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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	15 December 2016
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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Subject:	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
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Delegations will find attached document COM(2016) 789 final.

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EUROPEAN
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Brussels, 15.12.2016
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2016/0394 (COD)

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

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

GENERAL BACKGROUND

Many legal acts of the Union were adopted without an expiry date. These acts remain formally in force even if their legal effects have been exhausted.

Eliminating acts that are no longer applicable or relevant permits a more user-friendly presentation and more efficient and time-saving scrutiny of tools that facilitate access to Union law: CELEX, EUR-Lex and the Directory of Legislation in force (e.g. search results would no longer show obsolete acts alongside those which are applicable). 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-making¹. The 2014 REFIT Communication² announced that the Commission will prepare repeals of legislation, inter alia, in relation to standardized reporting in the area of environment. Moreover, the 2015 Better Regulation Communication³ 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 of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment ("Directive 91/692/EEC") is now being addressed. This is also linked to a wider Fitness Check for environmental monitoring and reporting. That Fitness Check is now underway, as set out in the Commission's Work Programme 2016⁴, which mentioned the proposal for repeal of Directive 91/692/EEC and the related water questionnaire Decision 95/337/EEC under repeal initiatives in Annex V.

The repeal package consists of four proposed initiatives related to the repeal of Directive 91/692/EEC and Decision 95/337/EEC:

1. 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.
2. Two proposals for Commission Decisions repealing 2 of the implementing decisions (via comitology procedures), namely Commission Decision 2011/92/EU of 10 February 2011⁵ and Commission Decision 2010/681/EU of 9 November 2010⁶ that have exhausted their legal effect, but for procedural reasons will be repealed via a later comitology procedure by the Commission.
3. Proposal for a European Parliament and Council Decision, which will repeal and amend provisions of the 6 legal acts referring to Directive 91/692/EEC.

To prepare these initiatives, the Commission has undertaken an analysis and looked into the consequences of keeping or repealing the various obligations. The result of this work is

¹ OJ L 123, 12.05.2016, p 1 – 14.

² COM(2014) 368 on Regulatory Fitness and Performance Programme (REFIT): State of Play and Outlook under section III. on "Future REFIT initiatives".

³ COM(2015) 215 of 19 May 2015.

⁴ COM(2015) 610 of 27 October 2015.

⁵ OJ L 37, 11.2.2011, p. 19–24.

⁶ OJ L 292, 10.11.2010, p. 65–67.

summarised below and is presented in more detail in a supporting study which is published separately.⁷ As the aim is to repeal obsolete provisions and legal acts, it is considered that there is no need for a formal impact assessment to be carried out. It is important to highlight that there are no real economic benefits expected to be harvested as a result of the repeal exercise. Main benefits will be mainly linked to have a clearer set of rules on reporting resulting from this clean-up exercise.

Shortcomings of Directive 91/692/EEC

The Directive 91/692/EEC (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 harmonized by Directive 91/692/EEC. For instance Directives 91/271/EEC⁸ and 91/676/EEC⁹ were excluded from scope. It can be also observed that the implementation of the Directive was burdensome and ineffective from the outset. One main problem was that the directive was adopted prior to the widespread use of information technology (IT). Furthermore, many of the individual instruments for which Directive 91/692/EEC set out reporting requirements were subsequently replaced by instruments which disregarded its reporting provisions. For example, the Directive 2000/60/EC¹⁰ repealed seven pieces of water legislation and hence the related water questionnaire 95/337/EEC adopted under Directive 91/692/EEC became redundant. Instruments such as the Directive 2000/60/EC and the Directive 2010/75/EC¹¹ (and its predecessor, Directive 96/61/EC)¹² introduced independent reporting obligations.

With the successful development of the European Environmental Agency's (EEA) Reportnet and sectoral initiatives on streamlining of reporting (e.g. the Water Information System for Europe), the need and effectiveness of a horizontal instrument on reporting was increasingly put into question. Finally, the adoption of the INSPIRE Directive (2007/2/EC), and the related development of the Shared Environment Information System (SEIS),¹³ introduced a more modern and effective, horizontal approach to information management and reporting related to EU environmental policy.

The Commission concluded at the time that "[...] a key step in implementing SEIS, and especially to trigger the expected simplification benefits, will be to modernise the legal provisions relating to the way in which information required by environmental legislation is made available. It is expected that this will be done by revising the Standardised Reporting directive 91/692/EC, which needs to be updated and brought into line with the SEIS principles. To this end, the Commission intends to come forward with a relevant legislative proposal in 2008, including a repeal of outdated provisions in the current standardised reporting directive."¹⁴ In the end, the Commission decided not to come forward with a new legal instrument on reporting but to pursue this agenda through a non-legal approach (see EU Shared Environmental Information System-Implementation Outlook¹⁵) combined with coordinated action in the different environmental policy areas (such as water, air, nature, etc.).

