2014-2020', 'Plan Estatal Marco de Gestión de Residuos (PEMGR) 2016-2022', 'Plan Nacional Integral de Residuos de España (PNIRE)', 'Planes y programas de las Comunidades Autónomas', and 'Documento guía de la Comisión Europea para la elaboración de Planes de Gestión de Residuos'. Below this is a detailed section for the 'Programa Estatal de Prevención de Residuos 2014-2020', which includes a sub-header 'La prevención en la generación de residuos es la apuesta de la política de residuos que más beneficios ambientales proporciona...' and a circular logo with the number '6'.

UK

Different approaches to waste management planning in Member States can create specific problems for the provision of full information. The UK's system, for example,

³⁴³ <http://www.szelektivinfo.hu/iparfejlesztzes/uj-uton-a-hazai-hulladekgazdalkodas>, consulted on 17/05/2016

does not lend itself to full provision of information. Not only is information for Scotland, Wales and Northern Ireland difficult to locate through national (UK-level) websites – which most individual citizens or Commission desk officers would be able to predict – but even in relation to England, plans at local level are not identifiable through the GOV.UK portal, or the pages on GOV.UK for the Department for the Environment, Food and Rural Affairs, or the Department for Communities and Local Government. Citizens trying to understand the waste management planning relevant to their local area would need to understand both the national documentation, and then locate through separate local authority websites the relevant documentation; in most cases, if a citizen did not know precisely what they were looking for, they would find it difficult to locate. This approach to the provision of information clearly would not meet the requirements of the Commission in seeking to establish whether national implementation of the waste planning requirements of Community legislation was adequate.

Ireland

An example of active dissemination in respect of Article 7(1) (f) of Directive 2003/4, and the provision of information on authorisations, is provided by Ireland. Ireland’s environmental protection agency has invested substantially to improve its licensing information over recent years. Its website now provides (at <http://www.epa.ie/licensing/>) a relatively clear and easily navigable mechanism for citizens to identify relevant permitting information.

Ireland Environmental Protection Agency licensing and permitting site

The screenshot shows the EPA website's navigation structure. At the top, there is a logo for the EPA and a menu with links: Home, News & events, Videos, EPA maps, FAQ, Site map, and Contact us. Below the logo is a search bar with a 'Search' button and social media sharing options. A horizontal menu contains six categories: Ireland's Environment, Licensing and Permitting (highlighted), Enforcement, Monitoring and Assessment, Research and Education, and Publications and Downloads. Below this menu, a breadcrumb trail reads 'You are here: Home > Licensing and Permitting'. The main content area is titled 'Licensing and Permitting' and features several interactive boxes with images and lists of links:

- Search for Licence/Permit**:
 - ▶ Industrial Emissions/IPC
 - ▶ Waste
 - ▶ Waste Water Discharge Authorisation
 - ▶ Historic Landfills
 - ▶ Waste Permits
 - ▶ Dumping at Sea (DaS)
 - ▶ Volatile Organic Compounds
- Industrial and Waste**:
 - ▶ Industrial (IED)
 - ▶ Industrial (IPC)
 - ▶ Waste
 - ▶ Historic Landfills
 - ▶ Certs of Registration
 - ▶ Article 11 requests
 - ▶ Art. 27 (By-Products) & Art. 28 (End of Waste)
- Genetically Modified Organisms**:
 - ▶ What are GMO's?
 - ▶ Licensing process explained
 - ▶ Contained use of GMOs
 - ▶ Deliberate release of GMOs
 - ▶ Transboundary movement of GMOs
 - ▶ Legislation
 - ▶ Annual reporting
- Water and Waste Water**:
 - ▶ Waste Water Discharge information
 - ▶ Dumping at Sea information
 - ▶ Single house treatment systems
- Air**:
 - ▶ GHG permitting / Emissions Trading
 - ▶ Coal Baggers & Specified Fuel Suppliers Registration
 - ▶ Volatile Organic Compounds (VOC)
- Also in this section**:
 - ▶ Public access to files
 - ▶ BAT reference documents (BREFs) and BAT conclusions
 - ▶ BAT
 - ▶ Transfer of an EPA Licence
 - ▶ Contact Us
 - ▶ Financial Provision for Environmental Liabilities

The main licensing and permitting page is shown above, and can be reached by clicking on “Licensing and Permitting” on the EPA’s homepage. Clicking on, for example, “Waste”

on the page above takes the user, via a declaration page, to a choice between a number of search criteria. Asking to see, for example, all of the landfills in a County provides a clickable list of licensed landfill sites, with each site page then providing access to relevant documentation.

Ireland Environmental Protection Agency – licence details

The screenshot shows the EPA website interface. At the top, there is a navigation menu with links for Home, News & events, Videos, EPA maps, FAQ, Site map, and Contact us. Below the menu is a search bar and social media sharing options. A breadcrumb trail reads: Home > Licensing and Permitting > Waste Licensing & Permitting > Waste Licence Search. The main content area is titled "Licence Details" and contains a table of application information, a decision details table, and sections for viewing documents.

Details of Application

Reg No.	W0017-03 About Licence RSS Feeds
Applicant Name:	Limerick City and County Council
Facility Name:	Gortadroma Landfill Site
Location of Facility:	Gortadroma, Ballyhahill, Co. Limerick, Limerick.
Type of Facility:	Landfill
Main Class of Activity:	3.5
Other Classes of Activity (more)	3.1,3.4,3.6,3.7,3.11,3.13,4.2,4.3,4.4,4.9,4.10,4.11,4.12,4.13,
Application Date:	2/07/2004
Licence Status:	Replaced by Reg No: W0017-04 (IED)
Under Review/Replaced By:	Reg No. W0017-04 (IED)
Latest licence for this facility:	Reg No. W0017-04 (IED)

Decision Details:

Proposed Decision issued date:	26/04/2005
Closing date for objections to Proposed Decision:	23/05/2005
Final Decision issued date:	22/09/2005

Documents

To view electronic documents (if any) for this application, click on the buttons below. These open in a new window. All documents available in electronic format are presented as Adobe Acrobat PDF files. If you have any problems opening or displaying a document in your browser, right-click on the file and save it to your computer.

Licence application documents:

- [View applicant documents](#)
- [View EPA documents](#)
- [View Third Party documents](#)
- [View Miscellaneous documents](#)

[More information on the licence application process](#)

Licence enforcement documents:

- [View Licence Enforcement Documents](#)

[More information on licence enforcement](#)

[Do you wish to contact the EPA about this licenced facility?](#)

Similar mechanisms exist for other types of installation under permitted under other regulatory mechanisms. The information provided appears to enable citizens to exercise full oversight over relevant environmental permits in their locality; and would also enable initial scrutiny of the enforcement of environmental regulation, for example by the Commission in response to complaints from third parties.

While good examples of the provision of information in relation to specific types of installation exist in other Member States, the Irish system appears to be unusual in both its completeness and its ease of use.

Extent of Member State compliance with the requires of article 7 of the Access to Environmental Information Directive

Our approach has focused on identifying examples of active dissemination, and we have not carried out a detailed assessment, Member State by Member State, of the extent to which Member States comply with the requirements of Article 7 of Directive 2003/4. However, it seems clear that there are significant gaps in the availability of information. Moreover, information is provided in a variety of forms, significantly limiting its current usefulness as an alternative route to the collection of information currently collected under Commission monitoring and reporting requirements.

Current initiatives

We have not identified any current initiatives, other than the REFIT initiative on monitoring and reporting obligations itself, which are examining the potential contribution of active dissemination to the collection of information on implementation of EU environmental legislation.

Potential future changes

As noted above, much of the information potentially relevant to open data initiatives is likely to be statistical or geospatial. Reporting under environmental legislation should not itself duplicate the provisions of statistical regulations. An examination of whether active dissemination is currently capable of replacing or supplementing Member State reporting under EU environmental legislation, or is a promising avenue to pursue, should therefore focus on the non-statistical elements of reporting, in particular requirements for plans and strategies, or requirements for implementation of authorisation systems (for example, the Industrial Emissions Directive and its predecessors).

In principle, there is scope for improved use of active dissemination as a means of providing information in respect of issues currently covered by monitoring and reporting obligations under EU legislation. However, the key issues to be tackled in doing so closely resemble some of the key issues in implementing monitoring and reporting obligations themselves, in particular:

- the need for harmonisation of the way in which data is presented, in order to allow conclusions/ overviews to be drawn at EU level, and comparisons made between Member States;
- language challenges;
- the need to specify timelines. Member States at the Barcelona stakeholder workshop identified the importance of information gleaned passively from Member State data portals nevertheless being “approved” by the national authorities as a correct description of the current situation. However, this would reduce some of the potential benefits – the process of Member State approval of the data would be very similar to the current process of Member States approving information for transmission to the Commission or its partners.

A more systematic identification of the scope for active dissemination to be used as a means of communication and data transfer could, however, usefully be incorporated into reviews of individual areas of legislation.

Moreover, there are clear potential benefits to a more enthusiastic implementation by Member States of active dissemination, in terms of a wider public understanding of environmental challenges and current action to tackle them. As Member States develop their online systems for the provision of information, it could be valuable for the Commission and the EEA to use the information generated as an additional source of

information, providing context and background to Member State reports. In cases where some Member States are late in providing information, it could also provide a mechanism enabling EU-wide assessments to be made; however, it is likely that the Member States which struggle to provide timely information to the Commission will also be those which lag in providing useable information to their citizens.

Potential costs and benefits of future change

We have not carried out a detailed assessment of costs and benefits of change. Areas of potential cost that need to be considered, in addition to the direct bureaucratic cost of any new approach, include the risk of reducing Member State flexibility to design information systems which respond directly to the issues of most concern to members of the public in their own political context (for example, concerns about specific pollutants or specific environmental issues may be more relevant in some Member States than in others; and public concerns will not always match the issues most relevant for assessing whether Member States are complying with EU legislative requirements).

A potential benefit, however, of a more homogenised approach to the presentation of data could be in improving public willingness to trust what their authorities publish (by making it clear that the information is not a voluntary publication of the data likely to show the Government's environmental achievements in the best light).

Barriers, constraints and opportunities for future change

Key barriers, constraints and opportunities are identified individually in the sections above, and include:

- The potential impact on the effectiveness of Member State communication with their public
- Linguistic barriers
- Similar challenges to those associated with generating homogenous data under monitoring and reporting obligations (finding suitable common formats, etc)

Key opportunities include the potential for the use of data from active dissemination as a complement to, rather than as a replacement for, current reporting obligations.

5 Coherence with reporting in other policy areas

Introduction

This fiche assesses the coherence of reporting obligations in DG Environment legislation with reporting and data obligations in other EU legislation and policy. The range of potential overlaps examined will include climate legislation; with statistical information provided under Eurostat legislation; with agriculture policy, including information gathered under the Common Agricultural Policy; with energy policy; and with information gathered in relation to specific products with environmental impacts, focusing on passenger cars as an example.

The complexity of economic activity in the EU and its environmental implications means that carefully delineating different areas of policy and legislation without overlap is clearly impossible. What matters for the coherence of the EU acquis is how overlaps are dealt with. As far as reporting obligations are concerned, there are a number of possible outcomes where there is more than one policy interest in an economic activity (for example, the contribution of power plant to, respectively, energy security, greenhouse gas emissions, and local air quality pollution):

- data is collected once, in a form suitable for meeting many policy interests, and is used in each of the policy areas;
- similar data is collected separately, and reported separately to each of the policy areas;
- data is collected separately, but on different subjects (for example, on thermal output of a plant on the one hand, and on its NO_x emissions on the other hand)
- data is collected separately, on similar subjects, but with different definitions.

While the current project focuses on reporting obligations at the Member State level, rather than the impact on data collection from individual entities, coherence for the latter is closely linked to coherence for national authorities.

A related issue is the extent to which full use is made of the available information in different policy areas – for example, whether valuable information from CAP sources on the use of agricultural land is fully integrated into policymaking on air and water emissions and biodiversity protection. This in turn has implications for the level of information required from Member States in relation to environmental acquis reporting requirements.

Overview of current situation

Climate legislation

The key pieces of legislation that potentially create overlaps are:

- The Emissions Trading System Directive (2003/87/EC);
- The Greenhouse Gas Monitoring Mechanism Regulation (525/2013)
- The Effort Sharing Decision (406/2009).

Agriculture legislation

The main overlaps with data from agriculture policy can be identified the information held by Member States on implementation of (i) agri-environment schemes in Pillar 2 of the CAP and (ii) greening payments under Pillar 1 of the CAP. The relevant legislation is:

- Rural Development Regulation 1305/2013
- Direct Payments Regulation 1307/2013
- Horizontal Regulation 1306/2013

Relevant information is provided to the Commission either in the form of notifications of the decisions made on the application of greening payments, or in the form of annual implementation reports for rural development programmes.

Eurostat

Key Eurostat legislation relevant to the environment is contained in:

- The Environmental Economic Accounts Regulation (691/2011)
- The Waste Statistics Regulation (2150/2002)

Fisheries

The Common Fisheries Policy sets obligations on Member States to report on the quantities of fish caught for each species for which quota is allocated. In addition, the Common Fisheries Policy Regulation (1380/2013) places a duty (article 25) on Member States to set up data management systems covering, among other things, "the state of exploited marine biological resources", and report annually to the Commission on its data collection programme.

Directive 2014/89 on Marine Spatial Planning has significant thematic overlaps with the Marine Strategy Framework Directive (MSFD).

Current Issues and problems

This note aims to identify key issues associated with the overlap between areas of environmental reporting, and reporting obligations in other policy areas. In particular, it aims to identify:

- whether there appears to be an overlap in each area which creates unnecessary burdens or duplication;
- whether there is underused potential for exploiting the information from sectoral legislation to provide relevant information on the delivery of environmental objectives associated with the EU environmental acquis.

The note is based on desk study only, without testing the results with experts on individual subject areas in the Commission or in Member State administrations. The conclusions therefore need to be tested against real life experience of the areas we have identified.

Costs and benefits of current situation

Our analysis has identified areas for further consideration, rather than a detailed assessment of costs and benefits. Key findings are, in respect of each area identified, are as follows:

Climate legislation

The key areas of overlap in respect of climate change legislation are (at Member State level) the national inventory obligations under, respectively, the National Emissions Ceilings Directive (NEC), and the Greenhouse Gas Monitoring Mechanism Regulation (MMR); and, also at the level of individual installations, between the Emissions Trading Directive (ETD) and the European Pollutant Release and Transfer Register Regulation (E-PRTR).

NEC and MMR: Both instruments require the construction of pollution inventories and projections using in many cases the same data (i.e. 'activity data'). There appears to be generally a good understanding of the overlaps among experts working on the subjects, which reduces the potential for data problems; however, there are some coherence issues and scope for enhancement.

There has been incoherence in reporting cycles. However, the new NEC (adopted by Council and Parliament, and due to enter into force on 31 December 2016) substantially harmonises the timetable for reporting – initial reporting is in January (compared to February for the MMR) and final reporting is aligned. The divergence in initial reporting is due to the need to align the NECD reporting also with international reporting under LRTAP, and the need to align the MMR reporting with the international reporting under the UNFCCC. The frequency of reporting is aligned.

There is an overlap between the pollutants covered by reporting under the NEC and MMR (namely: CO, SO₂, NO_x, VOC). However there form a very minor part of the data being reported. The MMR requires that the reported data for CO, SO₂, NO_x, VOC must be consistent with data already reported for the NEC directive. (The MMR also requires MS to report on checks on the consistency of the data to estimate emissions in preparation of the greenhouse gas inventories with the data used to prepare inventories of air pollutants). It is not clear that the data are always the same; although this may be in part due to differences in scope in some instances (e.g. the treatment of NO_x/VOCs from agriculture, shipping emissions, aircraft emissions etc.).

There are separate inventory reports required, their structures are at least partially aligned. The format of the MMR GHG inventory is aligned with international UNFCCC requirements; hence any effort to realign the inventory with that of the NEC would create an additional reporting burden for MS with regards the UNFCCC reporting. The degree of incoherence does not appear to present significant additional data collection burdens, and is arguably valuable in ensuring a complete picture of relevant pollutants to meeting the needs of each instrument. However, further analysis of the scope for and possible benefits of streamlining would appear valuable, both in relation to data on pollutants and to information on policies and measures.

Efforts have already been made to improve coherence. Most recently, the Commission proposal for a Regulation on the Governance of the Energy Union adopted on 30 November 2016 effectively incorporates the MMR, including the provisions regarding reporting of data under the NEC Directive, without major substantial changes. It does include strengthening of the provisions that link with reporting under the NEC Directive and included efforts to enhance coherence with other legislation. This included the NEC and the preferred options were a combination of establishing requirements to report on

the consistency of the information and the checks conducted, and to establish a requirement that MS' existing GHG inventory national systems are amended to allow access to data resulting from other reporting instruments.

E-PRTR and ETD: In terms of data relating to individual installations, there is scope for clarification and simplification of the respective requirements of the EPRTR and the ETS. There appears to be less direct overlap between data requirements under the Industrial Emissions Directive and the ETS, in part because of the absence of detailed requirements in the IED for the reporting of emissions per installation. The overlaps are: CO₂, N₂O, PFCs, CH₄, HFCs, SF₆. However, as it is highlighted in the E-PRTR website, following this 'double' reporting process the E-PRTR data are put into context with data reported under the EU Emission Trading Scheme. This is deemed at aiming at "highlight(ing) differences and potential inconsistencies between data reported under different reporting obligations on the basis of which reporting countries can correct their deliveries whereas errors are found".

Concerns have been registered by individual Member States, particularly Spain, that e.g. differing definitions (50MW for combustion plant covered by the EPRTR against 20MW for plant covered by the ETS), and differences in the information recorded per plant (total kg versus concentrations of pollutant) make comparison and verification of data complex; however, this in large part reflects the different objectives of the respective pieces of legislation. Similar points were identified by stakeholders as part of the E-PRTR refit:

- Activities and thresholds are not the same as in the E-PRTR and the scope of the two laws is different;
- CO₂ emissions are hard to compare because of different definitions of installations in EU ETS and facilities in E-PRTR;
- E-PRTR data include all CO₂ emissions, while those under ETS do not include renewable sources

Agriculture legislation

Agricultural legislation, while it requires a wealth of information to be maintained by paying agencies (and made available for audit) on the detailed practices adopted at farm level, has relatively limited requirements for the transmission of that data to EU level (not least because of the volumes and complexity of the data that would be involved, as well as confidentiality requirements relating to information on individual land managers, although given the public funding involved the confidentiality barriers appear to have been over-estimated). There are thus limited formal overlaps between reporting obligations. However, it seems likely that there is scope for significantly greater use, at Member State and regional level, of the data held by paying agencies under the Land Parcel Identification System required by the Horizontal Regulation (LPIS) to inform national and regional policy-making on the extent to which the objectives of various elements of European environmental policy are being delivered (to further complement land use/land cover for environmental purposes; water quality, particularly nitrates pollution; biodiversity impacts; emissions to air, particularly ammonia).

A specific overlap is identified in respect of the obligation under the Nitrates directive for Member States to "establish a code or codes of good agricultural practice, to be implemented by farmers on a voluntary basis"; which in turn are required to be reported to the Commission. However, this reporting is ad hoc; and Member States are likely to change their codes of practice rarely, for example in response to concerns about wider implementation of the Nitrates Directive. In principle, however, and depending on the extent to which the voluntary codes of practice are incorporated into Member State agri-environment schemes under Pillar 2 of the CAP or (more rarely) cross-compliance under Pillar 1, there is some potential overlap between the nitrates directive requirement, and

the obligation for Member States to report on decisions in relation to greening payments, and annual implementation reports for rural development programmes.

In general, it seems likely that credible evaluation of the effectiveness of the CAP greening and agri-environment measures will progressively require a significant development of shared information between environmental, agricultural, and statistical services. A comprehensive inventory of the data available at European level, noting confidentiality barriers where relevant, would seem to be a necessary first step in this process.

Eurostat

In principle, there is good coherence between the reporting obligations. In particular, the waste statistics regulation (2150/2002) includes an explicit reference to the potential for Member States to acquire the necessary data through administrative sources “such as the reporting obligations under Community legislation on waste management”.

However, significant concerns have been reported over the course of the project in respect of discrepancies in the information collected in the field of waste statistics. In particular, concerns have been voiced by Czech waste administrators on the differences relating to data on hazardous waste; and by Hazardous Waste Europe, which has commented that the main drawback of the waste statistics regulation is that it uses a list of wastes which differs from that in the EPRTTR and in waste legislation (and thus from the approach regulators and waste operators take to the categorisation of wastes). It appears from Czech data that the differences between approaches leads to a significant under-reporting of waste and hazardous waste volumes in the Eurostat data. Further analysis of this issue, of the impact of changes to reporting proposed under the Circular Economy package, and the potential burdens on competent authorities of more detailed (even if more consistent) reporting, would appear to be valuable.

