













Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Decision	2016/0394(COD) Procedure completed
Environmental reporting: procedural rules Amending Directive 94/63/EC 1992/0425(COD) Amending Directive 2009/31/EC 2008/0015(COD) Amending Regulation (EU) No 1257/2013 2012/0055(COD)	
Subject 3.70 Environmental policy 8.50.02 Legislative simplification, coordination, codification	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Environment, Public Health and Food Safety		16/02/2017
		 GAMBUS MILLET Francisco de Paula	
		Shadow rapporteur	
		 PAOLUCCI Massimo	
		 DEMESMAEKER Mark	
		 FEDERLEY Fredrick	
		 D'ORNANO Mireille	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Industry, Research and Energy	The committee decided not to give an opinion.	
 Transport and Tourism	The committee decided not to give an opinion.		
 Agriculture and Rural Development	The committee decided not to give an opinion.		
 Legal Affairs	The committee decided not to give an opinion.		
Council of the European Union	Council configuration	Meeting	Date
	General Affairs	3615	14/05/2018
European Commission	Commission DG	Commissioner	
	Environment	VELLA Karmenu	

Key events			
15/12/2016	Legislative proposal published	COM(2016)0789	Summary
13/02/2017	Committee referral announced in Parliament, 1st reading		
11/07/2017	Vote in committee, 1st reading		
11/07/2017	Committee decision to open interinstitutional negotiations with report adopted in committee		
12/07/2017	Committee report tabled for plenary, 1st reading	A8-0253/2017	Summary
11/09/2017	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
13/09/2017	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
27/02/2018	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE615.496 GEDA/A/(2017)011666	
16/04/2018	Debate in Parliament		
18/04/2018	Results of vote in Parliament		
18/04/2018	Decision by Parliament, 1st reading	T8-0116/2018	Summary
14/05/2018	Act adopted by Council after Parliament's 1st reading		
30/05/2018	Final act signed		
30/05/2018	End of procedure in Parliament		
14/06/2018	Final act published in Official Journal		

Technical information	
Procedure reference	2016/0394(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
	Amending Directive 94/63/EC 1992/0425(COD) Amending Directive 2009/31/EC 2008/0015(COD) Amending Regulation (EU) No 1257/2013 2012/0055(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 192-p1
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions

Stage reached in procedure	Procedure completed
Committee dossier	ENVI/8/08826

Documentation gateway					
Legislative proposal		COM(2016)0789	15/12/2016	EC	Summary
Economic and Social Committee: opinion, report		CES0680/2017	22/02/2017	ESC	
Committee draft report		PE603.064	27/04/2017	EP	
Amendments tabled in committee		PE606.017	06/06/2017	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0253/2017	12/07/2017	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2017)011666	13/12/2017	CSL	
Text agreed during interinstitutional negotiations		PE615.496	13/12/2017	EP	
Text adopted by Parliament, 1st reading/single reading		T8-0116/2018	18/04/2018	EP	Summary
Draft final act		00067/2017/LEX	30/05/2018	CSL	
Commission response to text adopted in plenary		SP(2018)350	06/06/2018	EC	

Final act
Decision 2018/853 OJ L 150 14.06.2018, p. 0155 Summary Final legislative act with provisions for delegated acts

Environmental reporting: procedural rules

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

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

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

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

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

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

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

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

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

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

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

- proposal for a European Parliament and Council Decision, which will repeal and amend provisions of the 6 legal acts referring to the SRD.

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

The proposed amendments seek to remove requirements for standardised reporting.

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

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

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

Environmental reporting: procedural rules

The Committee on the Environment, Public Health and Food Safety adopted the report by Francesc GAMBÚS (EPP, ES) on the proposal for a decision of the European Parliament and of the Council amending Directive 87/217/EEC of the Council, Directive 2003/87/EC of the European Parliament and of the Council, Directive 2009/31/EC of the European Parliament and of the Council, Regulation (EU) No 1257/2013 of the European Parliament and of the Council, Council Directive 86/278/EEC and Council Directive 94/63/EC as regards procedural rules in the field of environmental reporting and repealing Council Directive 91/692/EEC.

The committee recommended that the European Parliaments position adopted at first reading in accordance with the ordinary legislative procedure should amend the Commission proposal as follows.

Objective of the decision: the proposal for a decision aims to repeal [Council Directive 91/692/EEC](#) on the standardisation of reports and amends six legal acts referring to it. Members pointed out that the objective of the proposed decision was in line with the principle of subsidiarity and the principle of proportionality.