⁷ Accessible at: http://ec.europa.eu/environment/legal/reporting/other_actions_en.htm

⁸ Urban Waste Water Directive

⁹ Nitrates Directive

¹⁰ Water Framework Directive

¹¹ Industrial Emissions Directive

¹² IPPC Directive

¹³ COM(2008) 46 of 1 February 2008

¹⁴ Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - Towards a Shared Environmental Information System (SEIS) {SEC(2008) 111} {SEC(2008) 112} /* COM/2008/0046 final *

¹⁵ SWD(2013) 18 of 25 January 2013

Summary of current scope and relevance of Directive 91/692/EEC

Directive 91/692/EEC refers to 28 environmental acts covered by its provisions. A number of further acts make use of Directive 91/692/EEC. Currently due to subsequent repeals of these acts (see overview in table 2), 1 regulation, 9 directives (see overview in table 1) (two directives remain subject to its provisions, namely Directive 86/278/EEC and Directive 87/217/EEC) and 23 decisions remain in force that still make reference to those provisions (see overview in table 3).

In conclusion, the majority of the original obligations set out in Directive 91/692/EEC have become obsolete and have no legal effect anymore. As a result, the proposal for a repeal has been made to ensure legal certainty, improve transparency, reduce administrative burden and ensure that EU legislation is "fit for purpose" in line with the Better Regulation agenda.

Proposed actions to repeal Directive 91/692/EEC and related acts

The first action is a proposal for a Decision of the European Parliament and of the Council removing requirements for standardized 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 of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers as required by Article 13 thereof on transitional measures.

The second action aims at adoption of a Communication on declaring obsolescence of the implementing Decisions under Directive 91/692/EEC still in force. The Communication identifies the Decisions that have become obsolete and whose legal basis was repealed.

The third action will aim to repeal two implementing decisions, that still have a valid legal basis but in the meantime have exhausted their legal effects.¹⁶

As part of the preparatory analysis, several options were considered to ensure an effective repeal whilst maintaining the legal effects, where necessary. The findings of this analysis are presented in the supporting study¹⁷ that recommends the complete repeal of Directive 91/692/EEC provisions and removal of obsolete provisions, while making reference to new rules on implementing acts. This option consisting of the above-mentioned three actions was identified as most effective in cutting red tape and enhancing legal clarity.

Pre-existing directives referred to by Directive 91/692/EEC

As noted above, only Directives 86/278/EEC and 87/217/EEC (see overview in table 1) remain from the 28 instruments (see overview in table 2) originally mentioned in Directive 91/692/EEC.

It is proposed to maintain the reporting provisions of Directives 86/278/EEC, while aligning it with the new rules for implementing acts established by the TFEU.

The reporting requirements of Directive 87/217/EEC are not being used, mainly due to discontinuation of the use of asbestos across the EU Member States as a consequence of the phasing out of the production and use of raw asbestos and of products containing asbestos in the EU, through REACH (1907/2006/EC).

¹⁶ Commission Decision 2011/92/EU of 10 February 2011 (OJ L 37, 11.2.2011, p. 19–24) and Commission Decision 2010/681/EU of 9 November 2010 (OJ L 292, 10.11.2010, p. 65–67).

¹⁷ Available online: http://ec.europa.eu/environment/legal/reporting/index_en.htm

Table 1: Overview of directives and regulations covered by the proposed decision repealing Directive 91/692/EEC (all other acts of relevance for Directive 91/692/EEC are obsolete or irrelevant in the meantime).

Legal acts referring to or referred to by Directive 91/692/EEC still in force	Repeal of Directive 91/692/EEC affecting provisions of the legal acts	Article of the proposed decision addressing the legal acts
1) 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	Articles 13, 14, 15, 15a and 17	Article 3
2) Council Directive 87/217/EEC of 19 March 1987 on the prevention and reduction of environmental pollution by asbestos	Article 13	Article 4
3) Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community	Article 21	Article 1
4) Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide makes reference to Directive 91/692/EEC	Articles 27, 29, 30	Article 2
5) Regulation 1257/2013/EU on ship recycling	Article 21	Article 5
6) Directive 94/63/EC of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations	Article 9	Article 6
7) Article 37 (1) of Directive 2008/98/EC of the European Parliament and of the Council of 17 November 2008 on waste and repealing certain Directives ¹⁸	Covered by Waste package	Covered by Waste package
8) Article 9 of Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles ¹⁹	Covered by Waste package	Covered by Waste package
9) Article 15 of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste ²⁰	Covered by Waste package	Covered by Waste package
10) Article 17 of European Parliament and Council Directive 94/62/EC of 20 December 1994 on	Covered by Waste	Covered by Waste

¹⁸ Article 37 (1)

¹⁹ Article 9

²⁰ Article 15

packaging and packaging waste ²¹	package	package
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Table 2: Overview of directives and regulations repealed and previously covered by Directive 91/692/EEC

Legal acts repealed but previously covered by 91/692/EEC	Date of repeal
Council Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water ²² , amended by Article 3 of Directive 91/692/EEC, was repealed by Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC ²³ .	31 st December 2014
Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community ²⁴ , amended by Article 2 (1) of Directive 91/692/EEC, was repealed by Directive 2006/11/EC of the European Parliament and of the Council of 15 February 2006 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community. ²⁵	23 rd March 2006
Council Directive 78/176/EEC of 20 February 1978 on waste from the titanium oxide industry ²⁶ as amended by Directive 83/29/EEC ²⁷ , amended by Article 2 (1) of Directive 91/692/EEC, was repealed by Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions. ²⁸	7 th January 2014
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 ²⁹ , amended by Article 2 (1) Directive 91/692/EEC, was repealed by Directive 2006/44/EC of the European Parliament and of the Council of 6 September 2006 on the quality of fresh waters needing protection or improvement in order to support fish life, ³⁰ which in turn was repealed by Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy. ³¹	21 st December 2013
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 ³² ,	21 st December 2007