The Environmental Economic Accounts Regulation appears to give rise to little concern among stakeholders about conflicting requirements; however, a continued policy focus on the scope for improving the use of data, both at the level of public authorities, and more broadly among economic operators and civil society, would appear relevant.

Fisheries

An initial overview of the relevant reporting under the CFP suggests that there is little conflict between the requirements, and those under the Habitats Directive and the MSFD. The key question is whether, in practice, there is good integration of the use of relevant data; including, for example, whether effective use is made by Member States of the work of the Scientific, Technical and Economic Committee for Fisheries in advising on fish stocks, and of the Scientific Advisory Committee of the General Fisheries Commission for the Mediterranean, in preparing and reporting on programmes of measures in respect of environmental legislation.

As far as the overlap between the Marine Strategy Framework Directive and the Marine Spatial Planning Directive is concerned (to note that data under the Birds and Habitats Directive is also relevant to Marine Spatial Planning), there is an evident overlap in the data and authorities which are relevant to the two piece of legislation, and while the level of detail in reporting obligations is not such as to create a specific identifiable overlap, there is clearly an overlap in practice. In principle, it is possible for Member States to combine relevant information and manage the overlap; and the nature of the overlap will vary depending on the planning law arrangements adopted in different Member States. Further analysis of the potential for EU legislation and practice to simplify Member State management of the overlap would therefore seem potentially valuable, but not an urgent priority.

6 Coherence with international reporting obligations

Introduction

This fiche describes some of the key areas of overlap between EU environmental reporting obligations, and those in international agreements. It aims to identify opportunities and difficulties inherent in the current situation, and also the potential to improve coherence with international reporting obligations (either through changes on the EU side or through changes eventually negotiated at the international level).

Overview of current situation

Many of the areas of environmental legislation in the European acquis have counterparts in international agreements, either at a global or at a regional (UNECE, Mediterranean basin etc) level. The genesis of these overlaps differs depending on the subject area. In some cases, the development of legislation at European level was a forerunner to the development of international agreements; in other cases, securing an international agreement was a first step in the development of EU policy; and in other cases, the nature of the policy commitment is itself international (for example, waste shipments obligations; or the sharing of benefits from utilisation of genetic resource, or the prior informed consent system for exports of hazardous chemicals and pesticides), and the EU legislation simply incorporates the relevant obligations into the acquis. The table incorporated at the end of this fiche sets out a preliminary list of the international agreements linked to reporting obligations in the EU environmental acquis.

While relevant desk officers in the Commission and in Member States tend to have a good, detailed understanding of the differences between the international obligations and the EU legislation, in some areas discrepancies occur, including in monitoring and reporting obligations. These can have a variety of explanations: in some cases, it will be seen as appropriate by the EU legislator to go further than the international obligation; in other cases, coherence with other, linked, aspects of the EU acquis may require a tailored approach.

Current Issues and problems

In general, there is a strong degree of coherence between EU obligations and those in international agreements. For example:

- Shipments of Waste Regulation (EC No 1013/2006). The Regulation establishes a system for the supervision and control of shipments of waste within EU borders and with the EFTA, OECD and third countries which are party to the Basel Convention. The Basel Convention is a global environmental treaty which regulates the transboundary movements of hazardous wastes and provides obligations to Parties to ensure that such wastes are managed and disposed of in an environmentally sound manner. Parties to the Basel Convention are required to transmit to the Secretariat, at the end of each calendar year, their respective national reports pursuant to Article 13, paragraph 3. Regulation 2013/2006 mirrors this, requiring Member States to forward to the EC a copy of the report submitted to the Basel Convention. Further EU reporting obligations are then imposed on top of this. These include annual reports, providing further information deemed necessary by the EU institutions, a three-yearly implementation report as well as ad-hoc/one-off reports (e.g. on institutional arrangements). The timing of regular reports are aligned with that of reporting to the Basel Convention

(end of the calendar year). (However, there are some concerns about whether reporting on waste issues in relation to the Regional Seas Conventions, and in particular waste-related protocols under the Barcelona Convention).

- E-PRTR Regulation (EC No 166/2006). The regulation establishes a European system based on the UNECE Protocol on Pollutant Release and Transfer Registers. The Protocol sets minimum requirements, which means that Parties are free to include additional pollutants and facilities, and the Parties to the Protocol are required to work towards convergence between PRTR systems. This regulation expands the number of substances concerned by adding 5 substances, deemed relevant for EU Member States, to the 86 listed in the Protocol and determines common Protocol implementation approaches, enforcement provisions and guidance, to promote consistency of data across the EU. The Regulation therefore places additional reporting obligations on operators of facilities with regard to the 5 additional substances, but these apply to a limited number of facilities across the EU. It places an obligation on Member States to report to the Commission every three years a report covering aspects of implementation as well as data provided in accordance to Article 7 (i.e. from the annual reporting of facilities for the EPRTR).

Stakeholders have, however, identified some areas where there appears to be some element of incoherence.

- Birds Directive - there is much overlap with reporting for the conventions: Convention on Migratory Species (UNEP), Agreement on the Conservation of African-Eurasian Migratory Waterbirds, Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention; Council of Europe). The requirements differ in frequencies, reporting on longer term and/or short-term trends, geographical borders (EU, Europe or Eurasia). Reporting for the CBD is at a more general level. (Source: MiW Thematic Sessions – Nature)
- For reporting of data on contaminants, (water, biota and sediment), Member States have commented that the format of data, methodology of assessment, and matrix of issues to be assessed differ under the Water Framework Directive, and the various Regional Sea Conventions (RSCs) to which the EU and relevant Member states are party. (Source: feedback from Spain national authorities).

Costs and benefits of current situation

We have not identified in detail the costs and benefits of current overlap; further work to identify the precise nature of, extent of, and rationale for (if any), discrepancies would be a necessary first step. However, generic costs of discrepancies include:

- Duplication of effort in providing similar data in different formats;
- Potential reduced usefulness of and trust in the data if there are apparent conflicts between deliveries at EU level and international level.

Where discrepancies exist because of more detailed requirements in EU legislation, one approach would be to assume that these reflect a greater political need for stringency, and for detailed information, in the EU, than is present at the level of the consensus necessary for international agreements, and thus that there are implicit benefits. However, it would make sense to validate this assumption at the level of the individual policy area, in order to ensure that (i) policymakers and legislators have a good understanding of the implicit or explicit benefits, set against a good

understanding of the cost and (ii) that there is full awareness when discrepancies are being created.

Developments since 2010

Our analysis has not identified specific developments since 2010 – however, the nature of international reporting obligations is that they are potentially subject to the development of the international agreement in response to a planned process of negotiations; and there is thus the potential either for new discrepancies to emerge, or for streamlining to take place through negotiations.

Current initiatives

We are not aware of current initiatives for reducing discrepancies between EU and international reporting obligations.

Potential future changes

Our analysis has not yet been discussed with relevant lead policy officials in DG Environment, or with the Member States. We recommend that later stages of the work (carried out after the end of the current project) should include such a discussion, with a view to better understanding the real implications of the formal overlaps we have identified on the basis of legislative texts and the information available on the Reporting Obligations Database. A categorisation of the links to international reporting obligations could be developed based on:

Where there is a complete match between the reporting obligations (which will include cases where submission of one return to the Commission/EEA covers both the EU obligation and the international obligation);

Where there are benign discrepancies; for example:

- Where all of the requirements of the international obligation are also provided for the EU legislation, but the EU legislation also includes some additional information requirements (or vice versa – as is the case for some data requirements under the Convention on Long-Range Transboundary Air Pollution as compared to the EU National Emissions Ceilings Directive);
- Where the deadlines for reporting differ, but the definition of the data to be reported is consistent.

Where there are discrepancies that reduce efficiency, and impose additional costs on Member States, for example:

- Where there are different time periods covered by the obligations in international agreements and in EU legislation;
- Where there are different data requirements (including different definitions of similar categories of data).

The main area for attention is the third category. However, even in the first 2 categories, there could be some efficiency improvements available through, for example, providing greater clarity to Member States on the potential for using the same information to meet the 2 reporting obligations, or through automation of submission to the secretariat of the international agreement based on the data provided in respect of the EU legislation. Where EU legislation currently incorporates data requirements going significantly beyond those in relevant international agreements, opportunities for review of that legislation should include an assessment of the value of the additional requirements, and the extent to which

they hamper a simpler process of reporting which could meet both EU and international requirements.

In the third category, where there is potential for rationalisation, a process of identifying with the EU Member States where the discrepancies cause the most significant burden could be put in place, followed by an assessment of the potential opportunities for securing change to the EU legislation or its implementing acts, or to the international obligation and its implementing requirements, aiming for a rationalisation, or (potentially) for a recognition that EU reporting consistent with the terms of the relevant EU legislation can be used to meet the obligations of EU parties to the relevant agreement.

Particular challenges will need to be addressed in respect of agreements where there is only partial geographical coverage of the EU Member States, notably those which relate to the marine Environment (the Barcelona Convention and its many Protocols; the Black Sea Convention; the OSPAR Convention; the Helsinki Convention) to ensure that an appropriate balance between costs and benefits is struck for all Member States. There may, in particular, be merit in introducing differential approaches to reporting under EU legislation, depending on the regional conventions to which each Member State is party (except in cases where the EU data is essential to the delivery of key environmental outcomes not addressed by the relevant international agreement); although there is a risk that the time required for developing.

Potential costs and benefits of future change

As noted above, we have not identified in detail the costs and benefits of the current areas of overlap. However, there appear to be limited concerns of Member States on the costs and impacts of overlap, suggesting that the scale of the existing problem is limited; and that there may be limited returns available from focusing significant and policymaking and legislative effort on simplification and harmonisation. However, the opportunities for efficiency improvements offered by further automation of reporting (ensuring onward transmission to international secretariats of data submitted by EU Member States in response to EU reporting obligations) appear not to have significant downsides, and should be systematically pursued when there are opportunities for review.

Barriers, constraints and opportunities for future change

The key barrier to progress in this area is the relative difficulty of securing change in international fora. Where the EU and its Member States have significant current policy objectives to deliver through negotiations in international fora, this may mean that simplification and harmonisation of reporting requirements is less high as a relative priority. Where the relevant agreement is relatively stable, there may be more scope for pressing for change in reporting requirements and format.

Overview of overlaps between reporting obligations in EU environmental legislation, and reporting obligations in relevant multilateral environmental agreements

Multilateral Environmental Agreement	Theme (as indicated in inventory)	Overlap with EU legislation	Implicit or explicit overlap
Geneva Convention on Long-range Transboundary Air Pollution (CLRTAP)(1979) and its protocols	Air	Air Quality Directive	Implicit
		NEC Directive	Explicit
		VOC emissions Directive	Explicit and implicit
Helsinki Convention on Industrial Accidents (1992)	Industrial emissions / accidents	Seveso III Directive	Implicit
Aarhus Convention (1998) on access to information, public participation in decision-making and access to justice in environmental matters	Governance	Public access to environmental information Directive	Implicit
Barcelona Convention (1976) as amended and its protocols	Nature	Habitats Directive	Implicit
Convention on the Protection of the Marine Environment of the Baltic Sea Area, (Helsinki Convention)	Nature	Habitats Directive	Implicit
Bern Convention on European Wildlife and Habitats (1979)	Nature	Habitats and Birds Directives	Implicit
CBD Convention on Biological Diversity (1992) and its Protocols on Biosafety (2003) and on	Nature	Regulation on ABS	Explicit

Access to Genetic Resources and the Fair and Equitable Sharing of the Benefits Arising from their Utilization (2010)			
Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES Convention)	Nature	Council Regulation on the protection of species of wild fauna and flora by regulating trade	Implicit
Stockholm Convention on Persistent Organic Pollutants (2015 last update)	Products	Persistent Organic Pollutants Regulation	Implicit
Basel Convention on hazardous wastes (1989)	Waste	WEEE Directive	Explicit
		Shipments of Waste Regulation	Explicit
Barcelona Convention	Water	Marine Environmental Policy Directive	Implicit
Black Sea Convention	Water	Marine Environmental Policy Directive	Implicit
The Helsinki Convention on the Protection of the Marine Environment of the Baltic Sea Area adopted in 1992	Water	Marine Environmental Policy Directive	Implicit
OSPAR Convention	Water	Marine Environmental Policy Directive	Implicit

Annex 6 – Minutes of Stakeholder Workshops

Study to support the review of EU environmental monitoring and reporting obligations

Stakeholder workshop

International Associations Centre, Brussels 27 04 2016

Background to the workshop

The European Commission (DG Environment) is undertaking a Fitness Check of monitoring and reporting obligations arising from EU environmental legislation.

To support this work, a team comprising ICF International, the Institute for European Environmental Policy and Denkstatt is undertaking a review of monitoring and reporting requirements and the administrative burdens that result from them.

The work involves developing an inventory of reporting obligations, assessing their administrative burdens, and examining opportunities for change and their benefits, as well as supporting the EC's public consultation on this issue.

The workshop provided an opportunity to share early findings from this work, and invite stakeholders to discuss their implications and contribute to the assessment, based on their experience.

The workshop also provided a progress update on the Make it Work project, an initiative by The Netherlands (Ministry of Infrastructure and the Environment), the UK (Department for Environment, Food & Rural Affairs) and Germany (Federal Ministry of Environment, Nature Conservation, Building and Nuclear Safety).

Fitness Check on Environmental Monitoring and Reporting – progress and planning

- In the opening session Carsten Brauns (Committee of the Regions) summarised the findings of a recent CoR opinion paper on improving reporting and compliance of EU environmental law, emphasising that the aim of the Fitness Check should not only be to reduce administrative burdens to authorities and business but also to improve the quality and provision of environmental information.
- Stephen White of the European Commission (DG Environment) provided an introduction to the scope and purpose of the Fitness Check, and its place within the wider Better Regulation agenda. He emphasised the collaborative focus of the Fitness Check and appealed to participants to contribute views, opinions and evidence that they felt relevant and to help spread the word amongst national networks. The three areas of focus for the Fitness Check were established:
 - **Timing**, and exploring ways to lower the frequency of reporting and improve synchronisation;
 - **Processes**, and establishing efficiency gains through automation, harmonisation and centralisation;
 - **Content**, including data requirements, key performance indicators and more automatised data.
- Next steps were outlined, including further collaboration with 'Make it Work', as well as an additional workshop, to coincide with the INSPIRE Conference in

Barcelona in late September, in which MS and stakeholders will have further opportunities to provide feedback.

- The contracting team (represented by ICF International) invited written responses to the papers circulated prior to the workshop by 20 May.

Findings from the public consultation

- David McNeil (ICF International) outlined findings from the public consultation, including perceptions around the core objectives and principles of environmental monitoring and reporting, as well as perceived effectiveness and efficiency of existing arrangements.
- In general, most respondents were satisfied with existing monitoring and reporting arrangements but noted specific areas for improvement.
- A number of participants highlighted the need to consider the representativeness of findings from the survey, particularly in Member States where responses were coordinated across multiple government departments and agencies. It was stressed that interpretation of the responses should not place undue emphasis on the numerical summaries, and that the qualitative content of the responses is also important. The numerical summaries of responses could also separate EU level organisations based in Brussels from Belgian national authorities/ stakeholders.
- Participants also suggested the findings pointed to the need for greater coordination between the European Commission and Executive Agencies (although it was noted that the Fitness Check focuses on DG Environment and its mandate covers areas of legislation under this DG).
- There was a perception amongst some participants that the findings presented focused overly on the costs and burdens of existing monitoring and reporting regulations – and not sufficiently on the benefits. Participants were invited to send additional evidence to the contracting team on this basis.

Inventory of environmental monitoring and reporting obligations

- Andrea Illes (Institute for European Environmental Policy) presented a summary of the inventory of environmental monitoring and reporting obligations.
- The inventory contains details of the reporting obligations of 57 pieces of legislation which involve direct reporting to the European Commission. Some 169 reporting obligations were identified across these items of legislation, with the largest group of ROs linked to water, followed by waste related legislation.
- Some challenges and definitional issues were noted by respondents, including the classification of reporting obligations, for example as geospatial or textual documents.
- It was noted by one participant that there is a growing awareness and interest in the collection of environmental data amongst the wider public, and that the existing format of many ROs may be discouraging public engagement. The inventory was noted as a useful tool in promoting harmonised approaches.
- It was highlighted that this inventory did not include wider obligations, such as Eurostat data reported by Member States. DG Environment clarified that the Fitness Check covers only environmental legislation under its responsibility, but that it is hoped other DGs and Executive Agencies will enter into this analysis so as to improve overall coherence of reporting.

Assessing the costs and benefits of reporting

- Matt Rayment (ICF International) provided an overview of outputs to date of scoping work assessing costs and benefits of the reporting obligations identified in the inventory. The assessment applies the Standard Cost Model to assess the administrative burdens of these ROs, pointing to the various administrative costs incurred by reporting entities, costs of outsourcing and costs of equipment and supplies.
- Challenges for the cost assessment largely related to the sourcing of reliable data – particularly separating EU from national and international obligations and disentangling the RO from other information obligations. It was noted that a few items of legislation have ROs that require data to be collected from businesses – these having much larger burdens as a result of the number of entities required to report.
- Much of the discussion focused on the scope of the exercise and the definitions employed. Including wider information obligations linked to (but not driven solely by) reporting would broaden the assessment and increase the estimates of costs and burdens. However, it was also recognised that there was a need to define the boundaries of the analysis.
- There was some discussion about the relationships between EU and international reporting obligations. On the one hand, the EU plays a role in promoting international reporting, while on the other, some reporting obligations defined in EU law are also linked to international agreements (such as EPRTR).
- Headline estimates of annual administrative burdens attributable to ROs were outlined, although a number of participants cautioned that these costs need to be placed in context within the wider set of reporting costs – specific examples of the costs of other information obligations (such as REACH registration fees) were highlighted but it was underlined that these were not within the scope of the study. Some specific cost estimates (such as E-PRTR administrative burdens) were highlighted as requiring further analysis.

Discussion session – issues and opportunities

- Matt Rayment (ICF International) facilitated an interactive discussion session following the presentations, drawing on participants' experiences of implementing information from monitoring and reporting obligations, and discussion of potential opportunities for improving the process and content of monitoring and reporting obligations. These were linked to the Fitness Check analysis areas as established by the Commission.
- One participant suggested that there is a core need for greater harmonisation and general guidance across legislation – whilst proposals to repeal the SRD are being considered, it was argued that there is a need for new legislation or guidance establishing cross-cutting principles and issues, the use of IT tools, quality assurance procedures, et cetera.
- Several participants highlighted the role of the INSPIRE Directive in promoting sharing of, and access to, environmental information. Some set out a vision in which harmonised environmental information would be accessible at all levels, from the public to the European Commission, and that this could reduce the need for, and burdens associated with reporting. However, some cautioned that INSPIRE is more suited to particular types of spatial information (e.g. information on the physical characteristics of water-bodies) and is not necessarily well suited to reporting on the implementation of legislation.

- The challenges of developing harmonised and consistent systems for collection and sharing of data through INSPIRE were discussed. Participants representing three member state authorities cautioned that harmonisation can only occur for certain aspects of monitoring and reporting because of differences in national legislative frameworks – streamlining of information under INSPIRE could increase administrative burdens if adopted inappropriately. It was noted that the system needs to be able to deal with the “macro” level data required for reporting as well as more detailed “micro” level data needed for decision making at local and regional level. It was further stressed that INSPIRE’s value lies not as a tool for evaluation of policy implementation but to promote sharing of data. These participants envisaged mandatory reporting of a limited amount of data to the European Commission and more detailed and specific collection and reporting of data within Member States. Another MS representative commented that INSPIRE offers the opportunity for common information to be collected and shared across different items of legislation, but noted that at the moment different datasets serve different purposes and may not be compatible
- The Urban Waste Water Treatment Directive was held up as an example of a framework amenable to INSPIRE and digital reporting because there are constant parameters to reporting which occurs as a continuous process.
- Some MS described a vision in which implementation of INSPIRE allowed information to be visible to the public and EC alike. It was recognised that this would take time and investment. The point was also made that making information publicly available was not the same as actively promoting access by the public. It was noted that the use of data would be influenced by differences in language and culture – while this would create challenges it was noted that underlying datasets could be used and communicated in different ways to different audiences.
- Participants reiterated the idea of a two-level approach to reporting, involving EU level reporting of selected key indicators, allowing MS more flexibility in reporting in more detail according to specific needs.
- It was agreed that common tools such as the INSPIRE Directive as well as the Public Sector Information Directive and the Aarhus Convention have a role to play in facilitating data sharing and access to information.
- One stakeholder emphasised the importance of citizens’ science in monitoring and reporting related to the environment, and called for facilitative action and dialogue to promote this.
- Participants recognised the need to work towards harmonisation but acknowledged that this requires investment and resources – so Member States and the Commission will need to work collaboratively to consider what areas to prioritise.

