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Proposal for a

COUNCIL REGULATION (EC)

amending Regulation EEC No 1210/90 of 7 May 1990 on the establishment of the European Environment Agency and the European environment information and observation network

(presented by the Commission)

Explanatory Memorandum

1. INTRODUCTION

Article 20 of the EEA Regulation 1210/90 requires Council, on the basis of a report from the Commission which contains 'appropriate proposals', to decide on further tasks for the Agency *'in particular'*, but *not* exclusively, in four new areas (association in implementation of Community environmental legislation, environmental labels, promotion of environmentally friendly technologies and criteria for environmental impact assessment).

In 1995, following the proposal of the Commission¹ and a resolution from the European Parliament², the Council³ agreed that a decision on the allocation of new tasks should be postponed for two years following the time required for recruitment and achieving full operational capacity.

This Communication is based on the following premises:

- i. the objectives of the Agency, which are to provide the Community and Member States with objective, reliable and comparable information at European level to allow them to take the requisite policy measures, to make assessments of existing policies and to keep the public informed;
- ii. an evaluation of progress made;

2. EVALUATION OF PROGRESS IN PERFORMING ITS ASSIGNED TASKS

2.1 Main Achievements

The European Environment Agency has made a positive start and in its first full two years, it has made the following main achievements:

- publication of reports on the state of the environment in 1995, the 'Europe's Environment - the Dobris Assessment' and the report contributing to the Review of the 5th Environment Action Programme;
- establishment of a basic network ("EIONET") across member states for the gathering of environmental information;
- establishment of the first eight European Topic Centres and the publication of their first products;

¹ Com (95) 325 final, 7/7/1995

² Resolution A4_234/95, OJ C287 of 30.10.95 p. 233

³ Council conclusions adopted 9/11/95, doc. 11175/95 (Press 310)

- completion of CORINAIR 90 and 94 reports on air emissions;
- publication of the reports on the Arctic environment, Health and environment, Climate Change and Environmental taxes, ozone episodes, and of European Topic Centre reports;
- dissemination of products and information.

The Agency has thus succeeded in making a positive start on what is a difficult and ambitious mandate. The first step in the review process is to examine this mandate and the progress made by the Agency in achieving the various tasks assigned to it.

2.2 Current tasks

The Agency Regulation (Article 2) describes ten tasks for the Agency which should be undertaken for the achievement of its objective to provide comparable, reliable and up to date information on the environment. Table 1 contains an analysis of the progress made by the Agency in fulfilling these tasks.

Table 1 - progress by the Agency in fulfilling its current tasks

<i>Task</i>	<i>Progress</i>
i to establish in co-operation with the Member States and co-ordinate the network [for gathering information]	Generally progress has been made since the initial configuration of the network in 1994 when some 500 main component elements were identified. Establishment of 8 Topic Centres to support tasks ii, iii, iv, v and vi. Some work is still required at national level to ensure adequate resourcing of institutions involved. Commission funding (IDA Programme) was granted for the telematics links between National Focal Points.
ii to provide the Community and Member States with the objective information necessary for framing and implementing sound and effective environmental policies	This work requires a base of information from the Agency network, which is in many cases at an early stage. However, the updated report on the state of the environment prepared for the Review of the 5th Environmental Action Programme was one good quality product which illustrated the Agency's potential in this area. Other examples include the annual Ozone Directive Report.
iii to record, collate and assess data on the state of the environment, to draw up expert reports on the quality, sensitivity and pressures on the environment within the territory of the Community, provision of uniform assessment criteria	The Agency has made progress on data on air quality, air emissions and land cover. On Inland Waters, major steps have been taken to put a monitoring programme into place and the first data are now emerging. In other areas, until the appropriate Topic Centres are in place and national monitoring activities in support, the Agency must largely rely on data from other sources (National, exchange of information, OECD etc) Several Expert Reports are planned for 1997.

