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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
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Subject:	Proposal for a Regulation of the European Parliament and of the Council on the alignment of reporting obligations in the field of environment policy and thereby amending Directives 86/278/EEC, 2002/49/EC, 2004/35/EC, 2007/2/EC, 2009/147/EC and 2010/63/EU, Regulations (EC) No 166/2006 and (EU) No 995/2010, and Council Regulations (EC) No 338/97 and (EC) No 2173/2005 – Preparation for the trilogue

I. INTRODUCTION

1. At its meeting on 7 November 2018, the Committee of Permanent Representatives agreed on a mandate (13458/18) for the Presidency to open negotiations with the European Parliament on the abovementioned proposal with a view to reach a first-reading agreement.
2. A first trilogue took place on 15 November 2018. At the debriefing of the outcome in Coreper on 16 November, the Presidency informed delegations that progress had been made but it remained clear that some issues still needed to be further clarified at technical level and compromises needed to be explored for the main outstanding political issues.

3. Consequently, on 23 November, a technical tripartite meeting was held, which helped to clarify some issues of a technical nature, and the Working Party on the Environment (WPE) met on 29 November to discuss the Presidency proposal to revise the mandate.

II. WAY FORWARD

4. With a view to the second trilogue on 7 December 2018, the Presidency proposes some modifications to the Council's position, which take into account the discussions held at the first trilogue, the results of the tripartite technical meeting and the concerns expressed by Member States at the last WPE meeting. The proposed mandate for the second trilogue is set out in detail in the fourth column of the table contained in the Annex to this Note, with the exception of the compromise proposal for Article 3 which will be circulated separately ahead of the COREPER meeting on 5 December.
5. The main outstanding issues can be summarized as follows:
 - a) Article 7– paragraph 1 – point 2 amending Regulation (EC) No 166/2006 (PRTR)

The Commission's proposal establishes that the reporting date shall be no later than 9 months after the end of the reporting year. The EP could not agree to the Council's previous mandate of 15 months but indicated that it could accept a longer delay than the one proposed by the Commission. After having listened carefully to the main concerns of the Member States, the Presidency proposes a compromise of 11 months after the end of the reporting year.
 - b) Article 3 amending Directive 2004/35/EC (Environmental liability)

The Commission's proposal establishes a reporting obligation that was not found in the original Directive. The Council's initial mandate sought to delete this Article as it was considered to be outside the scope of the alignment proposal. On the other hand, the EP proposed amendments which further developed the reporting obligations and insisted on a delegated act for establishing the reporting format. In view of these divergent views, the Presidency is proposing a compromise text aiming to bring the position of the two co-legislators closer together.

III. CONCLUSION

6. In light of the above, the Permanent Representatives Committee is invited to examine the Presidency compromise suggestions for the two main outstanding issues, with a view to agreeing on a revised mandate for the second trilogue. The Presidency believes that an agreement with the Parliament at first reading could be achieved at this second trilogue.
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Proposal for a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on the alignment of reporting obligations in the field of environment policy and thereby amending Directives 86/278/EEC, 2002/49/EC, 2004/35/EC, 2007/2/EC, 2009/147/EC and 2010/63/EU, Regulations (EC) No 166/2006 and (EU) No 995/2010, and Council Regulations (EC) No 338/97 and (EC) No 2173/2005

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
Amendment 1			
Title			
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the alignment of reporting obligations in the field of environment policy and thereby amending Directives 86/278/EEC, 2002/49/EC, 2004/35/EC, 2007/2/EC, 2009/147/EC and 2010/63/EU, Regulations (EC) No 166/2006 and (EU) No 995/2010, and Council Regulations (EC) No 338/97 and (EC) No 2173/2005 (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the alignment of reporting obligations in the field of <i>legislation related to the environment</i> and thereby amending Directives 86/278/EEC, 2002/49/EC, 2004/35/EC, 2007/2/EC, 2009/147/EC and 2010/63/EU, Regulations (EC) No 166/2006 and (EU) No 995/2010, and Council Regulations (EC) No 338/97 and (EC) No 2173/2005 (Text with EEA relevance)		Acceptable
Amendment 2			
Recital 1			
(1) In order to address the need for implementation and compliance	(1) In order to address the need for implementation and compliance		Acceptable

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
information, amendments of several pieces of environmental legislation should be introduced taking into account the results of the Commission Report on Actions to Streamline Environmental Report ⁴⁵ and its related Fitness Check ⁴⁶ .	information, amendments of several pieces of legislation <i>related to the environment</i> should be introduced, taking into account the results of the Commission Report on Actions to Streamline Environmental Report ⁴⁵ and its related Fitness Check ⁴⁶ .		
⁴⁵ COM(2017) 312 ⁴⁶ SWD(2017) 230	⁴⁵ COM(2017) 312. ⁴⁶ SWD(2017) 230.		
Amendment 3 Recital 1 a (new)			
	<i>(1a) This Regulation seeks to modernise information management and ensure a more consistent approach to the legislative acts within its scope by simplifying reporting so as to reduce the administrative burden, enhancing the database for future evaluations, and increasing transparency for the benefit of the public, each time in accordance with the circumstances.</i>		Acceptable
Amendment 4 Recital 2			
(2) It is necessary that accessibility to data should ensure that the administrative burden on all entities	(2) It is necessary that accessibility to data should ensure that the administrative burden on all entities		Acceptable

