

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(90) 287 final

Brussels, 26 July 1990

Proposal for a

COUNCIL DIRECTIVE

HARMONIZING AND RATIONALIZING REPORTS

ON THE IMPLEMENTATION OF CERTAIN DIRECTIVES

RELATING TO THE ENVIRONMENT

(presented by the Commission)

EXPLANATORY MEMORANDUM

An important number of Community directives on environment provide for obligations on the part of Member States to report to the Commission on implementation and practical enforcement of the different requirements of the directives. The frequency with which reports have to be made varies between 12 and 36 months. The Commission is on its part frequently required to establish and publish comprehensive reports about the implementation of the directives within the twelve Member States.

The experience of more than fifteen years of environment policy shows a considerable variation in the frequency with which national reports are sent to the Commission. Therefore, the Commission has in some cases had to establish reports on the implementation of specific directives on the basis of information from only a few Member States. In other cases, the Commission has not been in a position to establish a report at all.

The drafting and publication of regular reports on the state of implementation of a specific environmental directive is an important instrument in the planning and allows for an assessment of the efficiency of the measures adopted and their impact on the environment.

The present proposal has the objective of making the reporting obligations of Member States more systematic and more coherent and thus to avoid unnecessary procedures against Member States for non fulfilment of these obligations.

To this end, the proposal follows the following scheme :

- (1) On the basis of a questionnaire established by the Commission for each sector (water, air, waste, nature) the Member States shall forward the relevant information to the Commission. The questionnaires will be staggered in order to avoid national administrations having to answer them all in the same year.
- (2) On the basis of the answers received the Commission will prepare a report on the implementation of the directives alternating for the specific sectors.

In order to implement this proposed reporting system, it will be necessary to amend the directives which already provide for an obligation to report and to introduce a corresponding rule into those directives which, until now, do not contain an obligation to report.

HARMONIZING AND RATIONALIZING REPORTS

ON THE IMPLEMENTATION OF CERTAIN DIRECTIVES

RELATING TO THE ENVIRONMENT

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130s thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas some Community Directives relating to the environment require the Member States to establish a report on the measures taken to implement them; whereas the Commission drafts a consolidated report; whereas other Community directives relating to the environment call for no such reports;

Whereas the existing provisions on the establishment of reports stipulate different intervals between reports and set different requirements for the content; whereas experience has shown that neither the Member States nor the Commission have always been able to meet the deadlines for establishing these reports;

Whereas such an obligation should be introduced to enable the Member States and the Commission alike to assess the progress made in implementing these Directives throughout the Community's territory and, at the same time, to provide the general public with a source of information on this subject;

Whereas the existing provisions should be harmonized to make them more consistent and more complete on a sector basis;

Whereas harmonization of these existing provisions, and introduction of such provisions where non have been laid down, must not prejudice the Member States' specific obligations to inform the Commission under the separate provisions made in certain of the abovementioned instruments, as regards exceeding the limits or derogating or deviating from the system established therein;

Whereas the interval at which the Member States submit these reports to the Commission should be fixed at three years, with a one-year interval between sectors; whereas one year after the abovementioned reports are submitted the Commission should publish a consolidated report on the sector concerned;

Whereas, in particular, the report on the implementation of Council Directive 76/160/EEC of 8 December 1976 concerning the quality of bathing water should appear annually and in sufficient time to inform the public of the quality of bathing water in the immediate future;

HAS ADOPTED THIS DIRECTIVE:

Article 1

The purpose of this Directive is to rationalise and improve the dispositions on the transmission of information and the publication of reports concerning certain Community directives on the protection of the environment.

Article 2

1. The following paragraph shall replace the corresponding provisions of the Directives listed in Annex 1:

"At intervals of three years, and for the first time by 1 September 1991, the Member States shall send to the Commission a report on the implementation of this Directive. The report shall be drawn up on the basis of a questionnaire or outline which the Commission shall send to the Member States six months before the above date.

The Commission shall publish at three-year intervals, and for the first time in 1992, a report on the implementation of this Directive."