Delegated acts: with regard to [Directive 2009/31/EC](#) on the geological storage of carbon dioxide and [Directive 86/278/EEC](#) on the protection of the environment, and in particular of soil, when using sewage sludge in agriculture, Members requested that the power to adopt delegated acts should be conferred on the Commission for a period of five years with the possibility of tacitly extending the delegation of power for periods of identical duration.

Ship recycling: as regards [Regulation \(EU\) No 1257/2013](#) of the European Parliament and of the Council, Members suggested that the first electronic report to be submitted by the Member States shall cover the period of three years from the date the date of application of the Regulation. Where a Member State authorises the recycling of ships in ship recycling facilities included in the European List prior to the date of application of this Regulation, the first electronic report of that Member State shall also cover the period from the date of such authorisation to the date of application of this Regulation.

Lastly, Members deleted the references and the date of entry into force in order to respect current trilogue negotiations on ETS and their outcomes.

Environmental reporting: procedural rules

The European Parliament adopted by 639 votes to 13, with 17 abstentions, a legislative resolution on the proposal for a decision of the European Parliament and of the Council amending Directive 87/217/EEC of the Council, Directive 2003/87/EC of the European Parliament and of the Council, Directive 2009/31/EC of the European Parliament and of the Council, Regulation (EU) No 1257/2013 of the European Parliament and of the Council, Council Directive 86/278/EEC and Council Directive 94/63/EC as regards procedural rules in the field of environmental reporting and repealing Council Directive 91/692/EEC.

The European Parliaments position adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

Objective of the Decision: the proposal for a decision repeals Council Directive 91/692/EEC on standardizing and rationalizing reports and amends six legal acts containing references to it. Members stated that the purpose of the proposed decision was in line with the principle of subsidiarity and the principle of proportionality.

Delegated acts: Directive 2009/31/EC on the geological storage of carbon dioxide and Directive 86/278/EEC on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture, the amended text provides that the power to adopt delegated acts should be conferred on the Commission for a period of five years with the possibility of tacitly extending the delegation of power for periods of an identical duration.

As regards Directive 2009/31/EC, it is specified that the amendment of the Annexes to adapt them to scientific progress should not lead to a reduction in the level of safety provided by the criteria set out in Annex I or a reduction in the surveillance principles in Annex II.

Ship recycling: as regards Regulation (EU) No 1257/2013 of the European Parliament and of the Council, it is specified that the first electronic report shall cover the three-year period starting on the date of application of this Regulation. Where a Member State authorises the recycling of ships in ship recycling facilities that are included in the European List prior to the date of application of this Regulation, the first electronic

report of that Member State shall also cover the period from the date of such authorisation to the date of application of this Regulation.

The Commission is invited to submit with its reports, where appropriate, proposals for the amendment of this Directive, including in particular the extension of the scope to include vapour control and recovery systems for loading installations and ships.

Environmental reporting: procedural rules

PURPOSE: to streamline EU environmental reporting legislation.

LEGISLATIVE ACT: Decision (EU) 2018/853 of the European Parliament and of the Council amending Regulation (EU) No 1257/2013 and Directives 94/63/EC and 2009/31/EC of the European Parliament and of the Council and Council Directives 86/278/EEC and 87/217/EEC as regards procedural rules in the field of environmental reporting and repealing Council Directive 91/692/EEC.

CONTENT: the Decision repeals Council Directive 91/692/EEC on the standardisation of environmental reporting (SRD) and amends six legal acts containing references to it. For the sake of legal clarity, the Decision to repeal the SRD amends all references to it where they are obsolete. By amending or repealing legislative acts which are no longer applicable or relevant, the Decision brings legal certainty, increases transparency and reduces the administrative burden within Member States.

This decision is part of the package of measures repealing the standardisation of environmental reporting Directive presented by the Commission in 2016. This includes two other initiatives that shall also help to eliminate unnecessary texts from the legislative corpus.

On substance, the Decision aims to ensure that the comitology provisions in a number of acts are adapted to the Lisbon Treaty and the current Interinstitutional Agreement.

As regards Directive 2009/31/EC on the geological storage of carbon dioxide and Directive 86/278/EEC on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture, the Decision provides that the power to adopt delegated acts should be conferred on the Commission for a period of five years with the possibility of tacitly extending the delegation of power for periods of an identical duration.

As regards Regulation (EU) No 1257/2013 on ship recycling, it is specified that the first electronic report shall cover the three-year period starting on the date of application of this Regulation.

Where a Member State authorises the recycling of ships in ship recycling facilities that are included in the European List prior to the date of application of this Regulation, the first electronic report of that Member State shall also cover the period from the date of such authorisation to the date of application of this Regulation.

ENTRY INTO FORCE: 4.7.2018.