Updates on the Make it Work Initiative

- Jan Teekens (Netherlands Ministry of Infrastructure and the Environment) and Ilia Neudecker (Foxgloves Consultancy) shared experiences and updates relating to the Make it Work Initiative, which was initiated 2 years ago by the UK, the Netherlands and Germany. Whilst MiW focuses on policy implementation more generally, a number of interim findings have key implications for the Fitness Check, particularly monitoring and reporting.
- It was suggested that whilst collecting and sharing information is a key part of the policy implementation process, reporting is not always a necessary part of this. The MiW Initiative focuses on outcomes of monitoring and inspection as well as outcomes. A key finding to date was that reporting is not always

necessarily the right way of sharing and promoting access to information – and authorities should explore new ways to promote wider access.

- Ilia Neudecker presented an analysis of issues specific to proposals to amend the Waste Framework Directive, highlighting the need for more focused obligations, EU-wide indicators, a greater focus on final outcomes (including achievement of waste recycling targets), a stronger emphasis on information exchange as well as formal reporting as well as potential for further streamlining and merging of reporting obligations. She concluded that the proposed reforms will significantly reduce reporting burdens but that there is room for further progress. A key recommendation was for authorities and the European Commission to pay attention to the proportionality of requests.
- Participants highlighted a number of areas where more open information exchange could replace or supplement reporting but noted the importance of some reporting with regard to assessing policy implementation. It was suggested that information exchange at the Member State level could be supported by central initiatives at the EU level, such as cloud-based data reporting. Some participants argued that there would be benefits in greater investment in EU wide infrastructure to enhance the harmonisation and sharing of information.

Participants list

Sandrine Davesne	Brussels Environment
Anna Paskova	MOE
Martin Brocklehurst	European Citizen Science Association
Chris Steenmans	European Environment Agency
Lisbeth Timmermans	CEFIC
Carsten Brauns	Committee of the Regions
Alan Heidelberger	Hazardous Waste Europe
Anna Muner-Bretter	Austrian Ministry of Agriculture
Emmanuelle Gratia	NFP Belgium
David Glod	Ministry of Environment, Luxembourg
dr Josien Stoop	Ministry of Infrastructure and Environment, the Hague
Annalisa Bortoluzzi	Eurometaux
Chris Cooper	Eurometaux
Jean-Pierre Debruxelles	Fuels Europe
Mr Johannes Drielsma	Euromines
Mireille Valentiny	Ministry of Environment, Luxembourg
Jan Voet	Government of Flanders
Ilia Neudecker	Foxgloves Consultancy
Huges Levasseur	FEAD
Ewa Kaniewska	European Parliament
Hans-Christian Eberl	European Parliament
Balázs Horváth	European Environmental Bureau
Rudite Vesere	Latvian Ministry of the Environmental Protection and Regional Development
Manuela Pfiffer	Landesamt für Landwirtschaft

Ramon Hiemcke	State Agency for Agriculture, the Environment and Rural Areas Schleswig-Holstein
Ulrike Schüler	Federal Environmental Agency
Nicholas Mantzaris	Representation of Greece to the EU
Cécile Gözler	French Ministry of Sustainable Development
Jan Teekens	Ministry of Infrastructure and the Environment
Kait Antso	Ministry of the Environment
Yolanda Miranda-Varela	European Commission, IAS.B2
Natacha LEGRAS MARECHAL	European Commission, IAS.B3
Martin Nesbit	IEEP
Andrea Illes	IEEP
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Marie O'Connor	Environmental Protection Agency, Ireland
Nadine Mercieca	Environment & Resources Authority
Remo Tavernari	Permanent Representation of Italy to the EU
Ivone Pereira Martins	EEA
Rudy Vannevel	Flanders Environment Agency

Study to support the review of EU environmental monitoring and reporting obligations

Stakeholder Workshop Note

26-27 September 2016, Barcelona, Spain

Introduction

The third workshop to inform the fitness check of environmental monitoring and reporting obligations was held at the INSPIRE conference in Barcelona, Spain, on 26-27 September 2016.

The workshop papers are available online at:

http://ec.europa.eu/environment/legal/reporting/workshops_en.htm

The papers include:

- The inventory of reporting obligations (MS Excel) and overview paper (MS word)
- Cost and benefit scoping fiches for each reporting obligation (MS Word) and discussion document on costs and benefits
- Workshop discussion paper and presentations

Comments invited

Member State participants and stakeholders are invited to provide comments on the inventory, fiches and discussion documents by **14 October 2016**.

Good practice examples, examples of problems with the current system, and ideas for potential changes to monitoring and reporting obligations at EU level are also invited by the same date.

Overview of monitoring and reporting obligations

Welcome and update on the fitness check

Joachim d'Eugenio and Steve White of DG Environment welcomed participants to the workshop. They provided a brief update on the fitness check and explained the importance of learning from the experience of Member States and stakeholders as part of the process. They invited participants as well as colleagues and other stakeholders unable to attend the workshop to provide comments on the workshop papers, by 14 October 2016.

Matt Rayment of ICF introduced the work of the contractors – ICF, IEEP and Denkstatt – undertaking a study contract to gather evidence to support the fitness check.

Overview of reporting obligations

Martin Nesbit, IEEP, provided an overview of EU reporting obligations based on an inventory compiled by IEEP, covering 57 items of legislation. Participants were invited to submit any comments or proposed amendments to the inventory and summary paper.

Costs and benefits of monitoring and reporting

Matt Rayment provided an overview of the work being undertaken to assess the costs and benefits of environmental reporting. Questions from participants focused on the

definitions and methodology employed, as well as the cost estimates for particular reporting obligations. Further comments and inputs are invited on the fiches and discussion paper.

Discussion on the current system of monitoring and reporting

Objectives and principles of monitoring and reporting

As an introduction to the discussion sessions, Rupert Haines, ICF, outlined the principles and objectives of a good system of monitoring and reporting. Participants suggested that the principle of continuity could also be added – such that reporting should deliver comparable information over time, enabling trends to be identified.

Evaluation criteria

The discussion sessions focused on the EU evaluation themes of relevance, effectiveness, efficiency, coherence and EU added value. Rupert Haines introduced each theme and the evaluation questions being addressed by the fitness check.

Relevance

The evaluation criterion of 'relevance' was introduced and a series of questions posed for open discussion between workshop participants. The relevance criterion was explained as evaluating whether the objectives of the reporting system are relevant to the needs they are trying to address, and whether the overall system remains relevant to the current situation. The specific relevance questions that the Fitness Check is exploring were presented and questions posed to elicit stakeholder opinions of experience in relation to them. The specific evaluation questions are:

- Are environmental reporting requirements relevant for assessing progress with Key Performance Indicators (building on the indicators system introduced by the Better Regulation Guidelines)?
- Has the process of reporting taken advantage of technology: including advances in IT, increasing provision of data through Copernicus, etc?
- Does the process of reporting remain relevant compared to alternative methods of sharing information i.e. harvesting of data?

In the workshop plenary discussion the following points were raised:

Key performance indicators (KPIs)

- There were contrasting views regarding the need to identify KPIs up front, to track the most important elements of legislation and the challenge this created in trying to establish KPIs that were meaningful and sufficient.
- It was stressed that reporting obligations are diverse and serve different purposes, and that the potential role of KPIs needs to be assessed on a case by case basis. It was also emphasised that different reporting obligations relate to inputs, outputs and outcomes (or to different stages in the DPSIR cycle) and that any use of KPIs would need to be consistent with this.
- The importance of collecting additional information, beyond KPIs, when implementing new legislation was raised as it is not possible to foresee what sort of problems/issues one may want to monitor. However it was noted that in the medium term relatively little new legislation was expected, with the focus instead on ensuring effective implementation of the existing obligations.
- It was suggested that where large volumes of textual information are collated, this may present opportunities but also challenges for simplification / condensing through KPIs.
- Questions were raised regarding the level of indicator (output or outcome) and the challenges both raise – outputs where these may be based on subjective

judgements rather than objective factors; and outcomes, where indicators may provide insufficient understanding. An example was provided: the INSPIRE Directive has an output indicator of how many data sets have been provided; but this conveys nothing on the quality of those data sets.

- The potential incompatibility of KPIs with the objective of compliance checking (i.e. reporting implementation against each Article) was recognised. It was suggested that KPIs could move away from this and provide an indication of whether implementation was progressing OK. Where the indicator suggested uncertainty, a second level of review would be undertaken, which would align with the current legal process of compliance checking.
- It was suggested that the closer a MS is to the full delivery of the requirements of legislation, the looser the monitoring and reporting requirements could be made
- It was suggested that it was necessary to first understand the purpose of a piece of legislation and then consider what KPIs would be most useful. This would enable a review of whether what is currently reported provides this information or not.
- It was suggested that continuity of indicators is important, in order to understand trends over time

Copernicus

- It was suggested that Copernicus could provide new ways of collecting data, thus potentially reducing the burden of reporting

Data harvesting

- It was noted that INSPIRE would help to promote the harvesting of data. However, there are challenges:

(i) legal – what happens when/if data is changed after it has been harvested? Does this informal harvesting approach provide data which is appropriate for use in legal proceedings? Could it lead to challenges? Later discussions raised the need for incorporating an 'official stamp' to harvested data.

(ii) MS have limited resources – there is the normal electronic reporting stream and the INSPIRE stream.

- Data harvesting as an alternative to EU level reporting:
 - Needs are constantly changing – investment in data harvesting infrastructure is often/always delayed because there are always too many changes occurring or about to occur
 - Textual information is difficult to compare and there is a cost saving opportunity from reducing the volume of such information through use of coded indicators instead where feasible
 - For purposes such as compliance checking, data needs to be quality checked and officially authorised. Raw data made publicly available may not be fit for purpose.

Effectiveness

The evaluation criterion of 'effectiveness' was introduced and a series of questions posed for plenary discussion. The effectiveness criterion was explained as evaluating how well the system of monitoring and reporting was performing against its objectives. The specific effectiveness questions that the Fitness Check is exploring were presented and questions posed to elicit stakeholder opinions of experience in relation to them. The evaluation questions are:

- Does environmental reporting provide sufficient information on the state and the effectiveness of implementation? i.e. does it satisfy the objectives of reporting?
- Are reporting obligations satisfied? Is the quality and timeliness of data good?
- Does environmental reporting allow for evidence based decision making including evaluations of regulatory fitness and impact assessments?
- Does environmental monitoring and reporting allow for the public to be properly informed about the state of the environment? Is the information received publically accessible?

In the workshop plenary discussion the following points were raised:

- Inappropriate guidance - An example was given of reporting on derogations under the Birds Directive, where the questionnaire and guidelines were provided in English only, presenting language barriers for effective completion
- It was suggested that reporting on derogations is necessary to ensure that they are not being abused, but that the information could be presented in different ways (e.g. made available online)
- Clarity of purpose - Research in the Netherlands for the Make it Work initiative has found various examples where those required to report are not clear of the purpose for doing so – examples include reporting of derogations under the Birds Directive and reporting under the Seveso Directive
- In some cases more information would be helpful. Under the EPRTR REFIT some businesses reported that it would be useful if more information (including on capacity/ output levels) was available alongside emissions data. However, commercial confidentiality is a constraint
- Delays can be caused when data collected needs to be manipulated into a different format for reporting.
- Timeliness can be enhanced where data are made publicly available quickly and independent of formal reporting, as in the case of bathing water.

Efficiency

The evaluation criterion of 'efficiency' was introduced and a series of questions posed for plenary discussion. The efficiency criterion was explained as evaluating whether the achievement of environmental monitoring objectives was being delivered at minimum cost, and whether the benefits of achieving those objectives outweighed the costs. The specific efficiency questions that the Fitness Check is exploring were presented and questions posed to elicit participant opinions of experience in relation to them. The evaluation questions are:

- What are the costs of reporting? Are they justified and proportionate compared to the benefits?
- What factors influence the costs of reporting and the efficiency of reporting processes?
- Are there national or regional best practices examples that can reduce costs?
- Could improvements be made to the reporting process that reduce costs?
- Could the timing of reporting be better synchronized to reduce costs?
- Could the costs of reporting be reduced through promotion of active dissemination of information (in the context of Directives 2003/4/EC and 2007/2/EC), whilst improving access for public authorities, businesses and citizens?

The following comments were made by participants regarding the evaluation questions:

- 'Benefits' is only mentioned once. It is important to recognise that (i) it is essential to evaluate how monitoring and reporting can be made better, not just cheaper – proportionality can be improved by increasing the benefits as well as decreasing the cost; and (ii) were the benefits of reporting better understood / visible, then opposition to costs may be eased. Technology provides opportunities to lower the costs but also to enhance the benefits.

Wim van der Maas, RIVM, provided a Member State perspective from the Netherlands. He argued that the current system presents avoidable burdens as a result of:

- inconsistencies in definitions and categorisations (e.g. EPRTR/ Eurostat)
- double reporting (e.g. ETS, EPRTR)
- requests for already available information (e.g. held by Eurostat)
- different tooling (e.g. platforms, XML, Word etc.)
- non mandatory items
- inconsistent timing.

INSPIRE can help to address these issues by improving harmonisation. There was a major effort in the Netherlands to map data to a new data model, and significant costs (e.g. 200,000 euro for air quality). Working groups need to bring together the INSPIRE and reporting communities, harmonise approaches across Member States and across legislation.

- It was noted that, given the cost of developing INSPIRE compliant datasets, this is not necessarily the lowest cost or most efficient way of achieving harmonisation. The Commission is preparing a concept paper on INSPIRE and e-reporting
- In the workshop plenary discussion the following points and examples were raised:
- Waste legislation: there is felt to be a need to harmonise the definitions used in reporting obligations with the regulation on waste statistics and the waste framework directive currently imposing different requirements, and distinct producer responsibility obligations also existing. It was suggested that an electronic reporting system could aid reporting and verification
- Water legislation: opportunities for streamlining of directives. Especially relating to synchronisation of reporting cycles – nitrates, urban wastewater, WFD and MSFD reporting cycles are all different and this increases admin burden
- It was also noted that synchronisation of reporting should take account of the capacity of the Member State authorities – there could be problems if everything had to be reported at once

Coherence

The evaluation criterion of 'coherence' was introduced and a series of questions posed for plenary discussion. The coherence criterion was explained as evaluating the consistency of reporting obligations with each other and with wider requirements, including international commitments, and the degree to which there may be overlapping or possibly conflicting requirements within the system. The specific coherence questions that the Fitness Check is exploring were presented and questions posed to elicit participant opinions of experience in relation to them. The evaluation questions are:

- Is some data reported multiple times, when it could be reported once and then used for multiple purposes?
- Is data reported (including to other parts of the Commission) but then full use not made of it?
- Is there coherence between reporting to the EU level and to other international levels

A number of suggestions were made during the plenary discussion of legislation and reporting objectives where coherence could be improved:

- MSFD, WFD and Nature Directives reporting

The same and similar indicators are required to be reported under these legislation. Where data generated for one piece of legislation is also reported under another (e.g. Natura 2000 site data reported for the Nature Directives and MSFD), whichever reports later may report out of date data.

Where similar indicators are required in this legislation they sometimes use different parameters and different underlying datasets. These may be difficult to harmonise without a strong strategic driver.

Synchronisation: Whilst it was generally expressed that improved synchronisation in reporting would be beneficial, it was also recognised that where the same individuals are responsible for aspects of reporting under different items of legislation, synchronisation could place a burden on resources in particular years / particular times, rather than distributing the reporting burdens over multiple years.

WFD/MSFD/Nature management measures: Efforts have been made in France and Germany to establish coherence across the measures for each legislation. Germany has developed a harmonised catalogue; France a cross-referencing link between them i.e. more general categories). It was noted that a similar exercise was undertaken by the EEA for noise and air quality action plans.

There is a difference in in RBMPs definition between the Helsinki convention and the WFD

- Re-use of data from water related directives was considered to be good because it is well structured and can be readily processed. For others, notably the Nature Directives, re-use was thought to be harder because of the extent of summary text information.
- Reporting on atmospheric emissions (DG ENV) and GHGs (DG CLIMA), where different approaches were currently required covering overlapping emissions from a similar list of installations.
- EU and Basel Convention waste lists: suggestion that the code lists could be merged to a single list. Recognition that EU is only one of the convention members however. It was recognised that waste statistics, as environmental statistics, may be hard to change.
- UNECE and EPRTR requirements: there are considered to be 99% the same, and could be harmonised by adding one element to EPRTR

EU added value

The evaluation criterion of 'EU added value' was introduced and a series of questions posed for plenary discussion. The EU added value criterion was explained as evaluating the benefits of reporting at EU level rather than at Member State level, and considers the consequences of removing EU level reporting obligations. The specific EU added value questions that the Fitness Check is exploring were presented and questions posed to elicit participant opinions of experience in relation to them. The evaluation questions are:

- What are the benefits of reporting at the EU level, compared to local or national levels?
- What would be the consequence of a cessation of EU level reporting and replacing them by increased transparency and active dissemination?
- Plenary discussion included the following points:
- A number of participants noted the importance of having comparable data on EU member states in order to indicate a 'level playing field'.
- A proportionate approach was needed to the question of EU added value, given that this evaluation was considering a range of EU legislation.
- It was suggested that making information publicly available on the internet could be a substitute for reporting in many cases
- Informing the public: it was questioned whether EU level data is useful to citizens and whether this information might be better provided by MS, within a national context. For example, bathing water quality could be usefully presented with other local level information relevant for potential visitors to water bodies. Reporting to the EU could be reduced, and better links made to national websites where data is available.
- Data harvesting: it was recognised that some investment is required to set up robust data harvesting approaches. Constantly changing reporting needs can prevent investment occurring. Text information cannot be so readily harvested and hence is less amenable to data harvesting.

Opportunities for change

A set of questions for discussion that drew together the various elements discussed over the previous sessions in order to probe what may be the key opportunities for change in environmental monitoring and reporting were introduced by Matt Rayment. It was suggested that this was an opportunity for participants to provide specific examples of what and how aspects of environmental monitoring and reporting could change and how change could be instigated.

Suggestions for future changes included:

- Make nature data INSPIRE compliant
- INSPIRE metadata should include an 'authorisation' stamp to indicate that data is officially sanctioned. This is an important issue for any future data harvesting
- Establish INSPIRE as the first point of review when data is required i.e. the availability of data on INSPIRE should be considered first before any new data is requested.
- Use EU working groups to define EU products under INSPIRE
- Improve communication and joint working between monitoring and reporting and INSPIRE communities
- Ensure INSPIRE data is made adequately available
- Customer satisfaction survey should be used to follow-up with data managers immediately after reporting periods to establish what worked well and not so well
- Address discrepancies between waste statistics and waste reporting
- Address the bigger question of why report, and what is it for, in redesigning system
- Harmonise OECD and EU water statistics

- Allow Member States to integrate reporting of climate emissions with reporting under the NEC Directive
- Emission trading scheme data permitted as valid reporting as reporting for EPRT

Closing remarks and next steps

Matt Rayment thanked the participants and invited further written contributions by 14 October 2016.

Steve White stressed that the exercise was not just one in cost reduction, but was also seeking to enhance the benefits of reporting. He emphasised that the fitness check is a shared process and that the EC would welcome further inputs from MS and stakeholders, including written comments. A short summary note of the workshop will be put online, and a further workshop in late November or early December will share the draft findings from the evidence gathering evaluation.

Joachim d'Eugenio thanked everyone for attending and participating, and encouraged participants also to contribute to the Make it Work event on 28 September.

Workshop attendees

Organisers	
Joachim d'Eugenio	DG ENV
Stephen White	DG ENV
Matt Rayment	ICF
Rupert Haines	ICF
Martin Nesbit	IIEP

Participants	
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Dominique Buffet	Département de la Géomatique, Direction de l'Intégration des Géodonnées (DIG) (BE)
Jandirk Bulens	Wageningen Environmental Research (NL)
Mario Caetano	dg Territorio (PT)
John Dixon	Digital, Data and Technology Services (Department for Environment, Food and Rural Affairs) (UK)
Hernán De Angelis	Swedish Environmental Protection Agency (SE)
Christiaan de Long	Ministry of Environment (NL)
Ann Marie Donlon	Environmental Protection Agency; Cork Regional Inspectorate (IE)
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Gabriela Dragan	National Agency for Cadastre and Land Registration (RO)
Andrew Farmer	IIEP
David Glod	Ministère du Développement durable et des Infrastructures ; Administration de l'environnement (LU)
Beata Gronosz	Ministry of Environment, Poland
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Stefan Jench	EEA
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Study to support the review of EU environmental monitoring and reporting obligations

Stakeholder Workshop Note

8 December 2016, Brussels, Belgium

Introduction

The fourth workshop to inform the fitness check of environmental monitoring and reporting obligations was held at the International Associations Centre (MAI) in Brussels on 8 December 2016. The workshop presented and discussed the findings from the final report of the support study.