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
<p>remains as limited as possible. It requires active dissemination at national level in accordance with Directives 2003/4/EC⁴⁷ and 2007/2/EC⁴⁸ of the European Parliament and of the Council and their implementing rules, to ensure the appropriate infrastructure for public access, reporting and data-sharing between public authorities.</p> <p>⁴⁷ Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).</p> <p>⁴⁸ 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).</p>	<p>remains as limited as possible, <i>especially on non-governmental entities such as small and medium enterprises (SMEs)</i>. It requires active dissemination at national level in accordance with Directives 2003/4/EC⁴⁷ and 2007/2/EC⁴⁸ of the European Parliament and of the Council and their implementing rules, to ensure the appropriate infrastructure for public access, reporting and data-sharing between public authorities.</p> <p>⁴⁷ Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).</p> <p>⁴⁸ 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).</p>		

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Amendment 5 Recital 3			
(3) Data reported by Member States are essential for the Commission to monitor, review and assess the performance of the legislation against the objectives it pursues in order to inform any future evaluation of the legislation, in accordance with paragraph 22 of the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016 ⁴⁹ . It is appropriate to add provisions to several legislative acts in the environmental sector for the purpose of their future evaluation, on the basis of data collected during implementation, possibly complemented by additional scientific, analytical data. In that context, there is a need for relevant data that will allow better assessment of the efficiency, effectiveness, relevance, coherence and EU value added of Union legislation, hence the necessity to ensure appropriate reporting	(3) <i>The process of Member States' comprehensive and timely reporting of relevant data</i> is essential for the Commission to monitor, review and assess the performance of the legislation against the objectives it pursues in order to inform any future evaluation of the legislation, in accordance with paragraph 22 of the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016 ⁴⁹ . It is appropriate to add provisions to several legislative acts in the environmental sector for the purpose of their future evaluation, on the basis of data collected during implementation, possibly complemented by additional scientific, analytical data. In that context, there is a need for relevant data that will allow better assessment of the efficiency, effectiveness, relevance, coherence and EU value added of Union	(3) The data and the process of Member States' comprehensive and timely reporting is essential for the Commission to monitor, review and assess the performance of the legislation against the objectives it pursues in order to inform any future evaluation of the legislation, in accordance with paragraph 22 of the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016 ⁴⁹ . It is appropriate to add provisions to several legislative acts in the environmental sector for the purpose of their future evaluation, on the basis of data collected during implementation, possibly complemented by additional scientific, analytical data. In that context, there is a need for relevant data that will allow better assessment of the efficiency, effectiveness, relevance, coherence and EU value added of Union	Acceptable

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<p>mechanisms that can also serve as indicators for this purpose.</p> <p>⁴⁹ OJ L 123, 12.5.2016, p. 1.</p>	<p>legislation, hence the necessity to ensure appropriate reporting mechanisms that can also serve as indicators for this purpose <i>both for decision-makers and for the general public.</i></p> <p>⁴⁹ OJ L 123, 12.5.2016, p. 1.</p>	<p>legislation, hence the necessity to ensure appropriate reporting mechanisms that can also serve as indicators for this purpose.</p> <p>⁴⁹ OJ L 123, 12.5.2016, p. 1.</p>	
Amendment 6 Recital 5			
<p>(5) In accordance with the evaluation of Directive 2002/49/EC of the European Parliament and of the Council⁵⁰ there is a need to streamline the reporting deadlines for noise maps and action plans to allow sufficient time for public consultation of action plans. To that end, and for one time only, the deadline for the review or revision of the action plans is postponed by one year so that the deadline of the next round (the fourth round) of action plans is not 18 July 2023 but 18 July 2024. Thus, from the fourth round onwards, the Member States will have approximately two years between making the noise maps and completing the review or revision of action plans instead of</p>	<p>(5) In accordance with the evaluation of Directive 2002/49/EC of the European Parliament and of the Council⁵⁰ there is a need to streamline the reporting deadlines for noise maps and action plans to allow sufficient time for public consultation of action plans. To that end, and for one time only, the deadline for the review or revision of the action plans is postponed by one year so that the deadline of the next round (the fourth round) of action plans is not 18 July 2023 but 18 July 2024. Thus, from the fourth round onwards, the Member States will have approximately two years between making the noise maps and completing the review or revision of action plans instead of one year as</p>		<p>Acceptable</p>

