



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 24.03.1998  
COM(1998) 191 final

97/0168 (SYN)

Amended 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 pursuant to Article 189 a (2)  
of the EC-Treaty)



## EXPLANATORY MEMORANDUM

In accordance with Article 130s, paragraph 1, of the EC Treaty, the Council consulted the European Parliament on the above mentioned proposal. At its session on 18<sup>th</sup> February 1998, the European Parliament approved nine amendments, of which six were wholly or partially accepted by the Commission. These amendments are discussed below and six are included in the modified proposal.

### **Amendments wholly accepted by the Commission**

Amendment 3 redefines the scope of the State of the Environment Report so that it covers trends and prospects for the future. This is in keeping with the current practice and was also proposed in the opinion from the Economic and Social Committee.

Amendment 6 makes sensible provision for a multi-annual budget linked to the Multi-annual Work Programme.

### **Amendments partially accepted by the Commission**

The elements of Amendment 1 incorporated into the modified proposal consist of three points of detail. These:

- revert the text to that of the original Regulation on the scope of the information provided for the framing and implementation of policy (this was also proposed in the opinion from the Economic and Social Committee);
- reinforce the need for the work covered by Article 2(ii) to be built into the Agency's Multi-annual Work Programme;
- clarify that other EU Institutions, as well as the Commission, may request support on the monitoring of environmental measures.

The reference to co-operation between the Agency and Commission is not necessary as this is already covered by the objectives in Article 1 of the original Regulation. For the Agency to undertake peer reviews on its own initiative could be seen as an enforcement or inspectorate role which is not consistent with the aims of the Agency and it is therefore not accepted.

Amendment 2 introduces a data register as a component part of the Agency's repository of information and this is included in the new proposal. However, the suggestion that the register contain information on Community and national legislation would effectively alter reporting systems established by other legislation and is therefore not acceptable from a legal point of view. The reference to a continuously updated directory is an unnecessary detail and is therefore rejected.

In amendment 4 the useful suggestions on the need for information to be available in all official languages (and this was also proposed in the opinion from the Economic

and Social Committee) are accepted. The Parliament's amendment to enlarge the scope of the dissemination activity is accepted with one caveat, as proposed by the Commission to Parliament, that a clause be added that states that this dissemination should concentrate on the state of the environment. The reference to freedom of access is considered unnecessary and is rejected as this is already covered in Article six of the original Regulation.

Amendment 9 makes reference to the next review of tasks being undertaken within the perspective of the EU's global environment policy and the Commission accepts this. However, the reference in the Parliament's text to evaluating the cost-effectiveness of centralised and decentralised [Community environmental] actions is rejected for the following reasons:

- the original proposal also makes provision for a performance and efficiency review;
- the Agency's cost-effectiveness cannot be considered in the wider framework of the EU's Institutions, rather cost-effectiveness must be a criterion for review on the basis of the Agency's own role and objectives.

Amendment 9 makes provision for the performance and efficiency review report to be made available to the Parliament and this is accepted.

#### **Amendments not accepted by the Commission**

Amendment 5 addresses an Article (3.2) of the original Regulation that is not addressed by the Commission's proposal and, from a legal standpoint, the Parliament may not propose to amend this article.

Amendments 7 and 8 make superfluous references to the Agency tasks and objectives which are already covered by the terms of Articles 1 and 2 of the original Regulation.

#### **Amendments from the Economic and Social Committee**

Following its opinion of 11<sup>th</sup> December, the Commission has considered the points made by the Economic and Social Committee. The following amendments are incorporated into this new modified proposal:

- A reference should be made to strategic environmental assessment in the proposed new point (xii) of Article 2;
- Article 8 should include a reference to the need to consult the various socio-economic actors on the multi-annual work-programme (paragraph 4), for ways to be found to ensure that such consultation takes place on a regular basis.

These modifications are shown in italics.

#### **Modified Proposal**

In accordance with Article 189a, paragraph 2, of the EC Treaty, the Commission modifies as follows the text of its proposal concerning the European Environment Agency in order to include the accepted amendments.

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**Original Proposal**

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;

**Amended proposal**

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 necessary 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. In accordance with its current multi-annual work programme, 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, other EU Institutions or on the specific request of a Member State;

## Original Proposal

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.”

## Amended proposal

b. In Paragraph (iii) is replaced by the following:

“(iii) to establish a repository of information on the environment, 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, to provide uniform assessment criteria for environmental data to be applied in all Member States. The repository shall include a data register. The Commission shall use this information in its task of ensuring the implementation of Community legislation on the environment;”

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

“(vi) to publish a report on the state of, trends in and prospects for 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 reliable environmental information (particularly on the state of the environment) to the general public in the official languages of the European Union wherever possible, 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 and Strategic Environmental Assessments;

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

## Original Proposal

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.

## Amended proposal

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. Paragraph 4 shall be replaced by the following:

“The management board shall adopt a multi-annual work programme based on the priority areas referred to in Article 3(2), using as its basis a draft submitted by the Executive Director, referred to in Article 9, after consulting the scientific committee, referred to in Article 10, and receiving the Commission's opinion. The management board shall also consult economic and social actors. The multi-annual work programme shall - without prejudice to the annual EU budgetary procedure - include a draft multi-annual budget proposal.”

## Original Proposal

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

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."

## Amended proposal

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

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 in relation to the Union's global policy on the environment.

2. The Agency shall conduct an evaluation of its performance and efficiency before 15th September 1999 and submit a report to the management board, the Commission and the European Parliament."





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