²¹ COM(2015) 595 final; COM(2015) 593 final; COM(2015) 594 final; COM(2015) 596 final

²² OJ L 31, 5.2.1976, p. 1–7

²³ OJ L 64, 4.3.2006, p. 37–51

²⁴ OJ L 129, 18.5.1976, p. 23–29

²⁵ OJ L 64, 4.3.2006, p. 52–59

²⁶ OJ L 54, 25.2.1978, p. 19–24

²⁷ OJ L 032, 03/02/1983 P. 0028 - 0028

²⁸ OJ L 334, 17.12.2010, p. 17–119

²⁹ OJ L 222, 14.8.1978, p. 1–10

³⁰ OJ L 264, 25.9.2006, p. 20–31

³¹ OJ L 327, 22.12.2000, p. 1–73

³² OJ L 271, 29.10.1979, p. 44–53

Legal acts repealed but previously covered by 91/692/EEC	Date of repeal
amended by Article 2 (1) Directive 91/692/EEC, as last amended by Directive 81/855/EEC ³³ , was repealed a by 2000/60/EC.	
Council Directive 79/923/EEC of 30 October 1979 on the quality required of shellfish waters ³⁴ , amended by Article 2 (1) Directive 91/692/EEC, was repealed and codified by Directive 2006/113/EC of the European Parliament and of the Council of 12 December 2006 on the quality required of shellfish waters ³⁵ which in turn was repealed by 2000/60/EC.	21 st December 2013
Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances ³⁶ , amended by Article 2 (1) of Directive 91/692/EEC, was repealed by 2000/60/EC.	21 st December 2013
Council Directive 82/176/EEC of 22 March 1982 on limit values and quality objectives for mercury discharges by the chlor-alkali electrolysis industry ³⁷ , amended by Article 2 (1) of Directive 91/692/EEC, was repealed by Directive 2008/105/EC on environmental quality standards in the field of water policy. ³⁸	22 nd December 2012
Council Directive 83/513/EEC of 26 September 1983 on limit values and quality objectives for cadmium discharges, ³⁹ amended by Article 2 (1) of Directive 91/692/EEC, was repealed by Directive 2008/105/EC.	22 nd December 2012
Council Directive 84/156/EEC of 8 March 1984 on limit values and quality objectives for mercury discharges by sectors other than the chlor-alkali electrolysis industry ⁴⁰ , amended by Article 2 (1) of Directive 91/692/EEC, was repealed by Directive 2008/105/EC.	22 nd December 2012
Council Directive 84/491/EEC of 9 October 1982 on limit values and quality objectives for discharges of hexachlorocyclohexane ⁴¹ , amended by Article 2 (1) of Directive 91/692/EEC, was repealed by Directive 2008/105/EC.	22 nd December 2012
Council Directive 86/280/EEC of 12 June 1986 on limit values and quality objectives for discharge of certain dangerous substances included in list I of the Annex to Directive 76/464/EEC, ⁴² as last amended by Directive 90/415/EEC ⁴³ , amended by Article 2 (1) of Directive 91/692/EEC, was repealed by Directive 2008/105/EC.	22 nd December 2012
Council Directive 75/440/EEC of 16 June 1975 concerning the quality	21 st December

³³ OJ L 319, 7.11.1981, p. 16–16

³⁴ OJ L 281, 10.11.1979, p. 47–52

³⁵ OJ L 376, 27.12.2006, p. 14–20

³⁶ OJ L 20, 26.1.1980, p. 43–48

³⁷ OJ L 81, 27.3.1982, p. 29–34

³⁸ OJ L 348, 24.12.2008, p. 84–97

³⁹ OJ L 291, 24/10/1983 P. 0001 - 0008

⁴⁰ OJ L 74, 17.3.1984, p. 49–54

⁴¹ OJ L 274, 17.10.1984, p. 11–17

⁴² OJ L 181, 4.7.1986, p. 16–27

⁴³ OJ L 219, 14/08/1990 P. 0049 - 0057

Legal acts repealed but previously covered by 91/692/EEC	Date of repeal
required of surface water intended for the abstraction of drinking water in the Member States ⁴⁴ , amended by Article 2 (2) of Directive 91/692/EEC, was repealed by Directive 2000/60/EC.	2007
Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption, ⁴⁵ amended by Article 2 (2) of Directive 91/692/EEC, was repealed by Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption. ⁴⁶	25 th December 2003
Council Directive 85/203/EEC of 7 March 1985 on air quality standards for nitrogen dioxide, ⁴⁷ as amended by Directive 85/580/EEC ⁴⁸ , amended by Article 4 (3) of Directive 91/692/EEC, was repealed by Council Directive 1999/30/EC of 22 April 1999 relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air, which had no reference to 91/692/EEC and was itself repealed by Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe.	11 th June 2010
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 ⁴⁹ , amended by Article 4 (2) of Directive 91/692/EEC, was repealed by 93/12/EEC. ⁵⁰	30 th September 1994
Council Directive 84/360/EEC of 28 June 1984 on the combating of air pollution from industrial plants ⁵¹ , amended by Article 4 (2) of Directive 91/692/EEC, was repealed by Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control ⁵² which was itself repealed by Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions. ⁵³	7 th January 2014
Council Directive 80/779/EEC of 15 July on air quality limit values and guide values for sulphur dioxide and suspended particulates ⁵⁴ , amended by Article 4 (1) and (3) of Directive 91/692/EEC was repealed by Directive 1999/30/EC ⁵⁵ , which in turn was repealed as of 11 June 2010 by Directive 2008/50/EC.	11 th June 2010
Council Directive 82/884/EEC of 3 December 1982 on a limit value for lead in the air ⁵⁶ , amended by Article 4 (1) and (3) of Directive 91/692/EEC was	11 th June 2010

