



European Economic and Social Committee

NAT/743

Alignment of environmental reporting obligations

OPINION

European Economic and Social Committee

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

[COM(2018) 381 final – 2018/0205 (COD)]

Rapporteur: **Vladimír NOVOTNÝ (CZ-I)**

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| Consultation | European Commission, 31/05/2018 |
| Legal basis | Article 304 of the Treaty on the Functioning of the European Union |
| Plenary Assembly decision | 17/04/2018 |
| Section responsible | Agriculture, Rural Development and the Environment |
| Adopted in section | 05/10/2018 |
| Adopted at plenary | 12/12/2018 |
| Plenary session No | 359 |
| Outcome of vote (for/against/abstentions) | 208/1/2 |

1. **Conclusions and recommendations**

- 1.1 The EESC welcomes the European Commission's proposal for aligning reporting obligations in environmental policy and expects it to result in increased transparency of reports and their drafting, the provision of an empirical basis for gauging the efficacy of environmental policies, simplified procedures and a lesser administrative burden for both the Commission and the Member States.
- 1.2 The EESC fully supports the European Commission's new approach to environmental reporting, which is based on a root-and-branch modernising of procedures for data collection, reporting and subsequent environmental assessment using the INSPIRE and Copernicus systems, transmission of data in real time and their electronic processing. The EESC believes that the Commission's proposal complies with the better regulation approach and with the REFIT programme.
- 1.3 The EESC recommends that the central databases of the European Environment Agency (EEA) be used for linking data and information on the environment with geographical, economic and social data and for interpreting this in the round.
- 1.4 The EESC again urges the need to involve civil society organisations in the drafting and discussion of environmental reports in the Member States.
- 1.5 The EESC takes the view that adapting to changes in specific environmental reporting requirements works better than a rigidly unified, one-size-fits-all approach, provided the high quality of environmental data and reports is maintained.
- 1.6 The EESC is convinced that the updating of environmental reporting and the subsequent processing and assessment of environmental data will do a great deal to achieve the aims of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention).
- 1.7 The EESC calls on EU Member State governments, their authorities and agencies, the European Commission and the European Environment Agency to step up efforts to improve the accessibility, clarity and informative value of environmental reports and information for a broad range of civil society and its organisations in these matters.
- 1.8 The EESC recommends that the *acquis* regarding data acquisition, information and environmental reporting continue to be regularly evaluated and reviewed in the future, that the interval between the acquisition, processing and publication of data be reduced and that their accessibility, transparency and clarity be increased.
- 1.9 The EESC calls on environmental organisations to be more active in fostering public awareness of the environmental situation in their countries or regions. It urges the Commission to encourage and finance them in this.

2. The Commission document

- 2.1 In 2017, the Commission published a comprehensive Fitness Check evaluation on environmental reporting. It covered 181 reporting obligations enshrined in 58 pieces of EU environmental legislation.
- 2.2 This cross-cutting and comprehensive analysis of reporting obligations¹ was carried out to increase transparency, provide an empirical basis for future evaluations, and simplify and reduce administrative burdens for Member States and the Commission.
- 2.3 An individual assessment of the items of legislation in question showed there was room for improving the reporting set out in the following:
- Directive 2002/49/EC relating to environmental noise²,
 - Directive 2004/35/EC: the Environmental Liability Directive³,
 - Directive 2007/2/EC: the INSPIRE Directive (Infrastructure for Spatial Information)⁴,
 - Directives 2009/147/EC and 92/43/EEC: the EU Birds and Habitats Directives⁵,
 - Directive 2010/63/EC on animal testing⁶,
 - Regulation (EC) No 166/2006 on a European Pollutant Release and Transfer Register (E-PRTR)⁷,
 - Directive 86/278/EEC on sewage sludge,
 - Regulation (EU) No 995/2010 on timber,
 - Council Regulation (EC) No 338/97 (CITES),
 - Council Regulation (EC) No 2173/2005 on forest law enforcement, governance and trade (FLEGT).

A process is now under way to align current European Commission proposals – submitted in 2018 – on drinking water, persistent organic pollutants, the reuse of waste water and single-use plastics.

- 2.4 On the basis of this evaluation, a proposal for aligning the individual pieces of legislation relating to environmental reports and a detailed plan for implementing the proposed amendments were drafted.