iv	to help ensure that environmental data at European level are comparable and, if necessary, to encourage by appropriate means improved harmonisation of methods of measurement	This is a key task. The Topic Centres on Air Emissions, Inland Waters and Nature Conservation have been able to establish agreed guide-lines for data collection. Air Emissions standards have been applied for the 1994 Corinair exercise; Inland waters in mid 1996 and Nature Conservation by end 1996. Other Topic Centres, on Marine & Coastal environment, Soil and Land Cover have been established. Co-operation with JRC on quality control and assurance on air, water, soils and land cover.
v	to promote the incorporation of European environmental information into international environment monitoring programmes such as those established by the UN	The Agency has established memoranda of understanding with WHO, UNEP and UNECE.
vi	to ensure the broad dissemination of reliable environmental information. In addition, the Agency shall publish a report on the state of the environment every three years.	Efforts have been made on dissemination despite an unavoidable emphasis in these first years of building up capacity. The Dobris assessment has had an impact and the Agency has succeeded in making information widely available through the World Wide Web. In 1995, the Agency edited and published the report 'Europe's Environment: The Dobris Assessment' and produced the report contributing to the Review of the 5th EAP. Together these were accepted as the triennial "State of the Environment" report.
vii	to stimulate the development and application of environmental forecasting techniques	Preparatory work has been undertaken in this area on the development of scenarios (Programme 7). A study on guide-lines for data collection on the costs of environmental protection measures has been initiated. Only limited budget until now, with a greater effort in 1997.
viii	to stimulate the development of methods of assessing the cost of damage to the environment and the costs of environmental [policies]	Preparatory work has been undertaken in this area and a first contract to compile an inventory of resources has been awarded to a consultant.
ix	to stimulate the exchange of information on the best technologies	A report has been commissioned to act as the beginning of a 'clearing house' on such information. This report is expected in 1997.
x	to co-operate with [JRC, Eurostat, OECD etc]	This work has generally progressed well and agreements have been signed with these three institutions. Good co-operation with other DGS, notably DGIA (PHARE) DGXII and XIII.

2.3 Areas of work

The Agency Regulation (Article 3) describes the principal activities of the Agency as work enabling them to gather information on the quality of, the pressures on and the sensitivity of the environment. This information should be gathered on eight areas and a first analysis of progress is illustrated in Table 2. This concludes that progress has been recorded in all eight areas and that the Agency needs to build on the preliminary work and launch more intensive activities in the areas of waste, noise, forests and chemicals. Those areas not yet started have been assigned a lower priority by the Agency's Management Board in the implementation of the Work Programme.

Table 2 - Summary of progress on areas of work

<i>Area</i>	<i>State of work, progress</i>
Air quality and atmospheric emissions	Work of CORINAIR was transferred to Agency and the figures on air emissions (greenhouse gases and other pollutants) for 1990 and 1994 produced. Topic Centres on Air Quality and Air Emissions were established in 1994. Generally good progress and a series of reports and databases is available.
Water quality, pollutants and water resources	A Topic Centre on Inland Waters was established in 1994 and in mid 1996 agreement was reached on a EU-wide monitoring system. The first data is now being collected. A first report was made available at end of 1996 on large rivers.
State of the soil, of the fauna and flora and of biotopes	A Topic Centre on Soil Quality was established in mid 1996 and is at an early stage. The Topic Centre on Nature Conservation was established in 1994 and useful work has been done in supporting Natura 2000. The Topic Centre is developing a database and Information System on fauna and flora species and the first report on the system methodology and operation has been produced. This will allow the beginning of data collection. Preliminary work has begun on data on forests and a workshop convened to examine the feasibility of a topic centre.
Land use and natural resources	The Topic Centre on Land Cover was established in 1995 and has taken over the CORINE Programme. Data on land cover is now being made available.
Waste management	A Topic Centre will be launched in 1997.
Noise emissions	A Scoping Study is underway with a possible Topic Centre in future.
Chemical substances	Preliminary work has been done, principally a study on Risk Assessment and a Workshop on Endocrine Disruptors.
Coastal Protection	The Topic Centre on Marine & Coastal Environment was established in 1994. Organisational difficulties within the consortium have meant that it is only recently fully operational. The first reports are expected in mid 1997.

2.4 Overall assessment

From the above tables, it can be seen that the Agency has made significant progress and this can be seen from the first reports. However, it is also apparent that it is still at the beginning of its work in terms of mobilising the national networks so as to be able to furnish information on the various environmental areas.