⁴⁴ OJ L 194, 25.7.1975, p. 26–31
⁴⁵ OJ L 229, 30.8.1980, p. 11–29
⁴⁶ OJ L 330, 5.12.1998, p.32–54
⁴⁷ OJ L 087, 27/03/1985 P. 0001 - 0007
⁴⁸ OJ L 372, 31.12.1985, p. 36–36
⁴⁹ OJ L 307, 27.11.1975, p. 22–24
⁵⁰ OJ L 74, 27.3.1993, p. 81–83
⁵¹ OJ L 188, 16.7.1984, p. 20–25
⁵² OJ L 24, 29.1.2008, p. 8–29
⁵³ OJ L 334, 17.12.2010, p. 17–119
⁵⁴ OJ L 229, 30/08/1980 P. 0030 - 0048
⁵⁵ OJ L 163, 29.6.1999, p. 41–60
⁵⁶ OJ L 378, 31/12/1982 P. 0015 - 0018

Legal acts repealed but previously covered by 91/692/EEC	Date of repeal
repealed by Directive 1999/30/EC, which in turn was repealed by Directive 2008/50/EC.	
Council Directive 85/203/EEC of 7 March 1985 on air quality standards for nitrogen dioxide, ⁵⁷ as amended by Directive 85/580/EEC ⁵⁸ , amended by Article 4 (1) and (3) of Directive 91/692/EEC, was repealed by Directive 1999/30/EC, which in turn was repealed by Directive 2008/50/EC.	11 th June 2010
Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils ⁵⁹ , amended by Article 5 of Directive 91/692/EEC, was repealed by Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste. ⁶⁰	12 th December 2010
Council Directive 75/442/EEC of 15 July 1975 on waste, ⁶¹ amended by Article 5 of Directive 91/692/EEC, was repealed by Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste, which in turn was repealed by Directive 2008/98/EC. ⁶²	11 th December 2010
Council Directive 76/403/EEC of 6 April 1976 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls ⁶³ amended by Article 5 of Directive 91/692/EEC was repealed by Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT). ⁶⁴	16 th September 1996
Council Directive 78/319/EEC of 20 March 1978 on toxic and dangerous waste ⁶⁵ , amended by Article 5 of Directive 91/692/EEC, was repealed by Council Directive 91/689/EEC of 12 December 1991 on hazardous waste. ⁶⁶	27 th June 1995
Council Directive 84/631/EEC of 6 December 1984 on the supervision and control within the European Community of the trans-frontier shipment of hazardous waste ⁶⁷ , amended by Article 5 of Directive 91/692/EEC, was repealed by Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community, ⁶⁸ which in turn was repealed by Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste. ⁶⁹	11 th July 2007
Council Directive 85/339/EEC of 27 June 1985 on containers of liquids for human consumption ⁷⁰ , amended by Article 5 of Directive 91/692/EEC, was	29 th June 1996

⁵⁷ OJ L 087, 27/03/1985 P. 0001 - 0007

⁵⁸ OJ L 372, 31.12.1985, p. 36–36

⁵⁹ OJ L 194, 25.7.1975, p. 23–25

⁶⁰ OJ L 312, 22.11.2008, p. 3–30

⁶¹ OJ L 194, 25.7.1975, p. 39–41

⁶² OJ L 114, 27.4.2006, p. 9–21

⁶³ OJ L 108, 26/04/1976 P. 0041 - 0042

⁶⁴ OJ L 243, 24.9.1996, p. 31–35

⁶⁵ OJ L 84, 31.3.1978, p. 43–48

⁶⁶ OJ L 377, 31/12/1991 P. 0020 - 0027

⁶⁷ OJ L 326, 13.12.1984, p. 31–41

⁶⁸ OJ L 30, 6.2.1993, p. 1–28

⁶⁹ OJ L 190, 12.7.2006, p. 1–98

⁷⁰ OJ L 176, 06/07/1985 P. 0018 - 0021

Legal acts repealed but previously covered by 91/692/EEC	Date of repeal
repealed by Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste. ⁷¹	

⁷¹ *OJ L 365, 31.12.1994, p. 10–23*

Table 3: Overview of implementing acts remaining in force, to be repealed or declared obsolete