1 SWD(2017) 230.

2 SWD(2016) 454.

3 SWD(2016) 121.

4 COM(2016) 478 and SWD(2016) 273.

5 SWD(2016) 472 final.

6 COM(2017) 631 and SWD(2017) 353.

7 SWD(2017) 711.

- 2.5 The aim of the proposal is to optimise the existing obligations relating to reporting, transparency and the monitoring of implementation as laid down in EU law, while at the same time respecting the principles of necessity, subsidiarity and proportionality. The proposal also seeks to align the requirements of the legislation concerned and to improve the empirical basis for implementing EU policy.
- 2.6 The proposal includes steps to improve transparency and subsidiarity (in eight legal acts), simplify or exclude reporting obligations (in seven legal acts), align reporting deadlines (in three legal acts), simplify EU-wide overviews and clarify the role of the EU institutions (in eight legal acts) and prepare for future evaluations (in five legal acts).
- 2.7 The proposal helps to ensure that the public has access to clear environmental information at national level. It will thus help the public have an overview of what is happening in the environmental field in Europe as a whole and will help national public authorities handle cross-border issues. The proposal should also reduce the burden on Member States, bolster subsidiarity and make information on implementation more available to the public.

3. **General comments**

- 3.1 The EESC welcomes the proposal for a regulation of the European Parliament and of the Council on the alignment of environmental reporting obligations⁸ as a fundamental step towards the overall modernisation of the way that environmental reports are drafted and submitted. It supports the use of the INSPIRE and Copernicus systems, electronic data processing tools, real-time data transmission and, in terms of communication, moving away from formal written reports towards building dynamic central databases at the level of the European Commission and the European Environment Agency. Echoing the Commission's view and the text of the proposal for a regulation, the EESC also notes that these are purely procedural and not substantive changes in the various legal documents concerning the selection of environmental indicators, the list of regulated substances and their limits.
- 3.2 Simplifying and aligning the procedures for drafting and submitting environmental reports will, in the EESC's view, make these reports more effective and transparent. The EESC expects the proposal to result in a reduced burden and reduced costs with regard to reporting requirements as laid down in EU environmental legislation and to a marked reduction in the interval between data acquisition and publication.
- 3.3 The EESC thinks it essential to increase not just the availability of reports, but also the clarity of these and of information for large sections of civil society. It reiterates civil society's vital role not only as a user of environmental information, but also as an active participant in collecting, compiling and discussing this information and these reports. In this connection, the EESC stresses the importance of assessing environmental impacts and the involvement of civil society in discussions on this.

⁸ COM(2018) 381 final – 2018/0205 (COD).

- 3.4 The proposal to revise a number of existing pieces of legislation falls within the Commission's regulatory fitness and performance programme ([REFIT](#)). The EESC has adopted opinion INT/750 on The REFIT Programme⁹, in which it expressed concern about the shortcomings identified in environmental impact assessments and emphasised the need for an integrated and balanced assessment of the social, economic and environmental dimensions.
- 3.5 In its opinion NAT/708 on The EU Environmental Implementation Review¹⁰, the EESC highlighted the importance of involving civil society in decision-making and review, and this is also relevant with regard to reviewing legislation on environmental reporting.
- 3.6 The European Commission proposal contains cross-references to Directive 2003/4/EC¹¹ on public access to environmental information and Directive 2007/2/EC¹² on spatial information, and ensures consistency with the requirements of these directives. The EESC has adopted opinion NAT/716 – Access to justice at national level related to measures implementing EU environmental law¹³, in which it stressed the importance of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention).
- 3.7 The EESC draws attention to the fact that, while the European Commission's proposal refers only to environmental reporting as required by EU legislation, a significant amount of environmental reporting is provided on a voluntary basis at the level of businesses, trade unions, cities, municipalities, other organisations and civil society organisations.
- 3.7.1 Examples of such voluntary activities including environmental reports are: the Global Reporting Initiative (GRI) reported at corporate level; trade association reports, such as the Responsible Care Initiative (CEFIC) in the chemical industry; and CSR (Corporate Social Responsibility) reports, which often include an environmental element.
- 3.7.2 Environmental impact assessments and related information are also provided to the public as part of the environmental management systems of the EMS and EMAS.
- 3.7.3 The active role of civil society organisations in examining reports in these contexts has long proven its worth, increasing the confidence of civil society on the one hand and business on the other. At the local and international level, environmental impact assessment procedures are also being applied in the field of environmental information.