3. SUMMARY OF STATUS OF AGENCY

- a) The Agency's role and key task remains the provision of environmental information and reporting on the present and foreseeable state of the environment.
- b) The Agency has made a promising start in establishing its network and there has been a generally good response at national level. However, the Agency is limited by the ability of the national networks to deliver the information required and some work, involving the Agency, the Community and Member States, is still required to re-inforce this infrastructure.
- c) The Agency has started to provide the European Institutions with integrated environment information overviews.
- d) The Agency has made progress, in particular in the provision of information on air quality and atmospheric emissions. In the remaining seven areas of work specified in the Regulation, the Agency is starting to make an impact.

4. NEW TASKS

The analysis of the Agency's performance and status indicates that in general it would not be appropriate to add major new tasks at this stage in its development. However, the tasks cited in Article 20 of the Regulation require specific consideration and, in particular, attention to ensure no duplication of effort.

4.1 Tasks cited in Article 20

4.1.1 *Support to implementation*

The Agency tasks (Article 2), especially task iii, already include support to the implementation process through the provision of information to particularly the Commission, and also the Community as a whole and Member States. This task remains at a preliminary stage, with the 1995 Report on the state of the environment for the Review of the 5th Environment Action Programme serving as a good example of this work. The Agency can develop this work even further by providing the essential information required by the parties concerned.

The Agency's role in providing appropriate support on the Reporting Directive and other Directives with a reporting element should be included as a specific task.

The Agency can give further support to the Commission and Member States through the provision of periodical reports containing peer reviews and advice concerning the monitoring of environmental measures in particular Member States. Such reports would be

undertaken on the request of the Commission or Member States and would be assessments of the situations observed.

Support to implementation could also encompass assistance to and co-operation with the IMPEL network.

4.1.2 Eco-labelling (criteria setting)

A separate body to manage eco-labelling is envisaged in the Commission proposal for the revision of the Regulation 880/92 (COM96/603). However, a role for the Agency in eco-labels seems to be unsuitable as it would be inconsistent with the Agency's principal role as an objective and effective provider of information on the state of the environment as it would risk unwelcome commercial pressures as well as diversion of the Agency from its key tasks.

4.1.3 Environmentally friendly technologies

Task (ix) in Article 2 of the Regulation already deals with stimulating information on environmentally friendly technologies. An extension of the task from dissemination to a major source of know-how would duplicate similar activities by other Institutions, eg the JRC, and for this reason, it would be preferable for the Agency to concentrate and enhance their dissemination role.

4.1.4 Environmental impact assessment

Article 11 of Directive 85/337/EEC, amended by Directive 97/11/CE, deals with exchange of information on the experiences in applying environmental impact assessments, with mechanisms established for exchange of information and follow-up. The Agency could play a useful role in offering support to the Commission in the process of exchange of information and development of environmental impact assessment.

4.2 Other new tasks

The Agency already has tasks dealing with information dissemination and this task could be broadened in a number of ways.

- the provision of a European Information Reference Centre on the environment would be a natural extension of the Agency's work in storing and making environmental information available. It would build on the reference library and virtual European environmental library that are already in place;
- promotion of the World Wide Web and Information Society technologies for diffusion of information would complement the work started by the Agency and would be a practical application for the IDA funded network being established by the Agency;
- the diffusion of information on environmental research which has policy relevance would again be a useful service and would build on work already started;

5. FINANCIAL IMPLICATIONS OF THE NEW TASKS

The proposed new tasks fall within the current scope of the Agency's current work and mandate, and basically confirm work which has already started at the demand of the Agency's clients.

The allocation of budget to the various tasks is undertaken by the Management Board of the Agency based on a Work Programme which derives from the tasks outlined in the Regulation. As tasks in the Work Programme are completed, budget is made available for other tasks not yet started. It will be for the Agency and its Management Board to determine the allocation of the annual budget. As the proposal does not involve any major change to the Agency's mandate, no new resources are foreseen above and beyond any changes which arise from the annual determination of the Agency budget. In any case, as existing tasks are completed resources will be made available for new or as yet unstarted tasks.

6. OTHER CLARIFICATIONS TO THE REGULATION

6.1 Article 2 (vi) - State of the Environment Report

A report every five years, supplemented by annual indicator reports, would better reflect the pace of change in the state of the environment.