Legal acts adopted under Directive 91/692/EEC	Remaining in force	Proposed to be declared obsolete	Proposed to be repealed
1) Commission Implementing Decision 2014/166/EU of 21 March 2014 amending Decision 2005/381/EC as regards the questionnaire for reporting on the application of Directive 2003/87/EC of the European Parliament and of the Council (notified under document C(2014) 1726). ⁷²	✓		
2) Commission Decision 2005/381/EC of 4 May 2005 establishing a questionnaire for reporting on the application of Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (notified under document number C(2005) 1359). ⁷³	✓		
3) Commission Decision 2006/803/EC of 23 November 2006 amending Decision 2005/381/EC establishing a questionnaire for reporting on the application of Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (notified under document number C(2006) 5546). ⁷⁴	✓		
4) Commission Decision of 18.4.2012 establishing a questionnaire for Member States reports on the implementation of Directive 2008/98/EC of the European Parliament and of the Council on waste. ⁷⁵	✓		
5) Commission Decision 2004/249/EC of 11 March 2004 on the implementation of Directive 2002/96/EC (WEEE). ⁷⁶	✓		
6) Commission Decision 2007/151/EC of 6 March 2007 amending Decisions 94/741/EC and 97/622/EC as regards the questionnaires for the report on the implementation of Directive 2006/12/EC of the European Parliament and of the Council on waste and on the	✓		

⁷² OJ L 89, 25.3.2014, p. 45–76

⁷³ OJ L 126, 19.5.2005, p. 43

⁷⁴ OJ L 329, 25.11.2006, p. 38–63

⁷⁵ C(2012) 2384 final

⁷⁶ OJ L 78, 16.3.2004, p. 56–59

Legal acts adopted under Directive 91/692/EEC	Remaining in force	Proposed to be declared obsolete	Proposed to be repealed
implementation of Council Directive 91/689/EEC on hazardous waste. ⁷⁷			
7) Commission Decision 2000/738/EC of 17 November 2000 concerning a questionnaire for Member States reports on the implementation of Directive 1999/31/EC on the landfill of waste. ⁷⁸	✓		
8) Commission Decision 2001/753/EC of 17 October 2001 concerning a questionnaire for Member States reports on the implementation of Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles. ⁷⁹	✓		
9) Commission Decision 97/622/EC of 27 May 1997 concerning questionnaires for Member States reports on the implementation of certain Directives in the waste sector. ⁸⁰	✓		
10) Commission Decision 94/741/EC of 24 October 1994 concerning questionnaires for Member States reports on the implementation of certain Directives in the waste sector. ⁸¹	✓		
11) Commission Implementing Decision 2011/632/EU of 21 September 2011 establishing a questionnaire to be used for reporting on the implementation of Directive 2000/76/EC of the European Parliament and of the Council on the incineration of waste. ⁸²		✓	
12) Commission Decision 2011/92/EU of 10 February 2011 introducing the questionnaire to be used for the first report on the implementation of Directive 2009/31/EC of the European Parliament and of the Council on the geological storage of carbon dioxide. ⁸³			✓
13) Commission Decision 2010/681/EU of 9 November 2010 concerning a questionnaire for Member States reports on the implementation of Council Directive 1999/13/EC on the limitation of emissions of volatile			✓

⁷⁷ OJ L 67, 7.3.2007, p. 7–9

⁷⁸ OJ L 298, 25.11.2000, p. 24–26

⁷⁹ OJ L 282, 26.10.2001, p. 77–80

⁸⁰ OJ L 256, 19.9.1997, p. 13–19

⁸¹ OJ L 296, 17.11.1994, p. 42–55

⁸² OJ L 247, 24.9.2011, p. 54–58)

⁸³ OJ L 37, 11.2.2011, p. 19–24

Legal acts adopted under Directive 91/692/EEC	Remaining in force	Proposed to be declared obsolete	Proposed to be repealed
organic compounds due to the use of organic solvents in certain activities and installations during the period 2011-2013. ⁸⁴			
14) Commission Decision 2007/531/EC of 26 July 2007 concerning a questionnaire for Member States reports on the implementation of Council Directive 1999/13/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations during the period 2008-2010. ⁸⁵		✓	
15) Commission Decision 2003/241/EC of 26 March 2003 amending Commission Decision 1999/391/EC of 31 May 1999 concerning the questionnaire relating to Council Directive 96/61/EC concerning integrated pollution prevention and control. ⁸⁶		✓	
16) Commission Decision 2002/605/EC of 17 July 2002 concerning the questionnaire relating to Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances. ⁸⁷		✓	
17) Commission Decision 1999/391/EC of 31 May 1999 concerning the questionnaire relating to Council Directive 96/61/EC concerning integrated pollution prevention and control. ⁸⁸		✓	
18) Commission Decision 1999/314/EC of 9 April 1999 concerning the questionnaire relating to Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances. ⁸⁹		✓	
19) Commission Decision 98/184/EC of 25 February 1998 concerning a questionnaire for Member States' reports on the implementation of Council Directive 94/67/EC on the incineration of hazardous waste. ⁹⁰		✓	
20) Commission Decision 96/511/EC of 29 July 1996 concerning the questionnaires provided for in Council		✓	

⁸⁴ OJ L 292, 10.11.2010, p. 65–67

⁸⁵ OJ L 195, 27.7.2007, p. 47–49

⁸⁶ OJ L 89, 5.4.2003, p. 17–23

⁸⁷ OJ L 195, 24.7.2002, p. 74–80

⁸⁸ OJ L 148, 15.6.1999, p. 39–43

⁸⁹ OJ L 120, 8.5.1999, p. 43–45

⁹⁰ OJ L 67, 7.3.1998, p. 48–50

Legal acts adopted under Directive 91/692/EEC	Remaining in force	Proposed to be declared obsolete	Proposed to be repealed
Directives 80/779/EEC, 82/884/EEC, 84/360/EEC and 85/203/EEC. ⁹¹			
21) Commission Decision 96/302/EC of 17 April 1996 establishing a format in which information is to be provided pursuant to Article 8 (3) of Council Directive 91/689/EEC on hazardous waste. ⁹²		✓	
22) Commission Decision 92/446/EEC of 27 July 1992 concerning questionnaires relating to Directives in the water sector, was amended by Commission Decision 95/337/EC of 25 July 1995 concerning questionnaires relating to directives in the water sector. ⁹³		✓	
23) Commission Decision 95/337/EC of 25 July 1995 amending Decision 92/446/EEC of 27 July 1992 concerning questionnaires relating to directives in the water sector. ⁹⁴		✓	