This note summarises the discussions that took place during the workshop.

Welcome and introduction – Joachim d’Eugenio, European Commission

Joachim d’Eugenio welcomed the workshop participants and thanked them for their contributions to the fitness check, through the workshops and public consultation, which have helped to build the evidence base used in the support study. This final workshop aimed to discuss the emerging findings as presented in the consultants’ report, to test the draft conclusions of the support study and to identify any significant differences in the interpretation of the evidence.

Stakeholders were invited to provide more detailed comments in writing, for example pointing out any errors in the draft final report or any comments regarding the way that the evidence provided has been presented. It was noted that the team is working to a tight timetable and that the final report needs to be submitted on 16 December, to enable DG ENV to submit this and its draft Staff Working Document for the Fitness Check to the Regulatory Scrutiny Board before Christmas.

Matt Rayment, ICF, provided a short overview of the support study and the research tasks that informed it.

Make It Work – drafting principles on reporting – Jan Teekens, MiW project team

Jan Teekens presented the results of the MiW study in the form of [drafting principles for smarter environmental reporting](#). The MiW project is an initiative of five Member States (CZ, DE, NL, SE, UK).

The drafting principles take the form of six questions which those developing reporting requirements are invited to work through in order to ensure reporting is focused, effective and efficient:

- For what purposes is information needed?
- What type/kind of information is needed for the identified purpose?
- What criteria does the information have to meet to be effective and efficient in practice?
- Is information already available? Are there better ways to obtain the information?
- How can reporting be made smart?
- What is the appropriate legal/non-legal setting for reporting?

Reporting needs to satisfy the principles of sufficiency and proportionality, quality, comparability, timeliness and continuity, practicability and consistency across sector/acquis.

A number of reflections were made with regard to the fitness check. JT welcomed the findings of the support study which complement those of the Make it Work initiative.

The Make it Work documents can be found at:

http://www.ieep.eu/assets/2154/MiW_Drafting_principles_on_environmental_reporting_-_version_adopted_by_project_team_2016-11-22.pdf

http://www.ieep.eu/assets/2155/Note_to_the_Commission_adopted_by_the_MiW_project_team_-_2016-11-22.pdf

Joachim d'Eugenio welcomed the findings of the MiW project and noted that the drafting principles document complements the findings of the fitness check.

Draft findings from the study to support the Fitness Check on Environmental Monitoring and Reporting – ICF and IEPP

Draft findings on Relevance:

Rupert Haines, ICF, introduced the evaluation criterion of 'relevance' and the findings for each of the evaluation questions set out in the fitness check roadmap were presented:

Question 1: Is the process of environmental monitoring and reporting still relevant (as opposed to harvesting of data)?

Question 2: are all environmental monitoring and reporting requirements still relevant?

Question 3: Are environmental reporting requirements relevant for assessing progress with Key Performance Indicators?

Question 4: Has the process of reporting taken advantage of new technology options?

The discussion covered the following points:

Other forms of data collection were mentioned by participants as representing potentially efficient alternatives to obligatory reporting:

Citizen science (CS), i.e. the collection and analysis of data relating to the natural world by members of the general public.

It was noted that it was recently agreed that CS would contribute to reporting for the Birds Directive, through the work of Birdlife and RSPB.

It was suggested that CS may be particularly relevant for monitoring emerging environmental issues due to the relative speed with which CS can be implemented compared to formal EU reporting.

It was suggested that CS may be particularly relevant for issues that are of high relevance to those collecting the data, for example environmental issues affecting human health

Some participants cautioned of the need to use CS only in appropriate situations and avoid its use as an "easy exit" for the authorities in providing data.

Copernicus offers potential benefits and may complement reporting – it requires a substantial investment and its role and benefits with respect to reporting need to be worked out.

Some participants reflected that the relevance of reporting requirements varied depending on the user group. A participant stated that that aggregated information may be appropriate for some users whereas for others e.g. the scientific community,

access to underlying databases was important. It was cautioned that the EU's desire for aggregated information should not preclude the need to submit raw data. It was suggested that it would be beneficial to have different layers of data aggregation of accessible, enabling each group to select the most relevant for needs.

A participant highlighted the importance of context for interpreting data, suggesting that a lack of contextual information can undermine the relevance of the reporting requirements as it inhibits interpretation. An example was provided of BREF³⁴⁴ reviews, for which questionnaires target to operators required significant effort to complete but didn't appear to request suitable contextual information to enable interpretation.

One participant indicated that data providers sometimes do not recognise their own data, because it is mixed with data from other sources (an example provided was waste data, for which EU reports use a combination of Reportnet and Eurostat data). The participant advocated more transparency in order to distinguish data sources.

The support study highlighted the potential for reporting requirements to evolve over time. It suggested that where MS were meeting the targets of the legislation, it may be feasible to reduce the amount of information reported. Some participants cautioned that there was a need to keep some level of monitoring and reporting even if targets are met.

Reporting under the E-PRTR was identified as an area where there is much room for improvement and optimization of reporting, particularly to make better use of existing data.

The support study highlighted the potentially high costs of adopting new technology to support reporting. Whilst this was broadly agreed with, some stakeholders noted that such investment could also reduce ongoing reporting costs. The example of IED-related reporting investments made by the Ireland Environment Protection Agency had led to major reductions in ongoing administrative burdens and improvements in the speed of data provision.

Draft findings on Effectiveness:

Rupert Haines introduced the evaluation criterion of 'effectiveness' and presented the findings for each of the evaluation questions set out in the fitness check roadmap:

Question 1: Are reporting obligations met, and with good quality, timely data?

Question 2: Does environmental monitoring and reporting provide sufficient information on the state and the effectiveness of implementation of the environmental acquis?

Question 3: Does environmental monitoring and reporting allow for the public to be properly informed about the state of the environment?

Question 4: Does environmental reporting allow for evidence based decision making including evaluations of regulatory fitness and impact assessments?

The discussion covered the following points:

Language: The issue of language was highlighted by a series of participants as an obstacle to effective reporting. Questionnaires, templates and guidance are in general provided by the EU in English only. To support subsequent reporting by MS, translation is typically undertaken at the national level. This presented a risk that MS translation results in different interpretation and meaning of terminology. Hence there is a lack of common understanding and this may result in incomparable reported data across MS, undermining effectiveness. This is an issue that is not unique in environmental reporting but applies across policy areas. A potential solution suggested

³⁴⁴ Best available techniques Reference document

was for official translation of templates/guidance (or at least the basic text) by the Commission translation services. It was suggested that including such information in the legislation would ensure translation; but that this contradicted findings from the Make it Work initiative that recommended greater use of non-legislative routes to make it easier to change reporting requirements in order to retain their relevance over time. It was also questioned whether greater use of pre-defined text/answers which work across languages could help resolve the issue.

Timelines of reporting: a participant noted that there is an issue with reporting against the MSFD in 2018 and the nature Directives in 2019. Data on marine biodiversity is required for both. However official data for nature Directives related data cannot be obtained in time for MSFD reporting in 2018. This may result in data from the previous Nature Directives reporting cycle being used for MSFD reporting. The timeline could be aligned in future reporting cycles to improve effectiveness.

Quality checking: a participant stated that quality checking is a formal process and takes a lot of time; whereas data harvesting and other open data applications can make information available quickly. It was questioned whether the process of reporting including long time period for quality checking had become outdated. However it was recognised that there is a need to find a balance between the desire (and opportunities) to provide data quickly and the need to have data that is quality checked and officially 'signed off'. One participant suggested that it may be feasible for quality checking to be done by data users once information is released.

Public access to information: two participants recognised that different data users have different needs. There is a need to differentiate between information to the general public and environmental NGOs. Different types of information are needed in different contexts and for different uses.

Public access to information: one participant suggested that ensuring that data could be benchmarked against other MS (or other spatial areas) would support more effective communication of information to the citizens. This may have an added benefit of driving environmental improvement as citizens would be unlikely to be satisfied if their area performed badly against other areas (even if the legislative targets were being met).

INSPIRE: There was a discussion about the role of INSPIRE and the opportunities to extend the use of e-reporting to support better information and hence more effective reporting. It was agreed that change can take some years to achieve, but that there would be advantages in harmonising processes and datasets. It was also recognised that changes had to be made at the right time in the reporting cycles and that there was a need for transition planning.

Draft findings on Efficiency:

Matt Rayment, ICF, introduced the evaluation criterion of 'efficiency' and the findings for each of the evaluation questions set out in the fitness check roadmap were presented:

Question 1: To what extent are the costs involved justified and proportionate?

Question 2: What factors influence the efficiency with which environmental monitoring and reporting takes place?

Question 3: Are there examples of good practice in environmental monitoring and reporting at national and regional level that imply it could be undertaken more efficiently, and if so, how?

Question 4: Could improvements be made to the process of environmental monitoring and reporting to cut costs?

Question 5: Could the timing of reports be better synchronised or streamlined to cut costs?

Question 6: Could active dissemination of data alleviate environmental monitoring and reporting burden whilst improving access for public authorities, businesses and citizens?

The discussion covered the following topics:

National best practices: it was questioned why best practices are not more widely promoted, and suggested that MS have no interest in promoting their best practices to other MS. There are examples of IT systems and software having been developed in MS; but mechanisms are needed to ensure that these are shared and used widely. There are examples of successful dissemination in other sectors (e.g. financial sector). An example of a new system (for licensing and reporting compliance) developed by the Ireland EPA was identified, which could have benefits if shared (which could be on a commercial basis), but this didn't appear to be happening. Other examples identified were paying agency software for the Common Agricultural Policy, registries under the Emissions Trading System and the US EPA's portal. It was noted that there is no single authority driving such exchanges but that such activity did occur e.g. the JRC often picks up on MS best practices and is also providing reusable tools for a variety of issues.

Continuity vs improvements: It was recognised that a balance needs to be found between maintaining continuity of reporting processes, and seeking improvements designed to improve efficiency. Critics often report that systems are changed too often, and that discontinuity raises costs. On the other hand, changes over the years have greatly enhanced the speed and efficiency of reporting.

Funding investment and improvements in reporting processes. It was noted that the distribution of costs as well as their overall volume is important, and that some MS may be able to afford the burden of monitoring and reporting, and investments in technology, more easily than others. It was suggested that regional funds have financed development of reporting systems e.g. in Slovenia. It was also recognised that capacity, knowledge, etc. is another problem to take into account on top of financial issues. The one cannot go without the other.

INSPIRE:

- Combination of EU and national tools. We need more leadership and more examples. A long-term (10 years) perspective on INSPIRE would help plan future processes.
- Regarding the costs, there has been a large investment in Germany and other MS to establish INSPIRE-compliant systems. It will be important to ensure that this is repaid through benefits for reporting and information sharing.
- With regard to EPRTR, thresholds for recording waste statistics are often problematic as they result in certain industrial sites coming in and out of the requirements because they have varied volumes of production each year. This was thought to increase the administrative burden. Other EPRTR requirements are based on permitted volumes, but this does not apply to waste.

Draft findings on Coherence:

Martin Nesbit, IEEP, introduced the evaluation criterion of 'coherence' and the findings for each of the evaluation questions set out in the fitness check roadmap were presented:

Question 1: Is some data reported multiple times, when it could be reported once and then used for multiple purposes?

Question 2: Is data reported (including to other parts of the Commission) but then full use not made of it?

Question 3: Is there coherence between reporting to the EU level and to other international levels?

Discussion covered the following topics:

Specific coherence issues:

EPRTR coherence and duplication with CLRTAP were noted.

NEC Directive and CLRTAP

Waste statistics: differences in codes for waste statistics were discussed. The statistics regulation has two lists of codes, for producers (not the same as the IED codes) and wastes (not the same as the Waste FW Directive codes). It was suggested that harmonisation of waste codes would be beneficial.

Improvements: an example of improved coherence was identified as a joint questionnaire from Eurostat and OECD on waste, air, etc.

Draft findings on EU added value

Matt Rayment, ICF, introduced the evaluation criterion of 'EU added value' and the findings for each of the evaluation questions set out in the fitness check roadmap were presented:

Question 1: What is the additional value resulting from reporting at EU level compared to what could be achieved by Member States at national and/or regional levels?

Question 2: What would be the likely consequences of repealing existing EU reporting requirements and replacing them by increased transparency and active dissemination?

The discussion included the following points:

Participants highlighted that other sources of information can be used to complement MS reporting (e.g. Copernicus for marine and air, citizen science data to complement formal reporting).

It was suggested that the use of these alternative systems could enable a move away from compulsory to a voluntary cycle of reporting for MS.

It was argued that EU level reporting helps to raise the visibility of environmental issues, and that the continued role of MS administrations in this process is important.

It was suggested that further development and testing of Copernicus would be needed for it to be widely accepted, and for its role in contributing to reporting to increase.

Conclusions and next steps

Matt Rayment, ICF, presented the conclusions of the support study. These included an assessment of the reporting system against the Better Regulation monitoring principles (i.e. comprehensiveness, proportionality, minimisation of overlap, timeliness, accessibility), a discussion of recent trends and future directions of environmental reporting, possible areas for improving the system, and identification of data gaps and further research needs.

Discussion included the following topics:

The opportunity to expand the use of data harvesting could be emphasised in the conclusions and further research needs

It was suggested that referring to opportunities to 'maximise synergies' sounds more positive than 'avoiding overlaps'

Some participants highlighted that certain administrations are sometimes taken by surprise by additional requirements for data for which monitoring systems may not be in place. This issue may arise particularly in federal administrations. It was suggested that there is a need for better forward planning of reporting requirements.

It was argued that there is a need for adequate mechanisms to repeal ROs when they have become obsolete

The EC highlighted the need to consider the whole life-cycle and the shared responsibility of the EP and the Council to take into account the administrative burden for the EC as well as MS when accepting/introducing new RO.

The possibility of incorporating "earned recognition" into the reporting system was discussed. There could be a bonus mechanism or tiered approach where reporting obligations could be streamlined for those MS that have demonstrated compliance, who might be required only to confirm that this has been maintained.

The EC indicated that the repeal of the Standardised Reporting Directive is due on 15 December 2016 (Declaration of obsolescence). This has been a difficult process, even though the Directive is obsolete.

There was some discussion about the conclusion regarding the sufficiency of information provided by reporting. It was argued that KPIs could help to provide more targeted information.

There was some debate about the issue of communication. Some participants stressed the importance of communicating the purpose and benefits of reporting in order to strengthen buy-in to the process, in order to enhance effectiveness and reduce the perception of burden. However, it was also argued that communication alone would be unlikely to resolve the criticisms made by data providers, particularly those at regional or local level who are more remote from EU level reporting. It was argued that enhanced use of indicators and tools to help people use data in their local environmental policy could play a role in improving perceptions of relevance.

End of Workshop

Joachim d'Eugenio thanked the research team for their work on the report, and the participants for their contributions throughout the process.

Next steps:

- The contractors will submit the draft final report on 16 December 2016.
- The report, along with the draft Staff Working Document, will be submitted to the Regulatory Scrutiny Board before Christmas, for discussion early in 2017.
- The draft final report and annexes of the support study will be put in public domain.
- The workshop minutes will be shared with the participants.
- Some follow-up to the work and ongoing process of engagement is envisaged, working with existing reporting groups.

List of participants

First name	Last name	Organisation
Organisers		
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Sophie	Domaine	European Commission
Rupert	Haines	ICF
Adam-Daniel	Nagy	European Commission

Martin	Nesbit	IEEP	
Matt	Rayment	ICF	
Yann	Verstraeten	ICF	
Participants			MS
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David	Fernandez	Ministry of Agriculture, Food and Environment	ES
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Rudite	Vesere	Ministry of the Environmental Protection and Regional Development,	LV
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13.



Annex 7: Study on the Standardised Reporting Directive (91/692/EEC) repeal

Background document



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EUROPEAN COMMISSION

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Study on the Standardised Reporting Directive (91/692/EEC) repeal

Background document

Executive summary

The 1991 Standardised Reporting Directive (the SRD) was adopted to streamline information flows before the advent of electronic reporting. Over time, the majority of the reporting requirements in the SRD become obsolete. Of the 28 acts originally mentioned in the SRD, only 2 remain subject to its provisions, namely the Sewage Sludge Directive (86/278/EEC) and the Asbestos Directive (87/217/EEC). Some sectoral legislation adopted after 1991 also refers to and makes use of the SRD reporting provisions. As a result, there currently remain 1 regulation, 9 directives and 18 decisions in force that still make reference to the SRD.

In general, the main drivers that eroded the SRD's relevance are: (i) the considerable development of the environmental acquis, including revisions of individual pieces of environmental legislation, which have frequently removed reporting obligations from the ambit of the SRD and (ii) radical progress in information and communications technologies (ICT), (iii) the European Environment Agency's assistance to the reporting obligations, and (iv) an unprecedented scale-up of the need for timely, cross-border, and interactive environmental information. The few provisions that still actively refer to the SRD relate to asbestos, sewage sludge, waste and climate. Most of them have either recently gone through or are undergoing legal revision. The relevant waste legislation falls under the forthcoming legislation under the Circular Economy Package. The reporting requirements of the asbestos Directive do not provide any added value and in practice no active use is made of the reporting obligations, mainly due to discontinuation of use of asbestos across the EU Member States as a consequence of REACH (1907/2006/EC) which leads to a phase out of the production and use of raw asbestos and of products containing asbestos in the EU.. The Sewage Sludge Directive seems to be of lower priority nowadays because of the introduction of a range of new legislation, including the Water Framework Directive, delivering similar or related objectives; nonetheless its 3-yearly reporting obligation, even if not respected in practice, is still formally binding. The SRD-relevant provisions in the Directive on VOC emissions from petrol storage and distribution (94/63/EC) are not applied in practice, and the Ship Recycling Regulation (1257/2013/EU) has not yet entered into force.

The Emissions Trading System Directive (2003/87/EC) still relies on the SRD, including the underlying procedure for adoption of the reporting questionnaires. A legislative process for the revision of the Emissions Trading System Directive is ongoing and the potentially redundant reference to the SRD may be dealt with in that process. The SRD-based reporting obligation under CCS Directive (2009/31/EC) has in practice exhausted its legal effect after the first implementation report was submitted by the Member States to the Commission, but there remain cyclical reporting obligations that could be framed by the new rules for implementing decisions, without a reference to the SRD. The SRD, namely its article 6, refers to the comitology procedure for adoption of reporting questionnaires. This reference would in any case need to be updated to meet the requirements of new rules for delegated acts adopted under the Lisbon Treaty.

There is therefore a case for legislative action to remedy the SRD related inefficiencies. There are two plausible options for such action: complete repeal and partial repeal. The assessment against the criteria of effectiveness, efficiency, coherence, relevance, and EU added value, in line with the Better Regulation principles indicate that a complete repeal may be optimal provided it also ensures continuity of reporting obligations that are still making an active reference to the SRD. This conclusion assumes adoption of the Circular Economy Package and its monitoring and information elements in a form close to that proposed by the Commission.

Introduction and policy context

The Council Directive of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment (91/692/EEC)³⁴⁵ (hereinafter: the SRD), was adopted with the aim to rationalize and improve on a sectoral basis the provisions on the transmission of information and the publication of reports concerning some thirty two legal acts on the protection of the environment. In force for over two decades, the SRD proved to be difficult to implement, and became increasingly obsolete as the acts it covered have been changed (i.e. repealed or harmonised), often with the inclusion of a streamlining of the reporting obligations, of both sectoral and horizontal spans. Despite the fact that the majority of obligations set by the SRD become obsolete (either because they have exhausted their legal effect or because their legal basis is no longer in force), and were made to repeal or amend the directive³⁴⁶, it is still in force.