6.2 Article 4 - The Network

Article 4.2 should include an obligation on Member States to keep the Agency informed of developments and changes in the network. The Regulation should also specify that Member States need to co-operate with the Agency to ensure the collection, processing and analysis of data at national level.

Article 4.5 stipulates that topic centres should be designated by a unanimous decision of the management board. In practice, this has been an unwieldy procedure which has contributed to delays and difficulties with the appointment of topic centres. Unanimity should be replaced by the normal voting procedure, a two-thirds majority. It should be noted that the qualified majority formula is not applicable as the management board consists of voting members from the Commission and the European Parliament.

6.3 Article 8 - Management Board

The Agency is open to countries within the European Union and the EFTA signatories to the European Economic Area (Norway, Iceland and Liechtenstein). The European Economic Area Joint Committee Decision 11/94 of 12/8/94 provides for EFTA/European Economic Area states' full participation in the European Environment Agency, the European Environment Information and Observation Network, as set-up in Council Regulation (EEC) 1210/90. The EFTA European Economic Area states are contributing financially to the Agency activities. The EFTA/European Economic Area states participate fully, without the right to vote, in the Agency Management Board and are associated with the work of the Scientific Committee of the Agency, without prejudice to the outcome of any future discussions concerning the granting of such voting rights. Both sides consider this close co-operation very satisfactory.

Article 8.1 should be amended to allow representatives on the management board from the EFTA-European Economic Area countries which are members of the Agency.

Article 8.2 should have an additional sentence which confirms the appointment and function of the 'Bureau', which is a small executive committee of the management board which is able to act on behalf of the board when necessary.

Article 8.3 should have the reference to Article 4.5 removed as it is proposed that Topic Centres be appointed on the basis of the usual voting rules for the Management Board.

The last sentence of Article 8.4 refers to the establishment of the 'first multiannual work programme' and this should be deleted.

6.4 Article 10 - Scientific Committee

Experience has shown that there is no need to specify the size of the Scientific Committee and it would be preferable to give discretion to the Management Board to appoint members of this committee as required. The reference to 'nine' members should therefore be deleted.

6.5 Article 15 - Co-operation with Third Countries

The trans-boundary nature of many environmental issues means that the Agency needs information from third countries. This is reflected in their work in the Mediterranean and, especially, with Central and Eastern Europe where following the Ministers' Declaration at Sofia Conference the Agency was charged with producing an updated version of their report, "Europe's environment - The Dobris Assessment". The Agency is also working closely with PHARE to replicate its network and data gathering activities in the region.

In the Regulation there is provision for third countries to formally join the Agency via the procedures foreseen by Article 228 of the Treaty. However, in 1995, Council concluded that in addition to formal adhesion there was a need to allow the Agency to co-operate with institutions in third countries. Such co-operation would be for the collection of data needed for the Agency's Work Programme, typically on issues of cross border pollution. This conclusion is reflected by a new clause in the Regulation as follows:

"The Agency may co-operate in areas of common interest, with those Institutions in countries which are not members of the European Communities which can provide data, information and expertise, methodologies of data collection, analysis and assessment, which are of mutual interest and which are necessary for the successful completion of the Agency's work."

6.6 Article 20 - Progress Review

A further review of the progress achieved by the Agency and the tasks it undertakes should be conducted by the end of 2003, co-inciding with the timetable foreseen for the revision of the Agency's multi-annual work programme. This review will be based on a report from the Commission to Council who will make a further decision on the need for any changes to the Regulation.

The SEM 2000 initiative recommends that every six years all Community programmes be subject to an evaluation of their performance and cost-efficiency. This Communication makes an analysis of the performance to date but with the purpose of

defining the context for the allocation of new tasks. A full ex-post evaluation should be conducted by the Agency in 1999 to meet the requirements of SEM 2000.

6.7 Annex

Eurostat and the Agency have built up a highly satisfactory working relationship and this should be reflected by a clarification to the Annex which defines the legal basis for Eurostat's operations, particularly in environment statistics.

7. SUBSIDIARITY

By its very nature, environment has a trans-boundary nature. The European Environment Agency is charged with the provision of reliable and comparable information on the environment which will facilitate policy making at the European level. Data collection remains a national responsibility but the Agency works closely with the national networks to ensure consistency and standardised approaches.