⁹¹ OJ L 213, 22.8.1996, p. 16–24

⁹² OJ L 116, 11.5.1996, p. 26–27

⁹³ OJ L 247, 27.8.1992, p. 10–36

⁹⁴ OJ L 200, 24.8.1995, p. 1–34

Assessment of impacts

An assessment of economic, environmental and social impacts and a wider consultation already took place in preparation of the Communication for a Shared Environment Information System (SEIS)⁹⁵. Since then, the underlying analysis was updated and a detailed background paper was prepared.⁹⁶ This provided sufficient evidence for the repeal proposal and made an additional impact assessment unnecessary.

The chosen instruments to achieve the objectives, the two Decisions and one Communication, would not alter reporting in practice. The reason for this is that the proposed repeal package will result in greater legal clarity by removing already obsolete provisions and will streamline a number of reporting obligations through 'Lisbonisation'⁹⁷ of procedures. The efficiency gains are expected to be achieved through the simplification of the EU acquis, meaning that it would not generate economic benefits, but rather technical, legal ones. However, no quantitative figures for costs and/or benefits could be obtained that could be directly related to the repeal mostly because a large proportion of the original obligations under the Directive are, in practice, obsolete already.

3. LEGAL ELEMENTS OF THE PROPOSAL

Summary of the proposed measures

The repeal proposal for in the field of environmental reporting have identified legal measures that are obsolete, or as appropriate have replaced existing provisions with appropriate references to Regulation (EU) No 182/2011.

Legal basis

The legal basis for adopting the repeal Decision is Article 192 of the Treaty on the Functioning of the European Union. (TFEU)

Principles of subsidiarity and proportionality

The measures concerned by this proposal are obsolete, either because their content has been taken up by subsequent acts or because they are no longer relevant due to their temporary nature. Therefore, it is in line with the principles of subsidiarity and of proportionality to repeal those measures. It is for the Union legislator to adopt the necessary measures to that effect.

Main legal provisions of the proposed Decision

Article 1

Enacts an amendment to Article 21 (1) of Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission

⁹⁵ See SEIS impact assessment, SWD(2008) 111 of 1 February 2008

⁹⁶ http://ec.europa.eu/environment/legal/reporting/index_en.htm

⁹⁷ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011

laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers OJ L 55, 28.2.2011, p. 13–18.

allowance trading within the Community and amending Council Directive 96/61/EC, by inserting a reference to Regulation (EU) No 182/2011.

Article 2

Enacts an amendment to Article 27(1) of Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide by inserting a reference to Regulation (EU) No 182/2011 and adapts Article 29 of Directive 2009/31/EC, which provides for the use of the regulatory procedure with scrutiny, to Article 290 of the TFEU.

Article 3

Enacts an amendment to Articles 13, 15, 17 and introducing a new Article 15a 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 by inserting references to Regulation (EU) No 182/2011.

Article 4

Enacts an amendment to Article 13 of Directive 87/217/EEC of 19 March 1987 on the prevention and reduction of environmental pollution by asbestos, by deleting the first paragraph thereof.

Article 5

Enacts an amendment to Article 21 (2) of Regulation 1257/2013/EU on ship recycling.

Article 6

Enacts an amendment to European Parliament and Council Directive 94/63/EC of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations by amending Articles 4 (4) and 6 (4) and deleting the first sentence of Article 9 on monitoring and reporting.

Article 7 and Article 8

Enacts the repeal of the Directive and the date of entry into force and application of the repealing legal act. Entry into force shall be aligned with the Circular Economy proposal⁹⁸ covering provisions of Directive 2008/98/EC of the European Parliament and of the Council of 17 November 2008 on waste and repealing certain Directives, Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles, Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste and European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste and with the Proposal for a Directive amending Directive 2003/87/EC to enhance cost-effective emission reductions and low-carbon investments.⁹⁹

Choice of instrument

⁹⁸ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Closing the loop - An EU action plan for the Circular Economy COM(2015) 614 final

⁹⁹ COM/2015/0337 final/2

Proposed instrument: European Parliament and Council Decision.

4. BUDGETARY IMPLICATION

The proposal has no budgetary impact.

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 PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹⁰⁰,

Having regard to the opinion of the Committee of the Regions¹⁰¹,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Council Directive 86/278/EEC¹⁰² and Council Directive 87/217/EEC¹⁰³ are based on Articles 100 and 235 of the Treaty establishing the European Economic Community, now Articles 115 and 352 of the Treaty on the Functioning of the European Union (TFEU). Amendments to those Directives are related to Union policy on environment and are a direct consequence of the repeal of Council Directive 91/692/EEC¹⁰⁴ on the basis of Article 192(1) TFEU. It is therefore appropriate to amend Directives 86/278/EEC and 87/217/EEC on the basis of Article 192(1) TFEU.