Under the Commission's Better Regulation and Regulatory Fitness policy, the SRD is listed among the acts requiring legal scrutiny. The directive is targeted in the frames of the Regulatory Fitness and Performance programme (REFIT launched in 2012³⁴⁷. REFIT aims, among other things, at alleviating the administrative burden associated with reporting and ineffective bureaucratic processes with no or little added value. Hence regulatory monitoring is one of its key parts. The efficiency gains are expected to be achieved through the simplification, and wherever appropriate, also the reduction of reporting obligations³⁴⁸. Current REFIT initiatives are designed to "make EU law simpler and to reduce regulatory costs without compromising policy objectives" and contribute to a clear, stable and predictable regulatory framework in all areas, including environment. More specifically, the SRD falls under the scope of Environmental Reporting Initiative aiming at identification of "opportunities to simplify and alleviate reporting obligations stemming from EU environmental law with a view to develop a more modern, efficient and effective system for regulatory monitoring"³⁴⁹. Consequently, in 2016 the Commission plans to prepare a Communication in which, alongside the strategy for the Fitness Check of monitoring and reporting of obligations in EU environmental policy, the state of play of the SRD and related decisions, including a proposal for its repeal will be presented.

This study presents the results of an analysis of the potential repeal of the SRD. The assessment has been conducted along the latest Better Regulation Guidelines³⁵⁰, but its depth and length are targeted to the expected scope of implications stemming from the SRD repeal and its alternative scenarios. It constitutes a part of the review of EU environmental monitoring and reporting obligations undertaken by DG Environment of the European Commission.

³⁴⁵ OJ L 377, 31.12.1991

³⁴⁶ EC (2008) Commission Staff Working Document accompanying document to the Communication from the Commission to the Council and the European Parliament, Towards a Shared Environmental Information System (SEIS) - IMPACT ASSESSMENT, COM (2008) 46 final

³⁴⁷ EC (2012), the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Regulatory Fitness, COM(2012) 746 final

³⁴⁸ EC (2013), the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Regulatory Fitness and Performance (REFIT): Results and Next Steps, COM(2013) 685 final

³⁴⁹ EC (2015), Annex II to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Commission Work Programme 2016 "No Time For Business As Usual", COM(2015) 610 final

³⁵⁰ Available at : http://ec.europa.eu/smart-regulation/guidelines/ug_chap4_en.htm

1 Current Policy and Problem Definition

What is the problem and why is it a problem?

The SRD was adopted in December 1991 by the Council based on the proposal of the Commission of 1990³⁵¹. The proposal, addressing the need for improved environmental legislation reporting, received positive opinions of the European Parliament and the Economic and Social Committee. The legislators expected that the SRD would rationalize and improve the provisions on the transmission of information and the publication of reports concerning certain sectoral legal acts on the protection of the environment. In other words, it was expected to streamline reporting on the implementation of environmental laws and enable public access to information on environment³⁵².

To standardise the reports the SRD introduced a use of harmonised questionnaires, designed and adopted through the comitology procedure (based on Decision 1999/468/EC). Legislated frequency of reporting was constant for most of the acts covered by the SRD (a three-year timeframe), but the deadlines for submission were staggered to reduce the overall annual reporting effort of the national administrations. The national replies provided through the questionnaires served as a basis for the Commission's reports on the implementation of legislation in each relevant sector.

The SRD was expected to address the reporting challenges of early 1990's; a time when the Commission's struggled to collect sufficient information on implementation of a number of environmental laws in a timely manner. The reporting system set out by the SRD was therefore conceived as a building block for the effective implementation of the environmental *acquis*.

Despite a clear added value of harmonised reporting (that improved data consistency and information flow), the actual effectiveness and efficiency of the SRD were questioned from the outset. For instance, the initial assessment of the application of the standardised reports has demonstrated that only 45 percent of the required data and information was reported in 1993 and 1995³⁵³. The initial criticism mainly related to the data distortions "associated with passing data from person to person along a long chain" and the administrative burden the SRD created, particularly when there was limited potential for electronic reporting. The lack of online tools however, should not hide the fact that the Member States were generally reluctant to report the environmental information. The SRD was arguably the best environmental reporting harmonisation tool the Member States could design and agree on at the beginning of 1990's of last century; it just exposed the low level of enthusiasm towards environmental reporting at national level. In the course of the SRD's application, the grounds for questioning of its usefulness have grown further. For instance, it has been observed that the reported information is often not used, or proves to be of limited value because it is outdated, too general or too detailed, of insufficient quality, or not comparable. Moreover the Member States noted that the same information needed to be reported several times to different audiences in different formats³⁵⁴.

There are a few drivers that gradually eroded the significance of the SRD as a backbone of the EU environmental reporting system; some of the most pertinent being: (i) the

³⁵¹ EC (1990) Proposal for a Council Directive Harmonizing and Rationalizing Reports on the Implementation of Certain Directives Relating to the Environment, [COM/90/287 final](#)

³⁵² Public access was ensured at that time by the provisions of the Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment, OJ L 158 , 23/06/1990 P. 0056 - 0058

³⁵³ EC (2000), A synthesis report on the first application of standardised reports from Member States: From 1993 to 1995, available in the [EU bookshop](#). The 45 percent refers to the share of questions for each Directive under the SRD contained in the questionnaires adopted under the SRD for which at least some information was provided by the Member States for 1993 and 1995 report. No judgment was made on quality and completeness of information.

³⁵⁴ IEEP (2015), Workshop on environmental monitoring and reporting – background and aim, note.

considerable development of the environmental acquis, including revisions of individual pieces of environmental legislation, which have frequently removed reporting obligations from the ambit of the SRD and (ii) radical progress in information and communications technologies (ICT), (iii) the European Environment Agency's assistance to the reporting obligations, and (iv) an unprecedented scale-up of the need for timely, cross-border, and interactive environmental information. A brief description of each driver is presented below:

a) Development of environmental acquis

EU environmental legislation is constantly evolving and has outgrown the tools devised 25 years ago. The body of environmental provisions has grown significantly since the adoption of the SRD. New provisions took precedence over the SRD and made its original reporting system almost redundant. Some of the key pieces of EU environmental legislation adopted after 1991 did not refer to the SRD at all. This is notably the case of the Water Framework Directive (2000/60/EC) adopted in 2000. It not only reduced the number of water directives in the EU environmental acquis from 18 to 9, but also streamlined reporting requirements, which are now based on the Water Information System for Europe (WISE)³⁵⁵ rather than the SRD. Other examples of environmental acts that did not base their environmental obligation on the SRD include: the Ambient Air Quality Directive (2008/50/EC), the Urban Waste-Water Treatment Directive (91/271/EEC), the Marine Strategy Framework Directive (2008/56/EC), and the Industrial Emission Directive (2010/75/EU).

Of the 28 acts originally mentioned in Directive 91/692/EEC itself, only 2 remain subject to its provisions, namely the Sewage Sludge Directive (86/278/EEC) and the Asbestos Directive (87/217/EEC).

However, some sectoral legislation adopted after 1991 refers to and makes use of the SRD reporting provisions. As a result, there remain 1 regulation, 9 directives and 17 decisions in force that still make reference to the SRD. These legal acts are mainly in waste and climate sector and are currently under revision. More details are set out below.

b) Radical progress in ICT and GIS

Since 1990 ICT and GIS has been constantly improving. Communications in the world economy shifted from an analog to a virtually digital model in a few decades. The percentage of EU households having access to internet at home increased significantly³⁵⁶. The mechanisms for collecting, exchanging and using data can significantly increase the use that is made of environmentally-relevant data, and significantly reduce the cost for users. EU Member States have gradually increased their use of electronic reporting, including in response to the adoption of INSPIRE Directive (2007/2/EC). The INSPIRE Directive created online tools that made environmental information more accessible and easy to use. Better and cheaper data handling is now available for instance in form of data bases such as WISE. Efficient communication of environmental information requires also high level of interoperability of data repositories

³⁵⁵ EC (2013) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Regulatory Fitness and Performance (REFIT): Results and Next Steps, [COM\(2013\) 685 final](#)

³⁵⁶ Percentage of households who have internet access at home reached 83 percent in 2015, up from 55 percent only in 2007. Similar statistics for 1990 are not provided. Eurostat (2015), Level of internet access – households, tin00134

and more efficient connections across the borders in general, as stipulated in "A Digital Single Market Strategy for Europe"³⁵⁷.

c) Support of the European Environment Agency

Since 1994 the EEA has been assisting the EU Member States and the Commission in fulfilment of their respective reporting obligations. The EEA has helped the Member States to be a more efficient partner, putting at their service modern tools such as [Reportnet](#) (2002) or [WISE](#) (2007).

d) Higher expectations from environmental information

The needs and expectations from any information handling systems have grown significantly over past three decades. This can be explained by several factors, including the abovementioned progress in ICT. The two most important reasons however, taking into account the original objectives of the SRD are:

- Increased public environmental awareness. The Aarhus convention entered into force in October 2001, followed by the Directive on public access to environmental information (2003/4/EC), additionally raising awareness of the general public about everyone's right to receive environmental information held by public authorities. An increased flow of information thanks to the popularisation of internet access and use also played a role in this respect.

and

- the increased pressure related to cross-border environmental risks. Thanks to progressive EU enlargements, and the integration and economic development brought about in part by the Single Market, the 28 Member States are more interconnected than they have ever been before. They are also increasingly exposed to climate change and other environmental risks. In consequence there is a high demand for a fast and close to real-time flow of information on environmental subjects (essential for effective prevention and management of environmental crises such as floods and forest fires).

On top of that, in some sectors of the environment, namely climate and air quality, a one year rather than a three year reporting cycle may be appropriate. Reporting frequency in this area is important to mark progress in the implementation of relevant legislation, to enable a prompt response to emerging health risks, and to ensure data is available for use as evidence for further policy development.

The applicability of the SRD was affected by the abovementioned drivers; and the directive lost relevance to a large number of legal acts it covered or that referred to it at some point. These changes led to a situation in which the SRD may be considered an "empty shell" with only limited relevance to current EU environmental *acquis*. A repeal of the SRD was suggested in the Impact Assessment of the Shared Environmental Information System published in 2008³⁵⁸ but the idea was not pursued. The difficulty behind any legal changes to repeal the SRD is indeed part of the wider problem. The SRD is a horizontal act so widely spread that the efforts to shift the relevant provisions, scattered around the environmental sectors, towards more efficient reporting systems, is likely to prove challenging. Eventually, a possible proposal for repeal of the SRD,

³⁵⁷ EC (2015) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A Digital Single Market Strategy for Europe, [COM/2015/0192 final](#)

³⁵⁸ EC (2008) Commission Staff Working Document accompanying document to the Communication from the Commission to the Council and the European Parliament, Towards a Shared Environmental Information System (SEIS) - IMPACT ASSESSMENT, [COM \(2008\) 46 final](#)

subsequent to analysis of the state of play of its application was envisaged in the Commission's work programme for 2016 "No time for business as usual"³⁵⁹.

Below, an overview of the sectoral legislation referred to or referring to the SRD is presented. It allows a better understanding of the types of relevant acts and their statuses, as well as the current or potential alternative to the SRD obligation.

e) Environmental acquis with relevance to SRD, per sector

There are six sectors in which the legislation covered by, or referring to, the SRD applies. These are: waste, water, chemicals and dangerous substances, air quality, industry, and climate. Sections below list the relevant legal acts for each sector and inform about their status.

- Waste

Currently most reporting obligations with regard to waste are organised on the basis of the SRD. Therefore, waste legal acts rely on the SRD provisions more than any other sectoral legislation under the EU environmental umbrella. The current set up however is about to be replaced with a new reporting system created under the Circular Economy Package, assuming the legislative proposals are adopted with the relevant provisions largely unchanged. Listed among the new initiatives of the Commission for 2016, the aim of the package is "to address economic and environmental concerns by maximizing efficiency in the use of resources, covering the whole value chain (including sustainable consumption, production, waste management) and through innovation, thereby enabling the development of new markets and business models. The package will consist of a broad action plan, including actions on monitoring effective progress, and a waste proposal with long-term targets."³⁶⁰ New reporting obligations under the Circular Economy legislation are expected to streamline and simplify the waste reporting obligations and will not refer to the SRD³⁶¹ any longer.

The only acts actively referring to the SRD, but not covered by the current Circular Economy proposals are the Sewage Sludge Directive (86/278/EEC) and the Ship Recycling Regulation (1257/2013/EU). While in the case of the Sewage Sludge Directive, the reporting is *de facto* inactive, under the Ship Recycling Regulation, it is inactive *de jure* as the regulation has not yet started to apply.

The former case could be explained by a low-priority treatment of the Sewage Sludge Directive, due to, *inter alia*, the introduction of a range of new legislation, including the Water Framework Directive, delivering similar or related objectives. However, non-compliance of many Member States with its reporting obligations affects legal certainty on the consistency of application of the environmental acquis³⁶². The applicability of legislative requirements should not be a matter of case-by-case judgments by policymakers, but a matter for the correct process of EU law making.

³⁵⁹ EC (2015), Annex V to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Commission Work Programme 2016 "No Time For Business As Usual", [COM\(2015\) 610 final](#)

³⁶⁰ EC (2015), Annex I to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Commission Work Programme 2016 "No Time For Business As Usual", [COM\(2015\) 610 final](#)

³⁶¹ EC (2015) Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste, [COM\(2015\) 595 final](#)

³⁶² Information provided by DG ENV and in summaries of the responses received to the Commission's consultation launched on 17th November 2009 regarding possible revision of the Sewage Sludge Directive 86/278/EEC and impacts from the different options for potential policy change. RPA, Milieu Ltd and WRc (2010) Environmental, economic and social impacts of the use of sewage sludge on land – [Final Report Part II Report on Options and Impacts](#).

Overall in the waste sector, 14 legislated acts (directives and regulations) and 11 implementing decisions were taken on the basis of the SRD. The table below (table 1) presents an overview of these acts, including the name and number of the relevant provision, its status, the SRD relevance and the current or planned reporting obligation.

Table 1 Overview of waste legislation with active or obsolete relevance of the SRD (green: active relevance, red: obsolete relevance, shadowed red: obsolete relevance with active implementing decision(s) relevant to the SRD)

Provision	Status	SRD relevance	Current/planned reporting obligation
Article 17 of 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	IN FORCE		The SRD sets out the procedural aspects of the reporting obligations under the directive, but not their substance (i.e. reporting obligation and 3 year cycle). The procedural obligations based on the SRD procedures are still active. In practice this Directive appears to be regarded as a low priority and no implementation monitoring is done. Implementing decision-questionnaire is in force (94/741/EC)
Article 58.2 of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste	REPEALED		This regulation has been amended by the Regulation 660/2014/EU of 15 May 2014 that removed its reference to the SRD. Reporting under the Regulation on shipments of waste is streamlined with that under the Basel Convention by means of a joint questionnaire.
Article 21 of Regulation 1257/2013/EU on ship recycling	IN FORCE		Regulation does not yet apply; it will apply from 31 December 2018 (or earlier, for details see Article 32 of the Regulation). The first report will therefore be submitted by the Member States in 2022 (or earlier). The Commission's view is that the obligation of the Member States to report on the matters relevant to the Directive (e.g. illegal ship recycling) is independent of the SRD provisions on the procedure for development and adoption of the questionnaires and establishes timeline for submission of the first electronic report.
Article 37(1) of Directive 2008/98/EC of the European Parliament and of the Council of 17 November 2008 on waste	IN FORCE		This directive is covered by the Circular Economy Package and will be therefore repealed and replaced by new sectoral legislation. New reporting obligations will not refer to the SRD.

		Implementing decision questionnaire in force C(2012) 2384 final
Article 9 of Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles	IN FORCE	This directive is covered by the Circular Economy Package and will be therefore repealed and replaced by new sectoral legislation. New reporting obligations will not refer to the SRD. Implementing decision questionnaire in force (2001/753/EC)
Article 15 of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste	IN FORCE	This directive is covered by the Circular Economy Package and will be therefore repealed and replaced by new sectoral legislation. New reporting obligations will not refer to the SRD. Implementing decision questionnaire in force (97/622/EC)
Article 17 of European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste	IN FORCE	This directive is covered by the Circular Economy Package and will be therefore repealed and replaced by new sectoral legislation. New reporting obligations will not refer to the SRD. Implementing decision questionnaire in force (97/622/EC)
Article 18 of Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils, as amended by Directive 87/101/EEC	REPEALED	The Waste Framework Directive 2008/98/EC repeals 75/439/EC as of 12/12/2010. Art 37.1 of 2008/98/EC refers to Art 6 of 91/692/EEC for the 3 year reporting procedure (comitology), but is covered by the Circular Economy Package, see above. Implementing decision questionnaire in force (94/741/EC)
Article 16 of Council Directive 75/442/EEC of 15 July 1975 on waste, as amended by Directive 91/156/EEC	REPEALED	As of 16/05/2006 repealed by 2006/12/EC, of which Art 16 on reporting does not refer to the SRD anymore, but the reporting under this directive takes place according to the SRD (via 94/741/EC modified by 2007/151/EC to that end). Implementing decisions-questionnaire in force [97/622/EC and 94/741/EC]
Article 10 of Council Directive 76/403/EEC of 6 April 1976 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls	REPEALED	As of 16/09/1996 repealed by 96/59/EC, where 3 year reporting is dropped and no reference is made to the SRD
Article 16 of Council Directive 78/319/EEC of 20 March 1978 on toxic	REPEALED	As of 27/06/1995 repealed by 91/689/EEC, of which Art 8.1 and 8.2 on 3 year reporting do not refer

and dangerous waste, as last amended by the 1985 Act of Accession			to the SRD anymore, but the reporting under this directive takes place based on to the questionnaire adopted through procedure indicated in the SRD (via 97/622/EC). Implementing decision-questionnaire in force (96/302/EC)
Article 13(1) of Council Directive 84/631/EEC of 6 December 1984 on the supervision and control within the European Community of the trans-frontier shipment of hazardous waste, as last amended by Commission Directive 87/112/EEC	REPEALED		Repealed by Council Res. No 259/93, which was in turn as of 11/07/2007 repealed by Council Res. No 1013/2006, of which Art 51 on annual reporting does not refer to the SRD. Art 58.2 on amending Annex IX fully associates the SRD committee to the process.
Article 17 Council Directive 94/67/EC of 16 December 1994 on the incineration of hazardous waste	REPEALED		The directive was repealed by 2000/76/EU, which has itself been repealed by 2010/75/EU. Implementing decision in force (98/184/EC)
Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste	REPEALED		Repealed by Directive 2010/75/EU Implementing decision (2011/632/EU) is still in force
Article 12 Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE)			Repealed by Directive 2012/19/EU Implementing decision (2004/249/EC) is still in force

- Water

The Water Framework Directive (2000/60/EC, WFD) repealed seven pieces of legislation, effectively leading to a situation in which the main water reporting obligations making use of the SRD became redundant. The Directive on Environmental Quality Standards (Directive 2008/105/EC) repealed further five directives and made many of the related reporting requirements obsolete. There are a few pieces of environmental legislation that still stem from the SRD however, but their reporting obligations are either obsolete or duplicate the WFD reporting.

Launched in 2007, the Water Information System for Europe ([WISE](#)) is the basic reporting tool used under the WFD and it may be considered an exemplary alternative to the SRD-based system. WISE streamlined water reporting and improved public access to information thanks to a common information service that it provided on a web-based platform.

In the water sector, 13 legislated acts (directives and regulations) and 2 implementing decisions were taken on the basis of the SRD. The table below (table 2) presents an overview of these acts, including the name and number of the relevant provision, its status, the SRD relevance and the current or planned reporting obligation.