2. The text in the first subparagraph shall be inserted into the corresponding new provisions of the Directives listed in Annex 2.

Article 3

The following paragraph shall replace Article 13 of Council Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water. (1)

"Every year, and for the first time by 31 December 1991, the Member States shall send to the Commission a report on the implementation of this Directive. The report shall be drawn up on the implementation of this Directive. The report shall be drawn up on the basis of a questionnaire or outline which the Commission shall send to the Member States six months before the abovementioned date.

The Commission shall publish annually, and for the first time in 1992, a consolidated report based on the reports mentioned in the first subparagraph".

Article 4

1. The following paragraph shall replace the corresponding provisions in the Directives listed in Annex 3:

"At intervals of three years, and for the first time by 1 September 1992, the Member States shall send to the Commission a report on the implementation of this Directive. The report shall be established on the basis of a questionnaire or outline which the Commission shall send to the Member States six months before the above date.

The Commission shall publish at three-year intervals, and for the first time in 1994, a report on the implementation of this Directive".

2. The text set out in paragraph 1 shall be inserted as Article 15a of Council Directive 84/360/EEC of 28 June 1984 on the combating of air pollution from industrial plants. (2)

(1) OJ No L 31, 5.2.1976

(2) OJ No L 188, 16.7.1984

Article 5

1. The following paragraph shall replace the corresponding provisions of the Directives listed in Annex 4:

"At intervals of three years, and for the first time by 1 September 1993, the Member States shall send to the Commission a report on the implementation of this Directive. The report shall be drawn up on the basis of a questionnaire or outline which the Commission shall send to the Member States six months before the above date.

The Commission shall publish a three-year intervals, and for the first time in 1994, a report on the implementation of this Directive."

2. The following paragraph shall be inserted into the corresponding new provisions of the Directives listed in Annex 5:

"The Commission shall each year transmit to the Member States the information which it has received pursuant to this Article."

3. The reference to "annual report" in the second subparagraph of Article 10(4) of Council Directive 80/779/EEC, listed in Annex 5, shall be amended to "three-year report."

Article 6

1. The Member States shall introduce such laws, regulations and administrative provisions as are needed to comply with the provisions of:

- Articles 2 and 3 by 1 January 1991 at the latest,
- Articles 4 and 5 by 1 January 1992 at the latest.

They shall immediately notify the Commission of the measures taken.

2. The existing provisions of the Directives concerned shall remain in force until the dates mentioned in paragraph 1.

Article 7

This Directive is addressed to the Member States.

Done at Brussels,

For the Council,

The President

Annex 1

Directives amended by Article 2(1)

- (a) 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. (3)
- (b) Article 14 of Council Directive 78/176/EEC of 20 February 1978 on waste from the titanium dioxide industry. (4)
- (c) 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. (5)
- (d) Article 8 of Council Directive 79/869/EEC of 9 October 1979 concerning the methods of measurement and frequencies of sampling and analysis of surface water intended for the abstraction of drinking water in the Member States. (6)
- (e) Article 14 of Council Directive 79/923/EEC of 30 October 1979 on the quality required of shellfish waters. (7)
- (f) Article 16(1) of Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution by certain dangerous substances. (8)
- (g) Article 5(1) and the first subparagraph of 5(2) of Council Directive 82/176/EEC of 22 March 1982 on limit values and quality objectives for mercury discharges by the chlore-alkali electrolysis industry. (9)
- (h) Article 5(1) and 5(2) of Council Directive 83/513/EEC of 26 September 1983 on limit values and quality objectives for cadmium discharges. (10)

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- (3) OJ No L 129, 18.5.1975
 - (4) OJ No L 54, 25.2.1978
 - (5) OJ No L 222, 14.8.1978
 - (6) OJ No L 271, 29.10.1979
 - (7) OJ No L 281, 10.11.1979
 - (8) OJ No L 20, 26.1.1980
 - (9) OJ No L 81, 27.3.1982
 - (10) OJ No L 291, 24.10.1983