8. COHERENCE WITH OTHER COMMUNITY POLICIES

The Agency's principal task is to furnish information related to environmental policies. However, where its work touches on other policies, eg research, it works in close consultation with the other Directorates concerned.

9. EXTERNAL CONSULTATIONS

The Commission proposal follows full consultation with the European Environment Agency and its Management Board, and the Environmental Policy Review Group.

10. TEXT OF THE REVISED REGULATION

A draft proposal for a Council Regulation amending Regulation 1210/90 is appended.

Proposal for a

COUNCIL REGULATION (EC)

amending Regulation EEC No 1210/90 of 7 May 1990 on the establishment of the European Environment Agency and the European environment information and observation network

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130s paragraph 1 thereof,

Having regard to the proposal from the Commission⁴,

Having regard to the opinion of the Economic and Social Committee⁵,

Having regard to the opinion of the Committee of the Regions⁶,

In accordance with the procedure laid down in article 189c of the Treaty,

Whereas Regulation 1210/90/EEC⁷ established the European Environment Agency and the European environment information and observation network; whereas Article 20 of that Regulation required a decision by Council on whether to add new tasks to the Agency two years after the coming into force of the Regulation; whereas Article 21 stipulated that the Regulation would come into force on the day following that on which the competent authorities decided on the seat of the Agency, this decision being taken on 29 October 1993⁸;

Whereas following the proposal of the Commission and a resolution from the European Parliament, the Council agreed that a decision on the allocation of new tasks should be postponed for two years following the time required for the appointment of staff by the Agency and the subsequent implementation of the Work Programme;

Whereas the European Environment Agency has made good progress in the achievement of its objectives and the completion of its tasks, including the establishment of the European information and observation network;

Whereas the tasks and the areas to address are wide and require both consolidation of the work already undertaken and further effort;

Whereas the Agency has a primary role as a repository and provider of objective, reliable and comparable information on the state and trends of the environment;

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⁷ OJ No L 120, 11/5/90, p.1

⁸ OJ No C 323, 30/11/1993 p.1

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Whereas it is considered that any new tasks allocated to the Agency should complement and enhance its primary role;

Whereas the organisation and structure of the Agency and its mechanisms need to be improved and clarified, in line with the experience of its first years of operation;

Whereas the Agency may co-operate with institutions in third countries in order to obtain data necessary for the completion of the work programme;

Whereas future reviews of the Agency's performance and tasks should co-incide with the cycle of its five-yearly multi-annual work programme;

HAS ADOPTED THIS REGULATION

Article 1

Regulation 1210/90/EEC is hereby amended as follows:

1. Article 2 is modified as follows:

a. Paragraph (ii) is replaced by the following:

“(ii) to provide the Community and the Member States with the objective information they require for framing and implementing sound and effective environmental policies; to that end, in particular to provide the Commission with the information that it needs to be able to carry out successfully its tasks of identifying, preparing and evaluating measures and legislation in the field of the environment. The Agency shall assist the monitoring of environmental measures through appropriate support for reporting requirements, and through peer reviews and advice, as required by the Commission or on the specific request of a Member State;

b. In Paragraph (iii) the phrase “to establish a repository of information on the environment,” shall be inserted at the beginning.

c. Paragraph (vi) is replaced by the following:

“(vi) to publish a report on the state of the environment every five years, supplemented by annual indicator reports;”

d. New paragraphs (xi) to (xiii) are inserted as follows:

“(xi) to ensure the broad dissemination of information on the state of the environment to the general public and, to this end, to promote the use of new telematics technology for this purpose;

(xii) to support the Commission in the process of exchange of information and development of Environmental Impact Assessments;

(xiii) to assist the Commission in the diffusion of information on environmental research which has a policy relevance.”

2. In Article 4 the following modifications shall be made:

a. The following is added as a second sub-paragraph to Paragraph 2:

“Member States shall keep the Agency informed of the main component elements of their national environment information networks. The Member States shall co-operate

with the Agency in order to ensure, at national level, the collection, processing and analysis of data as part of the work developed by the European Environment Information and Observation Network in respect of the work programme of the Agency.”

b. In paragraph 5, the phrase “a unanimous decision of the members of” shall be deleted.