Table 2 Overview of water legislation with active or obsolete relevance of the SRD (green: active relevance, red: obsolete relevance, shadowed red: obsolete relevance with active implementing decision(s) relevant to the SRD)

Provision	Status	SRD relevance	Current/planned reporting obligation
Article 13 of Council Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water	REPEALED		<p>This directive was repealed by 2006/7/EC as of 31/12/2014. Art. 13.3: When monitoring of bathing water has started under this Directive, annual reporting to the Commission in accordance with paragraph 1 shall continue to take place pursuant to Directive 76/160/EEC until a first assessment can be made under this Directive. During that period, parameter 1 of the Annex to Directive 76/160/EEC shall not be taken into account in the annual report, and parameters 2 and 3 of the Annex to Directive 76/160/EEC shall be assumed to be equivalent to parameters 2 and 1 of column A of Annex I to this Directive. Also, Art 17.2 of 2006/7/EC: As soon as a Member State has taken all necessary legal, administrative and practical measures to comply with this Directive, this Directive will be applicable, replacing Directive 76/160/EEC.</p> <p>Implementing decision-questionnaire in force (92/446/EEC)</p>
Article 13 (1) of Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community	REPEALED		<p>Repealed and codified by 2006/11/EC (Art 13 => Art 14), which in turn is repealed by 2000/60/EC as of 21/12/2013</p> <p>Implementing decision-questionnaire in force (92/446/EEC)</p>
Article 11 of Directive 2006/11/EC of the European Parliament and of the Council of 15 February 2006 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community	REPEALED		<p>Repealed by 2000/60/EC as of 21/12/2013</p>
Article 16 of Council Directive 78/659/EEC of 18 July 1978 on the quality of fresh waters needing protection or improvement in order to support fish life, as last amended by the 1985 Act of Accession	REPEALED		<p>Repealed and codified by 2006/44/EC (Art 16 => Art 15), which in turn is repealed by 2000/60/EC as of 21/12/2013</p>
Article 15 of Directive 2006/44/EC of the European Parliament and of the Council of 6 September 2006 on the quality of fresh waters needing protection or improvement in order to support fish life	REPEALED		<p>Repealed by 2000/60/EC as of 21/12/2013</p>
Article 8 of Council Directive 79/869/EEC of 9 October 1979 concerning the methods of	REPEALED		<p>Repealed by 2000/60/EC as of 21/12/2007</p>

measurement and frequencies of sampling and analysis of surface water intended for the abstraction of drinking water in the Member States, as last amended by Directive 81/855/EEC			
Article 14 of Council Directive 79/923/EEC of 30 October 1979 on the quality required of shellfish waters	REPEALED		Repealed and codified by 2006/113/EC (Art 14 => Art 14), which in turn is repealed by 2000/60/EC as of 21/12/2013
Article 14 of Directive 2006/113/EC of the European Parliament and of the Council of 12 December 2006 on the quality required of shellfish waters (codified version)	REPEALED		Repealed by 2000/60/EC as of 21/12/2013
Article 16 (1) of Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances	REPEALED		Repealed by 2000/60/EC as of 21/12/2013
Council Directive 75/440/EEC of 16 June 1975 concerning the quality required of surface water intended for the abstraction of drinking water in the Member States (1), as last amended by Directive 79/869/EEC. The text of Article 2 (1) of this Directive is incorporated as Article 9a.	REPEALED		Repealed by 2000/60/EC as of 21/12/2007 Implementing decision-questionnaire in force (92/446/EEC)
Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption (3), as last amended by Directive 81/858/EEC. The text of Article 2 (1) of this Directive is incorporated as Article 17a.	REPEALED		Repealed by 98/83/EC (Art 17a => Art 13.2-5, which however is not conform 91/692/EEC anymore) Implementing decision-questionnaire in force (92/446/EEC)

- Chemicals and dangerous substances

Among the EU legislation related to chemicals and dangerous substances that made use of the SRD reporting system, there is only one directive that still refers to the SRD. All other acts had either been repealed or replaced with acts that do not refer to the SRD or exhausted their effect.

According to the Asbestos Directive (87/217/EEC), reports based on the SRD requirements should be prepared every three years. The reporting requirements of this directive do not provide any added value and in practice no active use is made of the reporting obligations, mainly due to discontinuation of use of asbestos across the EU Member States as a consequence of REACH (1907/2006/EC) which leads to a phase out of the production and use of raw asbestos and of products containing asbestos in the EU. It should be noted that complementarity of environmental and occupational

safety and health legislation regarding asbestos is considered under the coherence criteria of the ongoing Fitness Check on Occupational Safety and Health³⁶³.

In chemicals and dangerous sector, 8 legislated acts (directives and regulations) and 3 implementing decision were taken on the basis of the SRD. Table 3 below provides an overview of the chemicals and dangerous substances relevant legislation, that made or make reference to the SRD.

Table 3 Overview of chemicals and dangerous substances legislation with active or obsolete relevance of the SRD (green: active relevance, red: obsolete relevance, shadowed red: obsolete relevance with active implementing decision(s) relevant to the SRD)

Provision	Status	SRD relevance	Current/planned reporting obligation
Article 13.1 of Council Directive 87/217/EEC of 19 March 1987 on the prevention and reduction of environmental pollution by asbestos	IN FORCE		In practice no active use is made of the reporting obligations (mainly due to discontinuation of use of asbestos across the EU Member States).
(b) Article 14 of Council Directive 78/176/EEC of 20 February 1978 on waste from the titanium oxide industry (2), as amended by Directive 83/29/EEC.	REPEALED		Repealed by 2010/75/EU
(g) Article 5 (1) and (2) (1) first subparagraph of Council Directive 82/176/EEC of 22 March 1982 on limit values and quality objectives for mercury discharges by the chlor-alkali electrolysis industry	REPEALED		Repealed by Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC. Before this date MS may report according to Art. 5, 8 and 15 of 2000/6/EC
h) Article 5 (1) and (2) of Council Directive 83/513/EEC of 26 September 1983 on limit values and quality objectives for cadmium discharges	REPEALED		Repealed by Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC,

³⁶³ EC (2015) Regulatory Fitness and Performance Programme (REFIT) State of Play and Outlook "REFIT Scoreboard"

		86/280/EEC and amending Directive 2000/60/EC. Before this date MS may report according to Art. 5, 8 and 15 of 2000/6/EC
(i) Article 6 (1) of Council Directive 84/156/EEC of 8 March 1984 on limit values and quality objectives for mercury discharges by sectors other than the chlor-alkali electrolysis industry	REPEALED	Repealed by Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC. Before this date MS may report according to Art. 5, 8 and 15 of 2000/6/EC
(j) Article 5 (1) and (2) of Council Directive 84/491/EEC of 9 October 1982 on limit values and quality objectives for discharges of hexachlorocyclohexane	REPEALED	Repealed by Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC. Before this date MS may report according to Art. 5, 8 and 15 of 2000/6/EC
(k) Article 6 (1) and (2) of Council Directive 86/280/EEC of 12 June 1986 on limit values and quality objectives for discharge of certain dangerous substances included in list I of the Annex to Directive 76/464/EEC (13), as last amended by Directive 90/415/EEC	REPEALED	Repealed by Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC
(f) Article 6 of Council Directive 85/339/EEC of 27 June 1985 on containers of liquids for human consumption	REPEALED	As of 29/06/1996 repealed by European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste, of which Art 17 uses Art 5 of 91/692/EEC for 3 year reporting. This act will be soon covered by the Circular Economy Package (see above)

- Air quality

Today most of the air quality relevant acts that made use of the SRD are now repealed and replaced by instruments that do not refer to the SRD. One exception is the Directive on VOC emissions from petrol storage and distribution (94/63/EC), which is still in force. Its Article 9 bases the reporting obligations on the SRD procedural requirements, but in practice the SRD relevant obligation has never been activated³⁶⁴. It is uncertain why this was the case. However, a subsequent assessment of the implementation in 2006 showed no deficiencies and it appeared unnecessary to activate the mechanism then. The second implementation report done in 2015 together with a REFIT evaluation confirmed the findings³⁶⁵.

In the air quality sector, 11 legislated acts (directives and regulations) and 4 implementing decisions were taken on the basis of the SRD. Table 4 below provides an overview of the air related EU legislation that made use of the SRD.

Table 4 Overview of air quality legislation with active or obsolete relevance of the SRD (green: active relevance, red: obsolete relevance, shadowed red: obsolete relevance with active implementing decision(s) relevant to the SRD)

Provision	Status	SRD relevance	Current/planned reporting obligation
Article 9 of European Parliament and Council Directive 94/63/EC of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations	IN FORCE		<p>In practice the reporting obligation as set out in the Directive has never been activated.</p> <p>The obligation seems to have been interpreted by EEA as a one-off requirement rather than regular reporting obligation.</p> <p>The REFIT evaluation did not show noteworthy implementation deficiencies. Thus regular reporting on implementation appears to be a disproportionate administrative burden.</p> <p>2007/531/EC: Commission Decision of 26 July 2007 concerning a questionnaire for Member States reports on the implementation of Council Directive 1999/13/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations during the period 2008-2010 (notified under document number C(2007) 3547) The legal basis, Council Directive 1999/13/EC, was repealed as of 06 January 2014 by Directive 2010/75/EU, and the questionnaire</p>

³⁶⁴ EEA-Eionet website: <http://rod.eionet.europa.eu/obligations/156/overview> (consulted on 12/01/2016). In contrast with the established practice, it could be argued that the Article 9 does not imply a one-off but rather a regular reporting on implementation.

³⁶⁵ AMEC, BIO, REC (2015), Evaluation of Directive 1994/63/EC on VOC emissions from petrol storage and distribution and Directive 2009/126/EC on petrol vapour recovery – Final evaluation report.

			seems no longer in use and is obsolete.
Article 11 Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations	REPEALED		Repealed by Directive 2010/75/EU Implementing decision in force (2010/681/EU)
Article 8 of Council Directive 80/779/EEC of 15 July on air quality limit values and guide values for sulphur dioxide and suspended particulates, as last amended by Directive 89/427/EEC	REPEALED		Repealed by 1999/30/EC as of 19/07/2001 (which has no reference to 91/692/EEC anymore), which in turn is repealed by 2008/50/EC as of 11/06/2010
Article 6 of Council Directive 82/884/EEC of 3 December 1982 on a limit value for lead in the air	REPEALED		Repealed by 1999/30/EC as of 19/07/2001 (which has no reference to 91/692/EEC anymore), which in turn is repealed by 2008/50/EC as of 11/06/2010
Article 8 of Council Directive 85/203/EEC of 7 March 1985 on air quality standards for nitrogen dioxide, as amended by Directive 85/580/EEC	REPEALED		Art 8 repealed by 1999/30/EC as of 19/07/2001 (which has no reference to 91/692/EEC anymore), which in turn is repealed by 2008/50/EC as of 11/06/2010.
Council Directive 75/716/EEC of 24 November 1975 on the approximation of the laws of the Member States relating to the sulphur content of certain liquid fuels, as last amended by Directive 87/219/EEC The text of Article 4 (2) of this Directive is incorporated in Article 7a	REPEALED		Replaced by 93/12/EEC as of 30/09/1994, which does not refer to 91/692/EEC anymore
Council Directive 80/779/EEC of 15 July on air quality limit values and guide values for sulphur dioxide and suspended particulates, as last amended by Directive 89/427/EEC The text of Article 4 (3) of this Directive is incorporated as Article 7 (4)	REPEALED		Repealed by 1999/30/EC as of 19/07/2001 (which has no reference to 91/692/EEC anymore), which in turn is repealed by 2008/50/EC as of 11/06/2010
Council Directive 82/884/EEC of 3 December 1982 on a limit value for lead in the air The text of Article 4 (3) of this Directive is incorporated as Article 5 (4)	REPEALED		Repealed by 1999/30/EC as of 19/07/2001 (which has no reference to 91/692/EEC anymore), which in turn is repealed by 2008/50/EC as of 11/06/2010

Council Directive 85/203/EEC of 7 March 1985 on air quality standards for nitrogen dioxide, as amended by Directive 85/580/EEC The text of Article 4 (3) of this Directive is incorporated as Article 7 (4)	REPEALED		Art 7(4) repealed by 1999/30/EC as of 19/07/2001 (which has no reference to 91/692/EEC anymore), which in turn is repealed by 2008/50/EC as of 11/06/2010. Act 85/203/EC remains in force because some of its articles are only repealed by 01/01/2010
Directive 2002/3/EC of the European Parliament and of the Council of 12 February 2002 relating to ozone in ambient air	REPEALED		Repealed by 2008/50/EC
Article 11.1.c Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management	REPEALED		Repealed by Directive 2008/50/EC

- Industry

All industry related acts (Directives 82/501, 96/61, 84/360, 96/82) that once referred to the SRD have been repealed by instruments that do not refer to the SRD. There remain 4 implementing decisions that are still in force (active in the EU official journal with no end of validity date provided), though their legal basis do not longer exist. For example, the IPPC directive (Directive 96/61/EC) served as a basic act supported with implementing decisions-questionnaires, but it has been repealed by Directive 2010/75/EU that does not base its reporting obligations on the SRD. The implementing decisions are therefore obsolete.

In this sector, 4 directives referred to the SRD and implementing decisions were taken on the basis of the SRD. The table below (table 5) presents an overview of these acts, including the name and number of the relevant provision, its status, the SRD relevance and the current or planned reporting obligation.

Table 5 Overview of industry relevant environmental legislation with active or obsolete relevance of the SRD (green: active relevance, red: obsolete relevance, shadowed red: obsolete relevance with active implementing decision(s) relevant to the SRD)

Provision	Status	SRD relevance	Current/planned reporting obligation
Article 18 of Council Directive 82/501/EEC of 24 June 1982 on the major accident hazards of certain industrial activities, as last amended by Directive 88/610/EEC	Repealed		Repealed by 2012/18/EU that does not refer to the SRD
Article 16 Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control	Repealed		The Directive forming the legal basis of the Decision was repealed by 2010/75/EU, though 2 implementing decisions-questionnaires are still in force [2003/241/EC: Commission Decision of 26 March 2003

		amending Commission Decision 1999/391/EC of 31 May 1999 concerning the questionnaire relating to Council Directive 96/61/EC concerning integrated pollution prevention and control (IPPC) (implementation of Council Directive 91/692/EEC) (notified under document number C(2003) 881). The legal basis, Council Directive 96/61/EC, was repealed as of 06 January 2014 by 2010/75/EU, and the questionnaire is no longer in use is obsolete. 2 are in force: Decision 1999/391/EC and 2003/241/EC.
Council Directive 84/360/EEC of 28 June 1984 on the combating of air pollution from industrial plants. The text of Article 4 (2) of this Directive is incorporated as Article 15a	REPEALED	Repealed by 2008/1/EU, which has itself been repealed by 2010/75/EU
Article 19.4 Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances	REPEALED	Repealed by Directive 2012/18/EU Implementing decision questionnaires are still in force (1999/314/EC and 2002/605/EC) Though 1999/314/EC was established for the period 2000-2002 and 2002/605/EC was only established for the period 2003-2005, therefore temporal scope expired for both.

- Climate

In the climate policy area, two directives refer to the SRD. Four decisions have been adopted with regard to questionnaires to be used by the Member States.

As the Decision setting out the questionnaire to be used for the CCS Directive (2009/31/EC) implementation report makes explicit that it applies only for the first reports on the implementation of the CCS Directive from the Member States, it has already exhausted its legal effect. The Emissions Trading System Directive (2003/87/EC) as well as its proposed revised version, also actively refers to the SRD to set out the procedure of adoption of the reporting questionnaires. The SRD seems to serve as an intermediary tool between the two Directives and the new rules on adoption of the implementing acts³⁶⁶. There is no clear added value to keeping the SRD as a legal basis for the implementing decisions that the directives rely on for reporting on its application.

The revision of the Emission Trading System Directive is ongoing; consequently there is scope for removal of the intermediate procedural reference based on the SRD and its

³⁶⁶ Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission repealed by the Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

replacement with a direct link to the new implementing rules (Regulation No 182/2011) either under the revision process or the planned SRD repeal package. Until this is in place, the relevant implementing decisions-questionnaires³⁶⁷ will refer to the SRD a legal basis. They play an important role in implementation of the Emission Trading System Directive; every year they help collect the information about the application of the directive and feed into the EU-28 report.

The table below (table 6) presents an overview of both abovementioned directives, including the name and number of the relevant provision, its status, the SRD relevance and the current or planned reporting obligation.

Table 6 Overview of climate legislation with active or obsolete relevance of the SRD (green: active relevance, red: obsolete relevance, shadowed red: obsolete relevance with active implementing decision(s) relevant to the SRD)

Provision	Status	SRD relevance	Current/planned reporting obligation
Article 21(1) of Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC	IN FORCE		<p>This directive still actively refers to the SRD using it as an intermediary step for procedural frames (Reg. No 182/2011) of development and adoption of questionnaires.</p> <p>The review of the directive is undergoing, and the European Commission will foster a replacement of the SRD reference by provisions directly linking to the Reg. No 182/2011.</p> <p>Implementing decisions – questionnaires (2014/166/EU, 2006/803/EC, 2005/381/EC) are still in force and use.</p>
Article 27 of Directive 2009/31/EC on the geological storage of carbon dioxide.	IN FORCE		<p>According to the European Commission, repeal of the CCS Directive implementing decision introducing the questionnaire to be used for the first report on the implementation of the CCS Directive is planned to be dealt with under the SRD repeal package. The implementing decision 2011/92/EU providing a questionnaire is in force but has exhausted its legal effect; it served its purpose of harmonising the first report on the implementation of the CCS directive.</p> <p>Remaining reporting obligation on the implementation of the Directive as set in Article 27 (following a three year cycle, including information on the registers of the storage permits granted and all closed storage sites and</p>

³⁶⁷ 2014/166/EU: Commission Implementing Decision of 21 March 2014; 2006/803/EC: Commission Decision of 23 November 2006; 2005/381/EC: Commission Decision of 4 May 2005

	<p>surrounding storage complexes) will not be affected by the SRD repeal but will effectively lose a procedural framework, unless the directive is amended.</p> <p>As there is no revision foreseen to revise the Directive, it is most appropriate to use the repeal of the SRD to amend the CCS Directive and to refer to the examination procedure of Regulation 182/2011.</p>
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Role of the EU legislator

Environmental monitoring and reporting is one of the essential elements of effective EU law implementation. Collecting of the relevant information from all the Member States is most effectively achieved at EU level and is in theory in line with the principles of subsidiarity and proportionality; although in practice compliance with both principles depends on the nature, level of detail, and costs of compliance of reporting obligations, and can only be assessed on a case by case basis. As the measures which relied on the SRD are in a large majority no longer applicable (either because their content has been taken up by subsequent acts or because they are no longer relevant due to their temporary nature), it is in line with the principles of subsidiarity and of proportionality to repeal those measures. Finally, given the EU mandate to improve transparency of EU law and streamline environmental reporting, it is for the EU legislators to adopt the necessary measures to that effect.

2 Objectives

What should be achieved?

General objective

In the context outlined in the previous section, it is clear that the SRD has become a mostly outdated tool, relevant to a marginal number of facts. There is a concern that even its active measures are no longer efficient. Any remedy to this situation should fulfil the requirements of the Better Regulation Package without compromising the need for robust reporting and sharing of environmental information. It should in particular:

- **Increase transparency of EU law :**

In line with the Better Regulation Package, any legislation that does not serve its objective should be removed from the EU legal system. The EU legal system should be up to date and fit for purpose. Any redundant provisions should be identified and removed from the volume of the EU law.

Legal acts should also be clearly visible to the outside world if they are to be understood and credible. Arguably, the inclusion of reporting requirements in the relevant sectoral legislation is a better way of ensuring visibility and legibility for affected parties and for a wider public.³⁶⁸

- **Streamline national environmental reporting :**

In order to improve the efficiency of environmental reporting, the EU plans to shift towards less burdensome e-reporting, making use of new opportunities offered by ICT. Streamlining implies compliance with the principles that underpin the Shared

³⁶⁸ EC (2015), [Better Regulation Toolbox](#), Tool #1: Principles of Better Regulation.

Environmental Information System (SEIS) as set out in the Commission's Communication of February 2008³⁶⁹:

- information should be managed as close as possible to its source;
- information should be collected once, and shared with others for many purposes;
- information sharing and processing should be supported through common, free open-source software tools.

It should be noted, that although streamlining implies a reduction and simplification of measures, any simplification should guard against the risk that the collected information is not sufficient for adequate assessment of the progress made in implementation of EU environmental laws by the Member States. In other words, streamlining of reporting obligation under the SRD must not compromise the environmental policy objectives.

Ensure adequate access to information:

As stipulated in the 7th Environment Action Programme³⁷⁰, in order to maximise the benefits of EU's environment law by improving implementation, the public should have access to clear information showing how EU environmental law is being implemented. This is also consistent with the Aarhus Convention, and can be ensured by the following SEIS principles:

- information should be readily available to public authorities and enable them to easily fulfil their legal reporting obligations;
- information should be readily accessible to end-users, primarily public authorities at all levels from local to European, to enable them to assess in a timely fashion the state of the environment and the effectiveness of their policies, and to design new policy;
- information should be accessible to enable end-users, both public authorities and citizens, to make comparisons at the appropriate geographical scale (e.g. countries, cities, catchment areas) and to participate meaningfully in the development and implementation of environmental policy and to also take eventual preventive measures for the protection of their health and environment;
- information should be fully available to the general public, after due consideration of the appropriate level of aggregation and subject to appropriate confidentiality constraints, and at national level in the relevant national language(s)³⁷¹.

While the SRD does not directly deal with public access of the environmental information, it has an important impact on data availability within the public authorities at national and EU levels. The requirements laid out in the SRD related to the procedures of reporting questionnaires adoption, as well as time of their submission to the European Commission influence the nature, scope and frequency of reported data. This data constitutes a corner stone of many environmental reports made available to the public. For instance the "European environment — state and outlook" (SOER) reports published by EEA³⁷² are a comprehensive, public source of information on the Europe's environment state and prospects, and are mainly based on the information provided by

³⁶⁹ EC (2008), op. cit., COM/2008/0046 final

³⁷⁰ Decision No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 on a General Union Environment Action Programme to 2020 'Living well, within the limits of our planet' Text with EEA relevance

³⁷¹ EC (2008), op. cit., COM(2008)0046 final

³⁷² The latest SOER 2015 has been published in 2016.

the EU Member States fulfilling their reporting obligations under EU environmental legislation.