- (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 chlore-alkali electrolysis industry. (11)
- (j) Article 5(1) and 5(2) of Council Directive 84/491/EEC of 9 October 1984 on limit values and quality objectives for discharges of hexachlorocyclohexane. (12)
- (k) Article 6(1) and 6(2) of Council Directive 86/280/EEC of 12 June 1986 on limit values and quality objectives for discharges of certain dangerous substances included in List 1 of the Anne to Directive 76/464/EEC. (13)

(11) OJ No L 74, 17.3.1984
(12) OJ no L 274, 17.19.1984
(13) OJ No L 181, 4.7.1986

Annex 2

Directives amended by Article 2(2)

- (a) Article 9a of 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. (14)
- (b) Article 17a of Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption. (15)

(14) OJ No L 194, 25.7.1975

(15) OJ No L 229, 30.8.1980

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Annex 3

Directives amended by Article 4

- (a) Article 7a of 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. (16)
- (b) Article 8 of Council Directive 80/779/EEC of 15 July 1980 on air quality limit values and guide values for sulphur dioxide and suspended particulates. (17)
- (c) Article 18 of Council Directive 82/501/EEC of 24 June 1982 on major-accident hazards of certain industrial activities. (18)
- (d) Article 6 of Council Directive 82/884/EEC of 3 December 1982 on a limit value for lead in the air. (19)
- (e) Article 8 of Council Directive 85/203/EEC of 7 March 1985 on air quality standards for nitrogen dioxide. (20)
- (f) Article 13(1) of Council Directive 87/217/EEC of 19 March 1987 on the prevention and reduction of environmental pollution by asbestos. (21)

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- (16) OJ No L 307, 27.11.1975
 - (17) OJ No L 229, 30.8.1980
 - (18) OJ No L 230, 5.8.1982
 - (19) OJ No L 378, 31.12.1982
 - (20) OJ No L 87, 27.3.1985
 - (21) OJ No L 85, 28.3.1987

Annex 4

Directives amended by Article 5(1)

- (a) Article 18 of Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils (22), last amended by Council Directive 87/101/EEC. (23)
- (b) Article 12, subparagraphs 1 and 4, of Council Directive 75/442/EEC on waste. (24)
- (c) Article 10, subparagraphs 1 and 4, of Council Directive 76/403/EEC of 6 April 1976 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls. (25)
- (d) Article 16 of Council Directive 78/319/EEC of 20 March 1978 on toxic and dangerous waste. (26)
- (e) Article 12 of Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds. (27)
- (f) Article 13 of Council Directive 84/631/EEC of 6 December 1984 on the supervision and control within the European Community of the transfrontier shipment of hazardous waste. (28)
- (g) Article 11(1), 11(2) and 11(3) of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment. (29)
- (h) Article 6 of Council Directive 85/339/EEC of 27 June 1985 on containers of liquids for human consumption. (30)

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- (22) OJ No L 194, 25.7.1975
 - (23) OJ No L 42, 12.2.1987
 - (24) OJ No L 194, 25.7.1975
 - (25) OJ No L 108, 26.4.1976
 - (26) OJ No L 84, 31.3.1978
 - (27) OJ No L 103, 25.4.1979
 - (28) OJ No L 326, 13.12.1984
 - (29) OJ No L 175, 5.7.1985
 - (30) OJ No L 176, 6.7.1985

(i) 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. (31)

(j) Article 26 of Council Directive 86/609/EEC of 24 November 1988 on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes. (32)

(31) OJ No L 181, 4.7.1986

(32) OJ No L 358, 18.12.1986

Annex 5

Directives amended by Article 5(2) and 5(3)

- (a) Article 7(4) of Council Directive 80/779/EEC of 15 July 1980 on air quality limit values and guide values for sulphur dioxide and suspended particulates. (33)
- (b) Article 5(4) of Council Directive 82/884/EEC of 3 December 1982 on a limit value for lead in the air. (34)
- (c) Article 7(3) of Council Directive 85/203/EEC of 7 March 1985 on air quality standards for nitrogen dioxide. (35)

(33) OJ No L 229, 30.8.1980

(34) OJ No L 378, 31.12.1982

(35) OJ No L 87, 27.3.1985

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