⁹ EESC opinion on the "REFIT Programme", [OJ C 230, 14.7.2015, p. 66](#)

¹⁰ EESC opinion on "Environmental Implementation Review", [OJ C 345, 13.10.2017, p. 114](#)

¹¹ [OJ L 41, 14.2.2003, p. 26.](#)

¹² [OJ L 108, 25.4.2007, p. 1.](#)

¹³ EESC opinion on "Access to justice at national level related to measures implementing EU environmental law", [OJ C 129, 11.4.2018, p. 65](#)

4. **Specific comments**

4.1 *Improving transparency and subsidiarity*

The EESC believes that the European Commission's proposal improves transparency and enables more user-friendly public access to environmental information, while preserving subsidiarity.

4.2 *Simplifying or excluding reporting obligations*

The EESC feels that in order to reduce administrative burdens it would be useful to simplify or find an appropriate substitute for the process of providing text-based information and focus on better public access to information. The EESC calls on the European Commission to initiate work to establish a number of core composite environmental indicators that would be clear for the wider public in all EU countries. This would make it easier to get an opinion on environmental protection within countries or regions and trigger initiatives geared to finding changes for the better.

4.3 *Aligning timing of reporting*

The EESC supports the streamlining of deadlines for the submission of noise maps and action plans under Directive 2002/49/EC of the European Parliament and of the Council¹⁴, the creation of sufficient time for public consultation and the strengthening of civil society participation when reviewing or revising action plans. The EESC supports similar arrangements in other legislation, provided there is no reduction in the quality and availability of environmental data and reports.

4.4 *Simplifying EU-wide overviews / clarifying the roles of institutions*

In the EESC's view, it is necessary to clarify and be more specific about the role of the Commission and the European Environment Agency in the relevant reporting processes.

4.5 *Preparing for future evaluations*

The EESC welcomes the fact that the evaluation carried out by the European Commission has revealed a number of duplications, missing links and non-essential requirements both in the data and reporting structure and the frequency requirements, as well as other shortcomings in their effectiveness. The EESC is convinced that further shortcomings will also be found in the future. It therefore recommends that a regular evaluation be performed of the functioning of the *acquis* in this area. The Commission should carry out evaluations and require Member States to provide the information that is needed for these evaluations. In its opinion SC/045 on Future

¹⁴ [OJ L 189, 18.7.2002.](#)

¹⁵ [OJ L 108, 25.4.2007.](#)

proof legislation¹⁶, the EESC made recommendations for how to proceed in relation to future legislation.

4.6 *Data in context*

The EESC recommends that the central databases of the European Environment Agency be constructed in such a way that environmental data and information are linked with geographical, economic and social data to enable them to be interpreted in a comprehensive and objective way. The EESC welcomes the European Commission's moves to introduce better regulation to reduce the administrative burden in relation to the revision of the reporting obligations under Regulation (EC) No 166/2006 on a European Pollutant Release and Transfer Register (E-PRTR) concerning obligations that are of limited importance. At the same time, the EESC points to the need for the confidentiality principle to be respected with regard to certain trade secrets, though this should not create a barrier to the transparency and availability of environmental reports and data.

4.7 *Some selective changes*

The EESC thinks the proposed changes should in future be adapted to the specifics of particular legal provisions introducing environmental reporting obligations and not be governed by a unified, one-size-fits-all approach. The EESC also supports the alignment of reporting deadlines between Directive 2009/147/EC (the Birds Directive) and Directive 92/43/EEC (the Habitats Directive).

4.8 *Encouraging active public involvement in environmental issues*

The EESC calls on environmental organisations to be more active in fostering public awareness of the environmental situation in their countries or regions. It urges the Commission to encourage and finance them in this.

Brussels, 12 December 2018

Luca Jahier

The president of the European Economic and Social Committee

¹⁶ EESC opinion on "Future proof regulation", [OJ C 487, 28.12.2016, p. 51](#)