3. Article 8 shall be modified as follows:

a. The following is added to the end of the first sub-paragraph of paragraph 1;

“1. , and one representative of each EFTA/European Economic Area State which participates in the Agency as provided for in the European Economic Area agreement.”

b. The following is added to the end of paragraph 2:

“The management board shall elect a bureau to which it may delegate executive decisions. The executive bureau shall consist of the Chairman and vice chairmen, a representative of the Commission and one of the members designated by the European Parliament.”

c. In paragraph 3, the phrase, “except in the case referred to in the second sub-paragraph of Article 4 (5)” shall be deleted.

d. In paragraph 4, the last sentence shall be deleted.

e. In paragraph 6, the word ‘January’ shall be replaced by ‘March’.

4. In Article 10, paragraph 2, the word “nine” shall be deleted.

5. In Article 15, the following new paragraph 2a shall be inserted:

“2a. The Agency may co-operate in areas of common interest with those Institutions in countries which are not members of the European Communities which can provide data, information and expertise, methodologies of data collection, analysis and assessment which are of mutual interest and which are necessary for the successful completion of the Agency’s work.”

6. Article 20 shall be replaced by the following:

“1. Not later than 31/12/2003, on the basis of a report from the Commission, the Council shall review the progress of and tasks undertaken by the Agency.

2. The Agency shall conduct an evaluation of its performance and efficiency before October 31st 1999 and submit a report to the management board and Commission.”

7. Annex B, paragraph 1, shall be replaced by the following:

“The Agency will use, as far as possible, information collected via the official Community statistical system as established under Council Decision 96/xxx⁹. These result from the work of Eurostat and the national statistical services in collecting, validating and disseminating social and economic statistics, including national accounts and related information. In particular, the Agency will make use of work done by

⁹ Awaiting publication in the OJ

Eurostat and the national statistical offices under Council Decision 94/808/EEC, covering statistics on (a) human activities resulting in pressure on the environment and (b) societal and economic responses to such pressures.”

Article 2

This Regulation shall enter into force on the day of its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, xx/xx/1997

For the Council

The President

Financial Statement

1. Title of Action

Draft Council Regulation amending Regulation EEC No 1210/90 of 7 May 1990 on the establishment of the European Environment Agency and the European environment information and observation network

2. Budget line concerned

B4-3101.

3. Legal base

Council Regulation (EEC) No. 1210/90 of May 7th 1990 on the establishment of the European Environment Agency and the European environment information and observation network (OJ No. L 120 of 11.5.1990, p1).

Decision taken by common Agreement between the Representatives of the Governments of the Member States, meeting at Head of State and Government level, on the location of the seats of certain bodies and departments of the European Communities and of Europol OJ No C 323 , 30/11/1993 p1.

Council Conclusions of October 6th 1995 on the development and implementation of the European Environment Agency, reference 11147/95, Env 272 of October 30th 1995.

4. Description of the Action

4.1 General Objectives

The Agency's objective is to provide the Community and the Member States with objective, reliable and comparable information at European level. This to enable the Community and Member States to take the requisite measures to protect the environment, to assess the results of such measures and to ensure that the public is properly informed about the state of the environment.

The Agency's core tasks involve gathering quality information on the quality, the pressures and the sensitivity of the environment. The state of the environment report is a key deliverable for the presentation of this information.

The objective of the annual subventions to the Agency is to assure the functions and operational projects of the Agency and its network.

4.2 Duration

The action is foreseen to continue indefinitely and for at least the following five years before a further assessment is made of the progress made and the tasks to be undertaken. The action will be financed by annual subventions.

5. Classification of expenditure/receipts

Non obligatory expenditure, differentiated appropriations.

6. Type of expenditure / receipts

100% subvention, plus contribution from EFTA/European Economic Area states and own receipts.

7. Financial implications for operations

The proposal for amendment to the Regulation takes the 1997 budget of 16.5 Mecu subvention plus 0.2 Mecu funding from other sources and assumes that this amount will be relatively stable, increasing (or decreasing) on an annual basis in line with inflation. This budget is divided into three titles (staff, administration and operations of the Agency).