Criteria for the assessment of the options:

In line with the guidelines set out in the Better Regulation Package, there are five main criteria against which each policy option should be assessed: effectiveness, efficiency, coherence, relevance, and EU added value. The assessment will build on the answers to the questions corresponding to each assessment criterion:

Effectiveness:

1. To what extent does the option improve the transparency of EU law?
14. To what extent does it streamline reporting without compromising the policy objectives?
15. To what extent does it ensure adequate public access?

Efficiency:

16. To what extent does the option reduce administrative burden (simplification)?

Coherence:

17. To what extent is the option coherent with relevant legal acts (repealed/ containing independent reporting obligations), including – in this case – forthcoming legal proposals?
18. To what extent is this intervention coherent with the REFIT programme and 7th Environmental Action Programme objectives?

Relevance:

19. How well do the (original) objectives of the option (still) correspond to the needs within the EU?

EU added value:

20. Does the option comply with the subsidiarity and proportionality principles?

3 Policy Options

What are the various options to achieve the objectives?

In the context of the REFIT and Environmental Reporting Initiative, there are three plausible scenarios (policy options) that EU may pursue while trying to achieve the abovementioned policy objectives:

- Baseline

The baseline consists on keeping the SRD in place in its current form and allowing any existing and new legal acts to make use of it (or wait until the directive becomes completely obsolete). This option does not require any action from the EU legislative bodies. It assumes the adoption of the proposed measures the Circular Economy Package³⁷³ and removal of the reference to the SRD in the revised Emissions Trading System Directive.

³⁷³ The new legislation is expected to replace the current SRD-based requirements provided in four key pieces of waste legislation with simplified and streamlined reporting based on the most recent methodology developed by the Commission and the national statistical offices of the Member States E.g. Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste, COM(2015) 595 final and the Proposal for a Directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste, COM(2015) 596 final

- Option 1 Complete repeal

This option entails a repeal (removal from the EU legal system) of the SRD provisions with replacing them with new sectoral, self-standing requirements. And where it is necessary deleting obsolete provisions, that are no longer used. Repeal affects to some extent all acts based on or referring to the SRD, regardless of whether they are obsolete or not, and including the implementing decisions and questionnaires based on them. The few acts that still actively base their reporting obligation on the SRD, but are not expected to be revised in any foreseeable future are amended to ensure that the reporting obligation is not lost altogether as a result of the repeal. Legal effect of the SRD-related provisions would need to be maintained temporarily until the adoption of the Circular Economy Package and the removal of the reference to the SRD in the revised Emissions Trading System Directive. This option entails the ordinary legislative procedure.

- Option 2 Partial repeal

This option entails a partial repeal (removal for the EU legal system) of the obsolete SRD provisions followed by a future complete repeal after the non-obsolete SRD-based reporting obligations are replaced with new sectoral, self-standing requirements. This option has an in-built temporary element; the SRD provisions will apply until the adequate replacement is in place. In general, the adequate replacement takes the form of a sectoral, self-standing requirement, with a state of the art IT solution aiming at e-reporting. A minimum level of streamlining is ensured for replacing reporting requirements in order to maintain coherence with other policies. This option assumes the adoption of the proposed measures from the Circular Economy Package and revision of the Emissions Trading System Directive. It entails the ordinary legislative procedure.

In the next section we identify the impacts likely to occur under each of the three options, and assess the options against the criteria set out in section 2.

4 Analysis of Impacts

What are the economic, social and environmental impacts of the options and who will be affected?

Identification of impacts and affected stakeholders

In the tables below the positive and negative impacts of the baseline and both policy options, as well as the potential affected stakeholders have been identified. The stakeholders have been broadly divided into five categories: (i) national public authorities (ii) citizens, (iii) EU legislators, (iv) EEA/JRC/Eurostat, and (v) all of the above.

Baseline

**Positive impacts
and affected stakeholders**

**Negative impacts
and affected stakeholders**

No need for legal action (no regulatory costs)	EU legislators	Major regulatory inefficiencies: compromised coherence and transparency of environmental legislation lack of legal clarity and certainty as SRD does not serve its intended purpose	national public authorities , citizens, EU legislators, EEA/JRC/Eurostat
No risk of reduction of the level of ambition currently set by the SRD	National public authorities , citizens, EU legislators, EEA/JRC/Eurostat	Use of outdated reporting tools - no push for improved mechanisms of collecting, exchanging and using the data	national public authorities , citizens, EU legislators, EEA/JRC/Eurostat

Option 1: Complete repeal

Positive impacts and affected stakeholders		Negative impacts and affected stakeholders	
Significant efficiency gains: law transparency and simplification benefits through better regulation	national public authorities, citizens, EU legislators, EEA/JRC/Eurostat		
Continuation of frequency of reporting and framework for questionnaire adoption for a few relevant acts (including a "safety net" in case the forthcoming legislation is delayed)	Citizens, EU legislators	Continuation of reporting requirements and related administrative burden identical or similar to the SRD system	Member States
Time-efficient law-making process for the repeal (relatively low regulatory costs)	EU legislators	Need for legislative action (regulatory costs) and potential enforcement	EU legislators

<p>Enabled further streamlining within Member States and compliance with the SEIS principles:</p> <p>increased transparency of information</p> <p>increased availability of information</p> <p>improved cost-effectiveness of national monitoring efforts through further harmonisation</p>	<p>national public authorities, citizens, EU legislators, EEA/JRC/Eurostat</p>	
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Option 2: Partial repeal

Positive impacts and affected stakeholders		Negative impacts and affected stakeholders	
Moderate efficiency gains: simplification benefits through better regulation	national public authorities, citizens, EU legislators, EEA/JRC/Eurostat	Temporary continuation of reporting requirements and related administrative burden based on the SRD, lack of legal certainty and clarity	
Continued coherence and transparency of environmental legislation with a "safety net" of continuous legal basis for reporting in case of delayed adoption of relevant sectoral legislation	national public authorities, citizens, EU legislators, EEA/JRC/Eurostat	Need for legislative action (regulatory costs) and reliance on future legislative process (uncertainty, time and costs)	EU legislators
<p>Well enabled further streamlining within Member States and compliance with the SEIS principles:</p> <p>increased transparency of information</p> <p>increased availability of information</p> <p>improved cost-effectiveness of national monitoring efforts through further harmonisation</p>	national public authorities, citizens, EU legislators, EEA/JRC/Eurostat		

Assessment of options

In the following section the baseline and the two policy options have been assessed against the criteria set out in section 2 of this document. In the assessment, we first look at each option one by one, then, in the following section (5) the results of this exercise have been compared.

1. Baseline

Effectiveness:

1. To what extent does the option improve transparency of EU law?

In principle the baseline does not improve the transparency of EU law but makes it more opaque. Maintaining a mostly obsolete act that does not serve its original purpose in the EU legal system undermines its coherence and clarity. Where the provisions of an act are not currently enforced, it can be regarded as weakening the consistency and credibility of the EU's wider environmental acquis. It is therefore contrary to the Better Regulation principles and broader EU objectives.

2. To what extent does it streamline reporting without compromising the policy objectives?

The baseline has very little potential to streamline reporting and the fact that it has been overtaken by subsequent legislation setting out modern and more efficient reporting schemes is a proof of that. However, by keeping the SRD provisions that are still referred to by some of the EU legal acts (even if only a marginal number of them), it guards against the risk that the original ambition of reporting obligations is undermined.

3. To what extent does it ensure adequate public access?

The baseline does not promote the use of the latest tools that help access the environmental information by different user groups. In particular, the baseline only weakly addresses the requirements of Directive 2003/4/EC on public access to environmental information (Article 7 of Directive 2003/4/EC stipulates that Member States shall ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunication networks").

Efficiency:

4. To what extent does the option reduce administrative burden (simplification)?

The baseline does not reduce the administrative burden as it does not take advantage of all the opportunities that evolving digital and other technologies can offer.

Coherence:

5. To what extent is the option coherent with relevant legal acts (repealed/containing independent reporting obligations), including – in this case – forthcoming legal proposals?

The baseline leads to legislative overlaps and will increasingly do so as the environmental *acquis* evolves. There are multiple instances of reporting obligations initially established under the SRD being replaced with new measures, not referring to the SRD. The coherence and transparency of EU law is therefore compromised.

6. To what extent is this intervention coherent with the REFIT programme and 7th Environmental Action Programme objectives?

Due to the abovementioned major regulatory inefficiencies and relative inflexibility when it comes to use of modern tools under the SRD, the baseline is not coherent either with the REFIT programme or the 7th EAP.

Relevance:

7. How well do the (original) objectives of the option (still) correspond to the needs within the EU?

The original objectives of the SRD (the baseline) were to enable the Member States and the Commission (i) to assess the progress made in implementing the environmental legislation referred to in the SRD and (ii) to provide the general public with a source of

information on this subject. While the objectives are still relevant today (with the need for public access having increased overtime), the circumstances in which they should be met have significantly evolved (for more detail see section 1). The baseline has lost almost all of its relevance.

EU added value:

21. Does the option comply with subsidiarity and proportionality principles?

Generally the baseline complies with the principle of subsidiarity (whereby the EU does not take action - except in the areas that fall within its exclusive competence - unless it is more effective than action taken at national, regional or local level). Compliance with the principle of proportionality however is much less obvious. According to the EU primary law, the action of the EU must be limited to what is necessary to achieve the objectives of the Treaties (Article 5, TUE). Sustaining an act that is partly obsolete and partly constitutes a basis for inefficient measures does not aid the fulfilment of the Treaties' objectives.

2. Option 1 Complete repeal

Effectiveness:

1. To what extent does the option improve transparency of EU law?

A complete repeal of the SRD would improve transparency of the EU law by removing redundant provisions for the EU legal systems. However, a removal of those provisions that are still applicable without an adequate replacement will negatively affect legal certainty, leaving a legislative gap even if only temporarily. It is important to hedge against that risk by reintroducing similar frequency and other procedural requirements to those acts that still actively refer to the SRD and that are still operational.

2. To what extent does it streamline reporting without compromising the policy objectives?

This option, provided adequate amendments of several acts that still actively refer to the SRD are in place, would contribute to the streamlining of the reporting requirements and (assuming that relevant reporting obligations were updated in other acts) without compromising the policy objectives, including the ambition of the original reporting system established under the SRD (frequency and questionnaire adoption procedure). By removing the obsolete parts of the environmental reporting legislation, it is in line with the ongoing Fitness Check on Monitoring and Reporting, with a view to alleviate burden stemming from current reporting obligations³⁷⁴. It maintains the availability of the environmental data provided to the European Commission and does not negatively affect the implementation (and enforcement) of EU environmental *acquis*. In some cases replacement of the ineffective, SRD-relevant provisions with fresh reporting obligations has the potential to revive compliance with legislated reporting obligations and increase law transparency.

3. To what extent does it ensure adequate public access?

For the abovementioned reasons, the measures mitigating a risk of a legislative gap and compromised reporting robustness are key to this option. Provided they are in place, the same level of public access to environmental information as before the repeal is preserved and essential information on the implementation of the environmental legislation is delivered by the Member States to the European institutions in regular intervals and in standardised form. This is important for part of the environmental reports that are based on the national data reported under the SRD and that are made available to the public (see also section 3). However, the potential benefits of using

³⁷⁴ EC (2015), Better Regulation Communication, op.cit., COM(2015)215

modern ICT, and more efficient reporting practices in general, as stipulated under the REFIT - Environmental Reporting Initiative³⁷⁵, may in some cases be delayed.

Efficiency:

4. To what extent does the option reduce administrative burden (simplification)?

This option would only slightly reduce the administrative burden of reporting, considering that the same procedural requirements and frequency of reporting apply under a few still SRD relevant acts after its adoption. It has the advantage of a relatively simple law drafting process and does not involve new initiatives on reporting obligations under those parts of the environmental acquis where the value of reporting is contested by some Member States. In cases, where the acts currently referring to the SRD need to be amended (e.g. in order to remove the reference to the SRD and introduce references to the comitology under Regulation No 182/2011), some initial legislative effort will be required.

Coherence:

5. To what extent is the option coherent with relevant legal acts (repealed/ containing independent reporting obligations), including – in this case – forthcoming legal proposals?

A repeal of the SRD is coherent with the forthcoming legal proposals. It provides a continuation of reporting requirements until the Circular Economy Package is adopted and the Emission Trading System Directive is revised. Thanks to the transitional provisions it has the potential to avoid legislative overlaps with the sectoral legislation under way. It also enhances legal certainty to a great extent, given that the obsolete SRD provisions are repealed making a much clearer legal framework for the authorities, citizens, and NGOs.

6. To what extent is this intervention coherent with the REFIT programme and 7th Environmental Action Programme objectives?

This option is coherent with the 7th EAP in so far it has the potential to “help avoid duplication of effort and eliminate any unnecessary administrative burden on public authorities”³⁷⁶ and to make the collected environmental information accessible to public to the unchanged extent. It corresponds with REFIT objectives, making for better regulation with streamlined and simplified reporting obligations.

Relevance:

7. How well do the (original) objectives of the option (still) correspond to the needs within the EU?

There is a need to remove any redundant provisions from the EU legal systems as well as improve environmental reporting so that it is more efficient and offers better public access. This option therefore seems to satisfy the needs within the EU.

EU added value:

8. Does the option comply with subsidiarity and proportionality principles

A complete repeal with transitional and replacement measures fully complies with subsidiarity and the proportionality principles.

³⁷⁵ EC (2015), Annex II, op. cit, COM(2015) 610 final

³⁷⁶ Decision No 1386/2013/EU, op. cit.

3. Option 2 Partial repeal

Effectiveness:

1. To what extent does the option improve transparency of EU law?

A partial repeal of the SRD would improve transparency of the EU law by removing redundant provisions from the EU legal systems. Safeguarding of those provisions that are still applicable until a replacement is in place does not deliver the desired transparency in short and possibly also mid-term. A bulk of the SRD provisions remain in place and the redundant step between environmental legislation and the implementing rules remain in the legal system.

2. To what extent does it streamline reporting without compromising the policy objectives?

This option may open space for modernisation of reporting systems for those legislative acts that still rely on current SRD. By removing the obsolete parts of the environmental reporting legislation, it is in line with the ongoing Fitness Check on Monitoring and Reporting, with a view to alleviate burden stemming from current reporting obligations³⁷⁷. It is likely that it will not compromise the overall policy objectives thanks to the transitional measures in place. Moreover, it is also important not to pre-empt the outcome of the reporting Fitness Check, any new provisions should take into account the results of the on-going assessment. At this stage as the outcome is not known of this evaluation, developing new rules for reporting might prove premature and counterproductive.

There is a risk however that the ambition of the original reporting system established under the SRD (in terms of frequency of reporting and questionnaire adoption procedures) would be compromised if the measures that replace it favour simplicity over robustness of environmental monitoring and reporting. Limitation of availability of environmental data provided to the European Commission will lower chances for adequate implementation (and enforcement) of EU environmental *acquis*. Moreover, it will also compromise public access to environmental information. Nonetheless, in some cases removing of the ineffective SRD-relevant provisions and replacing them with completely new, better suited reporting obligations has the potential to revive compliance with legislated reporting obligations and increase law transparency. The assessment of the SRD replacing measures (or lack of such measures) is beyond the scope of this report.

3. To what extent does it ensure adequate public access?

Thanks to the potential benefits of the modern ICT as stipulated in the REFIT Environmental Initiative³⁷⁸ and SEIS Communication³⁷⁹, this option is promising in terms of allowing for adequate public access. However the sectoral, self-standing measures that could be the vehicles of these benefits are not under way for all acts that still actively refer to the SRD. Another drawback in this respect links to the risk of compromised reporting robustness that would imply a risk of information inadequacy, even if provided through efficient channels. This aspect is beyond the scope of this assessment.

Efficiency:

4. To what extent does the option reduce administrative burden (simplification)?

³⁷⁷ EC (2015), Better Regulation Communication, op.cit., COM(2015)215

³⁷⁸ EC (2015), Annex II, op. cit, COM(2015) 610 final

³⁷⁹ EC (2008), SEIS Communication, op.cit, COM(2008) 0046 final

This option is relatively good for alleviating the administrative burden of reporting, as it opens the room for replacement measures that take advantage of the opportunities offered by present and future ICT. It is uncertain however if it would be easy to apply, especially when legislative action on unpopular reporting requirements is required.

Coherence:

5. To what extent is the option coherent with relevant legal acts (repealed/ containing independent reporting obligations), including – in this case – forthcoming legal proposals?

This option is coherent with current legal proposals, in particular the Circular Economy Package. Furthermore, it allows avoidance of any legislative overlaps stemming from the ongoing legislative revisions (sectoral legislation referring to the corresponding SRD repeal after the directive is removed from the system, e.g. the proposal for a directive amending the Emissions Trading System Directive). It also contributes to legal certainty given that the obsolete SRD provisions are repealed making the legal framework a clearer, and in particular removing the currently unenforced provisions.

6. To what extent is this intervention coherent with the REFIT programme and 7th Environment Action Programme objectives?

As in case of the complete repeal, this option is coherent with the 7th EAP in so far it has the potential to “help avoid duplication of effort and eliminate any unnecessary administrative burden on public authorities”³⁸⁰ and to make the collected environmental information more accessible to public. It is also compliant with REFIT objectives, namely the Fitness Check to identify “opportunities to simplify and alleviate reporting obligations stemming from EU environmental law with a view to develop a more modern, efficient and effective system for regulatory monitoring” (Environmental Reporting Initiative)³⁸¹. One disadvantage of the partial repeal over a complete one, is that the efficiency benefits are not reaped immediately, relying rather on future legislative initiatives.

Relevance:

7. How well do the (original) objectives of the option (still) correspond to the needs within the EU?

There is a clear need to remove any redundant provisions from the EU legal systems as well as improve environmental reporting so that it is more efficient and offers better public access. In the light of the ongoing revisions and forthcoming legislation this option seems to correspond to the EU needs set out in the 7th EAP and SEIS (e.g. enhanced public access) very well but less so when the Better Regulation Package (i.e. increased law transparency and simplification) is considered.

EU added value:

8. Does the option comply with subsidiarity and proportionality principles

The repeal without sectoral, self-standing replacement measures is fully compliant with subsidiarity and proportionality principles.

5 COMPARISON OF OPTIONS

How do the different options compare?

Comparative overview

³⁸⁰ Decision No 1386/2013/EU, op. cit.

³⁸¹ EC (2015) Commission Work Programme, op. cit., COM(2015) 610 final

The impacts assessed for the baseline and two policy options are summarised below. The colour grading applied and explained in the arrow shape below is more suitable for illustrative purpose than for calculating a composite score for each option.

Figure 2 Comparison of the options against the assessment criteria

	effectiveness	efficiency	coherence	relevance	EU added value
Baseline					
Complete repeal					
Partial					

Conclusion

There appears to be a need for legislative action to remedy the SRD related inefficiencies. Out of the two identified options for such action, the one that allows complete removal of the obsolete SRD-based reporting obligations while maintaining both (i) the temporary legal force of the SRD provisions that are still in use in a short-term (ii) procedural reporting requirements under sectoral legislation that still refers to the SRD, seems optimal (in our assessment: option 1). Both elements (i) and (ii), if applied jointly, mitigate the risk of either a legislative gap or overlaps. Moreover, such an option simplifies the reporting system by removing an intermediary step between the basic environmental act and new rules for implementing acts. It has the benefit of providing a “safety net” in case sectoral replacement measures are delayed or not adopted while considerably increasing law transparency.

6 MONITORING AND SUBSEQUENT EVALUATION

How will subsequent ex-post evaluation be organised under the preferred option?

If the EU law making bodies opt for a complete repeal of the SRD, the subsequent evaluation (assuming that the effects of obsolete provision repeal do not require monitoring) should focus on:

- the application of sectoral acts amended with a view of extending the reporting procedural requirements (e.g. CCS Directive)

- the application of new sectoral, self-standing measures that will soon repeal the transitional SRD measures (e.g. waste legislation after the adoption of the Circular Economy Package).

A case by case monitoring of the legal effects of new legislation will help track whether or not the complete repeal led to the intended results. In an unlikely event of EU's inability to adopt the relevant legislation as planned (i.e. important obstacles hamper the ongoing legislative process), the SRD will provide a safety net as a legal base for environmental reporting will not be interrupted. Should that be the case, an adequate monitoring and evaluation of its effectiveness will be recommended.