¹⁰⁰ OJ C [...], [...], p. [...].

¹⁰¹ OJ C [...], [...], p. [...].

¹⁰² 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 (OJ L 181, 4.7.1986, p. 6).

¹⁰³ Council Directive 87/217/EEC of 19 March 1987 on the prevention and reduction of environmental pollution by asbestos (OJ L 85, 28.3.1987, p. 40).

¹⁰⁴ Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment (OJ L 377, 31.12.1991, p. 48).

- (2) European Parliament and Council Directive 94/63/EC¹⁰⁵ is based on Article 100a of the Treaty establishing the European Community, now Article 114 TFEU. Amendments to that Directive are related to Union policy on environment and are a direct consequence of the repeal of Directive 91/692/EEC on the basis of Article 192(1) TFEU. It is therefore appropriate to amend Directive 94/63/EC on the basis of Article 192(1) TFEU.
- (3) Directive 91/692/EEC was adopted to rationalize and improve on a sectoral basis the provisions on the transmission of information and the publication of reports concerning certain Directives on the protection of the environment. To achieve that objective, Directive 91/692/EEC amended several Directives to introduce uniform reporting requirements.
- (4) The implementation of the reporting requirements introduced by Directive 91/692/EEC is burdensome and ineffective. Many Union acts amended by Directive 91/692/EEC are replaced and no longer contain reporting requirements as introduced by Directive 91/692/EEC. For example, Directive 2000/60/EC of the European Parliament and of the Council¹⁰⁶ repealed seven Union acts in the field of water policy and did not take over the reporting system introduced by Directive 91/692/EEC. Directive 2010/75/EU of the European Parliament and of the Council¹⁰⁷ contains no reference to Directive 91/692/EEC and provides for a separate system of reporting.
- (5) Directive 91/692/EEC also does not provide for use of electronic tools. With the successful development of the European Environmental Agency's Reportnet and sectoral initiatives on streamlining of reporting, for example, the Water Information System for Europe, the need and effectiveness of a horizontal instrument on reporting has increasingly been put into question. Finally, the adoption of Directive 2007/2/EC of the European Parliament and of the Council¹⁰⁸ and the related development of the Shared Environment Information System¹⁰⁹, introduced a more modern and effective, horizontal approach on information management and reporting related to Union environmental policy.
- (6) Directive 91/692/EEC should therefore be repealed.
- (7) (Most of the Directives amended by Directive 91/692/EEC are no longer in force. However, Directive 87/217/EEC and Directive 86/278/EEC are still in force.
- (8) Directive 86/278/EEC requires Member States to provide a report on the implementation of that Directive on the basis of a questionnaire or outline drafted by the Commission in accordance with the procedure laid down in Directive 91/692/EEC. In order to avoid legal vacuum due to the repeal of Directive 91/692/EEC, it is

¹⁰⁵ European Parliament and Council Directive 94/63/EC of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations (OJ L 365, 31.12.1994, p. 24).

¹⁰⁶ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

¹⁰⁷ Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

¹⁰⁸ Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).

¹⁰⁹ COM(2008) 46 of 1 February 2008.

necessary to replace reference to Directive 91/692/EEC by reference to the procedure referred to in Directive 86/278/EEC.

- (9) Reporting under Directive 87/217/EEC is no longer necessary. In Member States following adoption of Regulation (EC) No 1907/2006/EC of the European Parliament and of the Council¹¹⁰ which provides for phasing out of the production and use of raw asbestos and of products containing asbestos in the Union. It is therefore appropriate to delete the reporting requirements set out in Directive 87/217/EEC.
- (10) After the adoption of Directive 91/692/EC, the following Regulations and Directives included a reference to Directive 91/692/EC: European Parliament and Council Directive 94/62/EC¹¹¹, Directive 94/63/EC, Council Directive 1999/31/EC¹¹², Directive 2000/53/EC of the European Parliament and of the Council¹¹³, Directive 2003/87/EC of the European Parliament and of the Council¹¹⁴, Directive 2008/98/EC of the European Parliament and of the Council¹¹⁵, Directive 2009/31/EC of the European Parliament and of the Council¹¹⁶, and Regulation (EU) No 1257/2013 of the European Parliament and of the Council¹¹⁷.
- (11) As part of an EU action plan for the Circular Economy¹¹⁸ the Commission proposed to amend Directives 2008/98/EC, 94/62/EC, 1999/31/EC and 2000/53/EC in order to replace the reference to Directive 91/692/EEC. In order to ensure that there is no legal vacuum due to the repeal of Directive 91/692/EEC, this Decision should apply from the same date as the acts proposed in the framework of the Circular Economy package.
- (12) Directives 2009/31/EC and 2003/87/EC require Member States to provide a report on the implementation of those Directives on the basis of a questionnaire or outline drafted by the Commission in accordance with the procedure referred to in Directive 91/692/EEC. In order to avoid legal vacuum due to the repeal of Directive 91/692/EEC, it is necessary to replace reference to Directive 91/692/EEC by reference to the procedure referred to in the relevant Directive.

¹¹⁰ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396 30.12.2006, p. 1).

¹¹¹ European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10).

¹¹² Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1).

¹¹³ Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L 269, 21.10.2000, p. 34).

¹¹⁴ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).