Breakdown of costs 1996-2002

The annual budget of the Agency is divided into three titles. The provision for the forthcoming years is as follows:

<i>Kecu</i>	<i>Description</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>
1	Staff	5,363	5,300	5,600				
2	Administration	2,148	2,900	2,900				
3	Operations	7,260	8,500	8,200				
	Total	14,771	16,500	16,700				
	Community Contribution	14,500	16,500	16,500	16,800	17,150	17,500	17,850

The staffing levels are expected to remain stable at the 1997 levels. As the bulk of the operational work is out-sourced, increases in the operational budget will not require significant extra staffing resources. This means that the bulk of annual increase shall be taken by the operations budget.

The staffing at the Agency to undertake this work is as follows:

	to 31.12.1996		to 01.03.1997	to 31.12.1997	to 31.12.1998
	Authorised	Recruited	Recruited	Foreseen	Foreseen
A2	1	1	1	1	1
A3	0	0	0	1	1
A4/5	5	4	5	5	5
A6/7	19	17	18	21	21
B	13	10	13	15	15
C	15	14	14	17	17
D	2	2	2	2	2
TOTAL	55	48	53	62	62

Figures subject to annual promotion exercise.

Operations

In the 1997 budget, the operations are broken down into ten elements, corresponding with the ten programmes of the Work Programme. these are as follows:

<i>Programme</i>	<i># Projects</i>	<i>Budget (Kecu)</i>	<i>Comments</i>
1. Dissemination and pooling of information and know-how	4	175	
2. Reports on the state of the environment	4	800	This contributes to the triennial report on the state of the environment, a key deliverable for the Agency.
3. Guide-lines for reports, assessments, data processing of special interest at European level	4	300	
4. Media oriented monitoring; assessment of the state and trends of the environment	14	2275	A priority area for the Agency as far as the Commission is concerned
5. Source oriented monitoring	4	800	A priority area for the Agency as far as the Commission is concerned, and this area should increase in importance.
6. Integrated environmental assessment - problems, areas and sectors	4	350	
7. Scenarios for environmental improvement	2	275	
8. New instruments and challenges for environmental policy, development and implementation	2	150	An area of low priority as far as the Commission is concerned.
9. Capacity building in the functions of EEA and EIONET	17	1775	This area is important for building the Agency network but should level off and decline as capacity is developed.
10. Exchange and dissemination of information	5	na	Costs built into other areas

Implications of enlargement

It is useful to examine the Agency's sphere of operations which already extends beyond the EU15 and which involves multiple sources of financing:

<i>Geographical area</i>	<i>Source of finance</i>	<i>Tasks and mandate</i>
PHARE countries	<p>Co-operation with the PHARE Programme which finances projects in these countries (7.5 Mecu in 1996) and 3 staff located at the Agency offices.</p> <p>Agency financing of work related to the pan-European state of the environment reporting.</p>	<p>PHARE activities include monitoring work and establishment of a network.</p> <p>Ministers' Declaration at the 1995 Sofia Conference requesting an update of the Agency's report 'Europe's environment - the Dobris assessment' for the Aarhus Conference in 1998. Also a requirement of DGXI that the Agency state of the environment reports for the European Union include material covering the PHARE countries, as part of the preparations for enlargement</p>
TACIS countries	<p>Co-operation with the TACIS Programme to support reporting activities in these countries</p> <p>Agency financing of work related to the pan-European state of the environment reporting.</p>	<p>Ministers' Declaration at the 1995 Sofia Conference requesting an update of the Agency's report 'Europe's environment - the Dobris assessment' for the Aarhus Conference in 1998.</p>

8. Anti-fraud measures foreseen

The Financial Controller (DGXX) makes regular checks on the various transactions carried out by the Agency and supports this with visits to the Agency. The Court of Auditors makes an annual report on the Agency accounts.

Internal administration

The Agency has adopted a structure which separates the various financial functions as follows:

- Authorising officer and Accounting officer are posts occupied by different staff members.
- Financial controller - DGXX.
- ACPC of the Agency

Outsourcing

As has already been remarked, the bulk of the Agency operations is outsourced. The Agency's Financial Regulation is based on that of the Commission and the same rules vis-à-vis Calls for tender are applied, except in the case of the European Topic Centres. These institutions, which receive annual subventions, are responsible for the implementation of programmes 4 and 5 (media and source monitoring). They are selected via a restricted Call for Tender, with tenderers being nominated by the Management Board members. Selection is made by the Management Board, following an evaluation and recommendation by Agency staff. The Topic Centres are in existence for the duration of the Multi Annual Work Programme and at the end of this period a financial audit is conducted.