If all goes as planned³⁸², the SRD will soon become completely obsolete. In that case, there will be no more need for monitoring and subsequent evaluation of the repeal of the SRD, as the attention will shift to the ex post assessment of the new measures that replaced it. A complete repeal without any transitional measures SRD will be then fully justified which will also reduce overall administrative burden on the Member States and the European Commission.

³⁸² According to Commission's work programme for 2016, EC(2015), COM(2015) 610 final.

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List of abbreviations

CCS - carbon capture and storage

EAP - Environment Action Programme

EC - European Commission (in numbers of legislative acts - European Community)

EEA - European Environment Agency

EEC - European Economic Community

EU - European Union

GIS - geographic information systems

ICT - information and communication technologies

INSPIRE - Infrastructure for Spatial Information in the European Community

JRC - Joint Research Centre of the European Commission

NGO - non-governmental organisation

REFIT - the European Commission's Regulatory Fitness and Performance programme

SEIS - Shared Environmental Information System

SRD - Council Directive of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment (91/692/EEC)

TUE - Treaty on European Union

VOC - volatile organic compounds

WISE - Water Information System for Europe

WFD - Water Framework Directive (2000/60/EC)

Annex 8: Fiches provided by European Environment Agency

1 Nature Reporting

Reporting under the Birds Directive (2009/147/EC) and the Habitats Directive (92/43/EEC)

Content

Reporting under the Nature Directives encompasses three different areas under several legal obligations; it is a complex system with both quantitative and qualitative, descriptive and spatial data:

Data and information (descriptive & spatial) about sites classified and designated under both directives and making up the NATURA 2000 network (over 27 000 sites, end 2015); annual reporting

Data and information (descriptive & spatial) on status, trends, pressures and measures for ca. 450 bird species (Article 12 Birds Directive, near 8 000 reports), ca. 1 250 other species of fauna and flora (over 7 000 reports), and 233 habitat types (over 3 000 reports), across nine biogeographical regions and five marine regions (Article 17 Habitats Directive); reporting every six-years

Data and information on derogations to the strict protection regime of species under both directives (descriptive); reporting every year (Birds Directive) and every two-years (Habitats Directive).

Network

Restricted to the EU. Policy side under the supervision of the Coordination Group on Biodiversity and Nature (CGBN, Member States and stakeholders); part of the reporting content and formats under 'comitology' (Habitats and Ornithology Committees), other parts are approved by the Expert Group on the Birds and the Habitats Directives (NADEG, Member States only); all the technical and scientific work done by the EEA and its ETC/BD, and EC consultants in the framework of the Expert Group on Reporting under the Nature Directives (Member States and stakeholders).

Infrastructure

The data flows of the three areas of the nature reporting are fully integrated and dependent on Reportnet. The EEA design and write technical specifications (NSS with ETC/BD), and develop and implement IT tools for the reporting, QA/QC, and data consultation and dissemination (IDM with external consultants). IT tools include: software for Member States (allowing production of XLM files), reporting and QA/QC tools for the Central Data Repository, web tools for EU assessments, searching and viewing reported data in user friendly ways (Article 12 and Article 17 viewers, Natura 2000 viewer, European Nature Information System – EUNIS – and BISE).

Resources

The EC consultants included the nature reporting under the cost category 'Moderate' (30 000 to 100 000 Euro) in what concerns the Member States annual administrative burden. The largest budget goes to the reporting on conservation status of species and habitat types (Article 12 Birds Directive and Article 17 Habitats Directive, area ii. above): it mobilises hundreds of experts in the Member States (governmental and non-governmental, including business) who compile the required information and make the assessments, several tens of civil servants compiling and uploading the national reports; 4 to 10 FTE staff *per annum* from the EEA (500 000 to 1 300 000 Euro, including ETC/BD and IT consultants); however, these staff costs cover large parts of the reporting cycle from reporting to assessments: improving and streamlining reporting formats and technical guidelines, developing and implementing IT tools and support countries, quality control, making EU assessments from the reported data, publishing and disseminating the data and assessments (including distance to policy targets) in reports and the EEA data service.

Coherence & challenges

The three sets of reports under the nature directives are complementary and provide a comprehensive overview of outcome (results) of the directives provisions. Reporting under articles 12 and 17 are now largely outcome-oriented (supported with data) with very little on 'process' and 'implementation'. This shift in the reporting content took near 10 years for the Habitats Directive and over 25 years for the Birds Directive: reporting under the two directives is now streamlined in content and timing.

Data quality and harmonisation across the EU28 is being improved to some extent, but in several Member States it still suffers from the lack of systematic monitoring; data quality also varies among the species groups and habitat types: 'expert opinion' is still more frequent than 'complete inventories' or 'statistical significant sampling' methods for several species/habitats. Differences in monitoring efforts/investments between countries also impair harmonisation. However, the efforts, EC and EEA, put into common guidance led to improvements of harmonisation across member states, but still several pieces of information are based on biological concepts that vary across the EU due to different scientific schools. Substantial additional harmonisation would require substantial resources that are not currently available at the Member State and EU levels.

Another challenge is the streamlining with other directives, namely the Water Framework Directive and the Marine Strategy Framework Directive, which have some overlapping in terms of features covered and information collected (e.g. on pressures, status); some work is being done, but still minimal. The same applies to the spatial components of the nature directives and the INSPIRE Directive.

Benefits

The three components of the Nature Reporting are the foundation of the EEA data on biodiversity (species, habitats and sites) and, together with the only EEA biodiversity-related priority data flow (on designated areas, CDDA), feed the majority of the biodiversity indicators (EEA core set and others).

These data sets, particularly on Natura 2000 and status of species and habitats, are being used at EU level to set baselines, develop and evaluate plans and strategies, and feed the fitness check of directives. They also provide quantitative and qualitative data for the EEA State of the Environment and Outlook Reports.

The reported data is used by the European Commission to replace the Member States obligations to report to other International Conventions, particularly for the derogations under the Bern Convention. The EEA transfers the data on CDDA and Natura 2000 to UNEP-WCMC to populate the World Database on Protected Areas (IUCN-UNEP) with European data (currently 70 % of the records in the world database). Member States largely use the data compiled for the nature reporting to fulfil other reporting obligations e.g. under international conventions and regional agreements on nature and biodiversity (e.g. Convention on Biological Diversity, Bern Convention, Ramsar Convention, Bonn Convention). The outcomes of the reporting are being used by Member States and the EU institutions (particularly the Commission) to prioritise measures, actions and financing.

The nature reporting ensures that Member States develop and maintain a minimum system of monitoring that would not exist otherwise and it is fundamental to establish a European knowledge base on nature and biodiversity.

2 Air Quality e-Reporting

The Ambient Air Quality Directives (AAQDs - i.e. Directives 2004/107/EC and 2008/50/EC) *inter alia* establish objectives for ambient air quality, define common methods and criteria to assess air quality in Member States, and guides how to obtain and make public information on air quality. These are complemented by Commission Implementing Decision 2011/850 which lays down provisions on the reciprocal exchange of information and reporting on ambient air quality.

Content – Description: The air quality e-reporting system implements the reporting requirements of the AAQD and related Implementing Decision. It encompasses 14 separate but linked data flows addressing e.g. information on zones and assessment regimes, measurement data, compliance declarations, and plans and programmes to improve air quality. One main advantage of the air quality e-reporting is that it brings together into one streamlined reporting system information that previously was reported in different formats, at different times, and not easily linked.

The air quality e-reporting system is designed to allow data and information submissions any time throughout the year – this is particularly the case for the up-to-date data flow which is reported continuously. Practically, however, there are two specific deadlines (30 September for the raw validated data, assessment and compliance information – 7 data flows, and 31 December for the plans and programmes and preliminary reporting on zones and assessment regimes– 6 data flows).

Networking: The need for increased involvement of IT specialists in reporting has required the establishment of a new specific working group, to support the existing more policy-focussed Ambient Air Quality Committee and Expert Group. The participants of this technical group, which started as a piloting group to initiate the system in 2012, comprise both air quality and IT experts from the reporting countries, from the EEA and the European Topic Centre on Air pollution and Climate change Mitigation (ETC/ACM), as well as from the European Commission.

The implementation of the air quality e-reporting system has also been supported by JRC, i.e. by developing an online tool for reporting of plans and programmes files (i.e. comprising 4 of the above mentioned data flows). In addition air quality expert communities such as AQUILA and FAIRMODE have provided recommendations and support; for example to guide countries that wish to report modelled air quality data within the e-Reporting framework.

Infrastructure: Significant additional IT infrastructure has been required to establish and implement this air quality e-reporting system. This has involved a shift from the previous 'centralised' reporting approach, where most countries used a common reporting tool, to a decentralised approach that provides countries flexibility and independence in terms of how their own reporting systems are implemented and maintained. Together with a shift to new standardised data formats, this has however required major adaptation of reporting systems in both EEA and the reporting countries.

Submissions are still done in Reportnet Central Data Repository (CDR) but with a focus on streamlined and automated data quality checks. Entirely new data checking routines and databases have required development at EEA for processing and storing reported air quality data and information. A bespoke Air Quality Portal website has been established, to provide reporters with detailed descriptions of the data requirements as well as information on quality assurance etc.

Resources: The air quality e-reporting system has required (and is still requiring) substantial investment in developing new data handling processes, databases and

QA/QC procedures, both at the EEA and reporting countries. The implementation of this system follows a stepwise approach, and some modules are being still in development phase. This together with the ongoing maintenance and operation of the new system required fairly large costs by both the reporting countries and the EEA in terms of human resources and IT development.

Challenges The air quality e-reporting system was an 'early adopter' concerning thematic INSPIRE implementation. Whilst the implementation of the INSPIRE Directive was one of the driving forces for the streamlining, the combination of thematic and INSPIRE-driven reporting requirements has led to a complex automated IT system able to handle the machine readable data flows. This was one of the first exercises where this integration was achieved but overall, this experience is considered to have made air quality reporting rather complicated, and difficult to understand and apply by thematic experts and reporters. E.g., the requirement to ensure the dataflow is INSPIRE compliant has for example required inclusion of redundant and non-used links (from the perspective of air quality reporting alone), increasing data flow complexity. The benefits of increased interoperability also have yet to materialise. This early piloting experience has been documented in a report³⁸³ and these difficulties have been recognised in the recent INSPIRE REFIT evaluation³⁸⁴ and are currently addressed.

Further challenges arose due to the legislative timing requirements which resulted in the need to establish the new system's design, its development and implementation in parallel. The implementation of e-Reporting has further required and still requires increased IT and thematic resources, and capacity building in reporting countries. Significant additional resource demands (staff, IT resources) have also been required at EEA to implement e-Reporting system, and together with DG ENV to interpret and verify compliance.

Benefits: The new system provides a streamlined method of reporting AQ information allowing different information to be linked, disseminated and used to inform assessment. The automatic data handling allows the reported information to be available faster to users. The automatic data handling and QA/QC checks further allow faster checking of quality of data. The improved traceability and timeliness of the submitted data is ensured.

³⁸³ <http://www.eea.europa.eu/publications/reporting-and-exchanging-air-quality>

³⁸⁴ <http://inspire.ec.europa.eu/news/commissions-inspire-report-and-refit-evaluation-published>

3 Integrated analysis of climate and industrial pollution data - Contributing to knowledge through enhanced assessments

Innovative ways to combine data collected under official reporting with new data sources can deliver important contributions towards integrated environmental and thematic assessments to support environmental policy in Europe.

Content

In the area of climate, energy and industrial pollution an enhanced, integrated assessment framework was developed to enable a short- and medium-term analysis of the potential evolution of large fossil fuel power capacity by 2030 under various scenarios, and to assess implications for EU climate and energy policies. Findings were documented in the *Transforming the EU power sector: avoiding a carbon lock-in* EEA report (2016).

The assessment framework consists of a detailed, unit-by-unit investigation of the current structure and greenhouse gas and air pollutant emissions profile of the EU fossil fuel power sector. To obtain this 'bottom-up assessment', existing datasets reported to the EEA in the area of climate, energy and industrial pollution were augmented with commercial datasets through a customised approach.

The following datasets were inter-linked and used:

- The Large Combustion Plants and European Pollutant Release and Transfer Register, managed by the EEA and the European Commission³⁸⁵.
- The European Union Transaction Log dataset under the EU Emissions Trading Scheme.
- Commercial databases concerning the EU electricity generating sector, provided by Platts and Enerdata.
- PRIMES energy scenarios, provided by the European Commission.

Network

Restricted to the EU (Member States and EC). At EU level the policy side falls under the remit of three different policy DGs (CLIMA, ENER and ENV), who were invited to assist the EEA in the development of the assessment framework. The technical and scientific work was performed by the EEA, supported by external consultants. The EIONET network played a key role in validating and improving the secondary datasets and was involved from the start in the development of the analysis.

Infrastructure

The datasets were interlinked following specific keys in the LCP-EPRTTR database. The EEA designed the blueprint of the assessment framework and wrote the technical specifications (ACC). Supported by consultants, it developed and implemented an integrated database that underpinned the analysis, and performed QA/QC on the data. The EEA IT Programme provided access to the commercial datasets. The main IT tool is a comprehensive database (MS Access) linking together the individual datasets and allowing the export of key data to other programs (MS Excel).

³⁸⁵ The LCP-EPRTTR database contains data reported by EU Member States to the Commission under the European Pollutant Release and Transfer Register (E-PRTR) Regulation and the Large Combustion Plants (LCP Directive).

Resources

Overall, the external costs for the development of the assessment framework were rather low (approx. 120 000 Euro, handed out over two separate contracts). The work was performed over two years, with EIONET being consulted twice (on pertinent secondary data and on the actual report).

Coherence & challenges

The most resource-intensive part was linking the individual datasets to each other, quality-controlling the outcomes and calculating individual estimates in order to fill gaps, where necessary.

To keep within the budget, the scope of the analysis was limited to large fossil fuel units only (above 200 MW nominal electric capacity), which nevertheless did not impact significantly the outcomes of the assessment.

Benefits

Within this exercise EEA sought to enhance its value-adding chain: it augmented use of data and information with new datasets linked together through a novel approach. This enabled the provision of timely feedback to established and emerging policy frameworks (especially climate and energy proposals tabled by the EC during 2016), and helped to assess synergies and coherence across various policy domains, while responding to the demand for new insights and understanding.

Annex 9: Benefits of streamlining of EU environmental reporting obligations

A number of recent or ongoing streamlining initiatives over the period 2012-2020 are expected to yield reductions in the burden relating to the reporting obligations under EU environmental legislation. For instance:

- **Revision of the waste legislation** proposes a substantial simplification of reporting requirements. It proposes the repeal of three yearly implementation reports under Directives 2008/98/EC on waste, 94/62/EC on packaging and packaging waste, 1999/31/EC on the landfill of waste, 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment. This is expected to result in time savings averaging 30-60 days per Member State every three years for each of the six directives, suggesting an annual cost saving averaging EUR 80,000 – 180,000 per Directive across the EU28 (or EUR 3,000-6,000 per MS per Directive per year).
- **Streamlining of the Water Framework Directive reporting with the State of the Environment reporting** on freshwater will mean that all spatial data on River Basin Districts and sub-units, water bodies and monitoring sites is now managed jointly, having to be reported only once when it is common to the two reporting flows. This is likely to significantly reduce time inputs and administrative burdens by avoiding duplication of reporting, although the cost savings cannot be quantified.
- **Harmonising reporting of programmes of measures under the Water Framework Directive and the Marine Strategy Framework Directive**, such that programmes of measures which benefit fresh and seawater alike only need to be reported once, will reduce the level of duplication and the costs of double reporting. Our analysis estimated that reporting against WFD PoMs involved 100 days effort per MS every 6 years, at a cost of approx. EUR 30,000 per MS over the 6 year period. Our analysis for MSFD suggested that the additional reporting effort per MSFD amounted to approx. 20 days per MS, i.e. EUR 6,000 per MS over the 6 year period. It is likely that MS would have reused material used for the 2 ROs even without the stipulation that the relevant PoMs need be reported only once. However, if it is assumed that there is a net saving of 20 days reporting effort per MS, this would imply a cost saving in the order of EUR 6,000 per MS every 6 years, an average annual cost saving of EUR 28,000 across the EU.
- Streamlining urban waste water reporting and data dissemination through the establishment of an open source national urban waste water website will deliver a range of benefits including better use of reporting information, accelerated publication of technical data for the 28 MS, user friendly access to raw and aggregated urban waste water data, and implementation of the INSPIRE directive. The principal benefits of this measure are expected to be in enhanced sharing of information, rather than a reduction in the burdens of reporting.
- **Reporting and exchange of information under the Ambient Air Quality Directives** via a dedicated internet interface (the so-called air quality portal) utilises a state-of-the-art electronic reporting to make air quality information available in a standardised, machine-readable and INSPIRE compliant form. This helps to streamline the information made available by Member States, to maximise the usefulness of such information and to reduce the administrative burden. The support study estimated the time required for reporting to average 50 days per MS per year, at an annual cost of EUR 15,000 per MS or EUR 420,000 across the EU. No estimate was made of the cost saving brought

about by automation of the system, but it is possible that the annual cost would be twice as large without it. However, substantial investments have been required in the development of automated systems, which will take a number of years to yield overall cost savings. The principal benefits have therefore so far been through the enhanced sharing of data.

- Alignment of reporting of air emissions under the new National Emission Ceilings Directive with the reporting process under the UNECE Convention on Long-Range Trans-boundary Air Pollution effectively removes any additional reporting obligation arising from EU legislation. MS will be required merely to submit data already compiled under LRTAP. The support study estimated an annual saving of 20 days per MS, equivalent to an annual average cost saving of EUR 6,000 per MS, totalling EUR 168,000 per year across the EU28.
- **The Industrial Emissions Directive** recast seven previously existing directives and streamlined administrative aspects including cutting reporting requirements by around half. The study estimated the annual burden of reporting under the IED at approx. EUR 170,000 across the 28 MS. If the reporting burden has halved this would suggest an equivalent reduction at EU level – i.e. an annual saving in the order of EUR 170,000 (approx. EUR 5,000 per MS per year).
- **Streamlining of reporting for IED, E-PRTR, Seveso and LCP**, and use of state of the art web-based reporting technology will reduce the administrative burden over time, while increasing the added value of reporting. However, this will depend on significant investment in systems and capacity, such that net cost savings will not be expected for several years.
- **Joint reporting under the Birds and Habitats Directives** has streamlined content and timing and allows for joint analysis of the status of habitats and species. A significant change was the change in timing of implementation reports under the Birds Directive from three yearly to six yearly, to align with the Habitats Directive. This is estimated to save at least 50 days per MS over the six year period, at a cost saving of EUR 15,000 per MS (EUR 420,000 for EU28) over the 6 year cycle, or EUR 2500 per MS (EUR 70,000 for EU28) per annum.
- **Repeal of the Standardised Reporting Directive** has streamlined reporting obligations and repealed obsolete provisions. The main legislation still subject to reporting under the SRD are the Directives on sewage sludge and asbestos. We estimated the annual administrative burden under these Directives at EUR 60,000 and EUR 30,000 annually for the EU28 (EUR 2,000 and EUR 1,000 per MS per year) on assumption of full compliance with legislative provisions.

The following table summarises the benefits of these changes. It indicates that these changes have benefits in different ways. For example, administrative burdens are reduced through the repeal of certain reporting obligations, and the reduction in the time required to report, as a result of reducing duplication of reporting, reducing the volume of data required, reducing the frequency of reporting, or improving the reporting process. Greater automation and streamlining of reporting can also have benefits by enhancing the quality, timeliness and accessibility of data.

Table 1: Summary of the types of benefits of streamlining of reporting obligations

Change	Reduced burden through removal of reporting obligations	Reduced burden by removing duplication of reporting	Reduced burden through reduced volume of data required	Reduced burden through time savings in reporting process	Reduced burden through reduced frequency of reporting	Benefits through higher quality, more timely and accessible data
Revision of waste legislation	✓					✓
Streamlining of SoE and WFD reporting		✓				
Harmonisation of reporting of WFD and MSFD PoMs		✓				
Online reporting for UWWTD						✓
Online reporting under Ambient Air Quality Directives				✓		✓
Alignment of NECD and UNECE LRTAP reporting		✓				

IED recast of 7 previous directives		✓	✓			
Streamlining of IED, EPRT, Seveso and LCB reporting		✓		✓		✓
Joint reporting under BHD		✓			✓	✓
Repeal of SRD	✓					

Not all of the benefits of burden reductions can be valued in money terms. However, based on the figures given above we estimate that these changes together reduce annual administrative burdens for MS by a minimum of between EUR 1.4 million and EUR 2.0 million annually across the EU28.

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