¹¹⁵ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

¹¹⁶ Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (OJ L 275, 25.10.2003, p. 32).

¹¹⁷ Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC (OJ L 330, 10.12.2013, p. 1).

¹¹⁸ COM(2015) 614 final of 2 December 2015.

- (13) In order to ensure that certain provisions of Annexes to Directive 86/278/EEC are up to date, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of adaptation of those provisions to technical and scientific progress. In order to ensure that the Annexes to Directive 2009/31/EC are up to date, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of adaptation of those Annexes to technical and scientific progress. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (14) Regulation (EU) No 1257/2013 contains reference to Directive 91/692/EEC. The relevant provision relates to the first reporting exercise, which has already ended. The relevant provision should therefore be deleted.
- (15) Reporting requirement set out in Directive 94/63/EC is no longer necessary for the purposes of monitoring implementation of Directive 94/63/EC. The relevant provision should therefore be deleted.
- (16) Directives 87/217/EEC, 2003/87/EC and 2009/31/EC, Regulation (EU) No 1257/2013 and Directives 86/278/EEC and 94/63/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DECISION:

Article 1
Amendment to Directive 2003/87/EC

In Article 21(1) of Directive 2003/87/EC the fourth sentence is replaced by the following:

"The report shall be drawn up on the basis of a questionnaire or outline adopted by the Commission in the form of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22a(2)."

Article 2
Amendments to Directive 2009/31/EC

Directive 2009/31/EC is amended as follows:

- (1) in Article 27(1), the third sentence is replaced by the following:

"The report shall be drawn up on the basis of a questionnaire or outline adopted by the Commission in the form of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 30(2).";

- (2) Article 29 is replaced by the following:

*"Article 29
Amendments to Annexes*

The Commission is empowered to adopt delegated acts in accordance with Article 29a concerning the adaptation of the Annexes to technical and scientific progress.";

(3) The following Article 29a is inserted:

*"Article 29a
Exercise of the delegation*

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 29 shall be conferred on the Commission for an indeterminate period of time from [date of entry into force of this Decision].
3. The delegation of power referred to in Article 29 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 29 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council."

- (4) Article 30 is replaced by the following:

*"Article 30
Committee procedure*

1. The Commission shall be assisted by the Climate Change Committee established by Article 26 of Regulation (EU) No 525/2013 of the European Parliament and of the Council*. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council*.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

* Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for

reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC (OJ L 165, 18.6.2013, p. 13).

** Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).".

Article 3
Amendments to Directive 86/278/EEC

Directive 86/278/EEC is amended as follows:

(1) Article 13 is replaced by the following:

"Article 13

The Commission is empowered to adopt delegated acts in accordance with Article 15a to adapt to technical and scientific progress the Annexes.

The first paragraph shall not apply to the parameters and values listed in Annexes I A, I B and I C, any factors likely to affect the evaluation of those values, and the parameters for analysis referred to in Annexes II A and II B.";

(2) Article 14 is deleted;

(3) Article 15 is replaced by the following:

"Article 15

1. The Commission shall be assisted by the Committee established by Article 39 of Directive 2008/98/EEC of the European Parliament and of the Council*. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council**.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

* Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

** Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).";

(4) The following Article 15a is inserted:

"Article 15a

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 13 shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Directive.
3. The delegation of power referred to in Article 13 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 13 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council."

(5) In the first paragraph of Article 17, the second sentence is replaced by the following:

"The sectoral reports shall be drawn up on the basis of a questionnaire or outline adopted by the Commission in the form of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 15(2)."

Article 4

Amendment to Directive 87/217/EEC

Paragraph 1 of Article 13 of Directive 87/217/EEC is deleted.

Article 5

Amendment to Regulation (EU) No 1257/2013

In Article 21 of Regulation (EU) No 1257/2013, paragraph 2 is replaced by the following:

"2. Each report shall cover three years and shall be electronically transmitted to the Commission no later than nine months after the end of the three-year period covered by it.

The first electronic report shall cover the period from the date of publication of the European List to 31 December 2018."

Article 6
Amendments to Directive 94/63/EC

Directive 94/63/EC is amended as follows:

(1) In Article 4(4), the second subparagraph is replaced by the following:

"Member States shall inform the Commission of terminals concerned by such a derogation.";

(2) In Article 6(4), the second subparagraph is replaced by the following:

"Member States shall inform the Commission of the details of the areas within which they intend to grant such derogation and subsequently of any changes to such areas.";

(3) In Article 9, the first sentence is deleted.

Article 7
Repeal of Directive 91/692/EEC

Directive 91/692/EEC is repealed.

Article 8
Entry into force and application

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from [OP: DATE of entry into force of amendment to Article 37(1)¹¹⁹ of Directive 2008/98/EC, the amendment to Article 9¹²⁰ of Directive 2000/53/EC, the amendment to Article 15¹²¹ of Directive 1999/31/EC, the amendment to Article 17¹²² of Directive 94/62/EC.]

Article 1 shall apply as of [OP: the DATE of entry into force of the amendment of Article 22a of Directive 2003/87/EC¹²³].

¹¹⁹ COM(2015) 595 final
¹²⁰ COM(2015) 593 final
¹²¹ COM(2015) 594 final
¹²² COM(2015) 596 final COM/2015/0337
¹²³ COM/2015/0337

Done at Brussels,

For the European Parliament
The President

For the Council
The President