9. Cost - efficiency aspects

9.1 Specific objectives, target audience

The specific objectives are the tasks outlined in Article 2 of the Regulation covering the environmental themes listed in Article 3. These tasks are translated into projects in a Work Programme by the Management Board of the Agency. The Agency's first multi-annual work programme will terminate in 1998 but will be replaced by a further programme which will define the work to be completed by the Agency in the period 1998-2002. In the 1997 Annual Work Programme, some 59 projects will be financed.

There are three groups of clients for the Agency's work:

European Institutions - principally the Commission and specifically DGXI but also other Dgs whose policies have an impact on the environment, notably transport, agriculture and structural funds. The information furnished by the Agency will be used for examining the effectiveness of existing policies and the need and potential scope of new actions.

Indirectly the other Institutions are also users of the information supplied by the Agency in their role in the legislative process.

Member States - the Agency's products should also be of relevance to the direct needs of individual governments who require up to date information and analysis on the state of the environment and likely trends for the future.

The Agency also have an important role to play in assisting the national monitoring networks to undertake regular and systematic monitoring using harmonised methods and standards.

General Public - the Agency's mandate also includes information to the general public. This being a potentially huge operation, the Agency must target his work carefully using the following methods:

- dissemination via World Wide Web, an extremely cost effective method, and some 100,000 accesses per month to the Web site have been recorded;
- information at groups on particular themes, for example risk assessment for SMEs, reporting for industry, training handbooks for the waste water sector;
- delegation of dissemination actions to the national level where National Focal Points act 'on behalf' of the Agency.

9.2 Justification of the action

Environmental issues have a trans-frontier nature and require action at a European level. Even national level actions may require information from another country, for example water quality where the sources of pollution of a river may have occurred up-stream. Because environmental policy is based on the evidence of environmental data, a minimum level of data reliability and quality is required. This is a key role played by the Agency.

The data the Agency gathers (collected by national institutions) is then available for use by policy makers at European and national levels.

This means that a relatively small Agency in terms of staffing and financing can play a catalyst role in the process of environmental information. An annual budget of about 16.5 Mecu from the Commission can thus be seen to have a 'multiplier' effect in terms of the actions undertaken at national level and the results available at all levels.

9.3 Follow-up and evaluation

Ex-ante evaluation

An examination of the work-programme and the numbers of projects completed and likely to be completed was made. This was then translated into an assessment of the state of the Agency's tasks and mandate and an inventory made of the key actions completed and outstanding. See tables 1 and 2 of the Communication.

This clearly showed that the Agency, while making good progress, has not completed its mandate, principally because of the wide scope of the tasks allocated to it and the limited time it has had to fulfil those tasks.

The next question was an examination of whether the mandate was still valid. The 5th Environmental Action Programme and its review have confirmed that policy making must be based on sound and objective information.

At a European level, the Agency and its network are now well established, albeit at an early stage of development. The Agency is thus the best available body to co-ordinate the provision of information on the environment.

The revised Regulation includes a provision for a self-evaluation (SEM 2000) by the Agency before 31st October 1999. This evaluation should contain an objective evaluation

of the quality and usefulness of the Agency's work and products. It will also be important to have a cost-benefit analysis.

10. Resource Implications

10.1 Staffing

For the DGXI co-ordination role, the figures are as follows:

<i>Category</i>	<i>Permanent</i>
A1	Small allocation
A2	Small allocation
A3	-
A4	1
A5	-
A6	-
A7	-
<i>Sub-total</i>	1+
B1	-
B2	-
B3	-
B4	1
B5	-
<i>Sub-total</i>	1
C1	-
C2	-
C3	-
C4	-
C5	1
<i>Sub-total</i>	1
D1	-
D2	-
D3	-
D4	-
<i>Sub-total</i>	-
Total	3+

10.2 Financial costs of staffing (annual)

For the DGXI aspects, using the current TCE costings, the financial costs would be:

A1/A2 level, say 0.25 man years	18,070 ecu
Other grades	160,032 ecu

10.3 Other implications for expenditure

DGXI mission budget (average 18 missions @ 1500 ecu)	27,000 ecu
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