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<p>one year as currently the case. For the following rounds of action planning, the five years cycle for the review or revision will then resume. Moreover, in order to better meet the objectives of the Directive 2002/49/EC and to provide a basis for developing measures at Union level, reporting by Member States should be carried out by electronic means. It is also necessary to enhance public participation by requiring certain information to be made publicly available while aligning this obligation to other Union legislation, such as Directive 2007/2/EC, without duplicating practical requirements.</p> <p>⁵⁰ Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise (OJ L 189, 18.7.2002).</p>	<p>currently the case. For the following rounds of action planning, the five years cycle for the review or revision will then resume. Moreover, in order to better meet the objectives of the Directive 2002/49/EC and to provide a basis for developing measures at Union level, reporting by Member States should be carried out by electronic means. It is also necessary to enhance public participation by requiring <i>comprehensible, accurate and comparable</i> information to be made publicly available while aligning this obligation to other Union legislation, such as Directive 2007/2/EC, without duplicating practical requirements.</p> <p>⁵⁰ Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise (OJ L 189, 18.7.2002).</p>		

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Amendment 7 Recital 7			
<p>(7) Based on the Commission report to the Council and the European Parliament concerning the implementation of Directive 2007/2/EC and the REFIT evaluation⁵², it is appropriate, with a view to simplifying the implementation of that Directive and reducing administrative burden related to monitoring by Member States, to no longer require Member States to send to the Commission triennial reports, and the Commission to present to the European Parliament and to the Council a summary report, because the reporting Fitness Check confirmed the limited use of such reports.⁵³</p> <p>⁵² COM(2016) 478 and SWD(2016) 273. ⁵³ COM(2017) 312</p>	<p>(7) Based on the Commission report to the Council and the European Parliament concerning the implementation of Directive 2007/2/EC and the REFIT evaluation⁵², it is appropriate, with a view to simplifying the implementation of that Directive and reducing administrative burden related to monitoring by Member States, to no longer require Member States to send to the Commission triennial reports, and the Commission to present to the European Parliament and to the Council a summary report, because the reporting Fitness Check confirmed the limited use of such reports.⁵³ <i>Nevertheless, the Commission should continue to carry out, at regular intervals, an evaluation of that Directive and make that evaluation publicly available.</i></p> <p>⁵² COM(2016) 478 and SWD(2016) 273. ⁵³ COM(2017) 312.</p>	<p>(7) Based on the Commission report to the Council and the European Parliament concerning the implementation of Directive 2007/2/EC and the REFIT evaluation⁵², it is appropriate, with a view to simplifying the implementation of that Directive and reducing administrative burden related to monitoring by Member States, to no longer require Member States to send to the Commission triennial reports, and the Commission to present to the European Parliament and to the Council a summary report, because the reporting Fitness Check confirmed the limited use of such reports.⁵³ Nevertheless, the Commission should continue to carry out, every six years, an evaluation of that Directive and make it publicly available.</p> <p>⁵² COM(2016) 478 and SWD(2016) 273. ⁵³ COM(2017) 312.</p>	

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Amendment 8 Recital 9			
<p>(9) It is necessary to amend the reporting obligations laid down in Articles 43, 54 and 57 of Directive 2010/63/EU of the European Parliament and of the Council⁵⁶. These provisions include, with the objective of improving transparency and reducing administrative burden, the establishment of a central, open-access searchable database for non-technical project summaries and related retrospective assessments, conferral of implementing powers on the Commission to establish a common format for the submission of non-technical project summaries and related retrospective assessments, information on implementation and replacing the three-yearly statistical reporting by the Commission by the requirement of setting up a dynamic central database hosted by the Commission and releasing information on a yearly basis.</p> <p>⁵⁶ Directive 2010/63/EU of the</p>	<p>(9) It is necessary to amend the reporting obligations laid down in Articles 43, 54, 57 and 58 of Directive 2010/63/EU of the European Parliament and of the Council⁵⁶. These provisions include, with the objective of improving transparency and reducing administrative burden, the establishment of a central, open-access searchable database for non-technical project summaries and related retrospective assessments, conferral of implementing powers on the Commission to establish a common format for the submission of non-technical project summaries and related retrospective assessments, information on implementation and replacing the three-yearly statistical reporting by the Commission by the requirement of setting up a dynamic central database hosted by the Commission and releasing information on a yearly basis. <i>In light of a Commission report in 2017^{56a}, the clause for a review of that</i></p>		To be clarified (as corresponding AM on the Article fell)

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European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes (OJ L 276, 20.10.2010, p. 33).	<p><i>Directive as laid down in Article 58 therein should be reconsidered with a view to a future revision.</i></p> <hr/> <p>⁵⁶ Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes (OJ L 276, 20.10.2010, p. 33).</p> <p>^{56a} <i>COM (2017) 631 final, Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions in accordance with Article 58 of Directive 2010/63/EU on the protection of animals used for scientific purposes, COM(2017)0631.</i></p>		
<p align="center">Amendment 9 Recital 14 a (new)</p>			
	<p><i>(14a) Directives 86/278/EEC, 2002/49/EC, 2004/35/EC, 2007/2/EC, 2009/147/EC and 2010/63/EU, Regulations (EC) No 166/2006 and (EU) No 995/2010, and Regulations (EC) No 338/97 and (EC) No 2173/2005 should</i></p>		<p>Acceptable</p>

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	<i>therefore be amended accordingly,</i>		
<p>HAVE ADOPTED THIS REGULATION:</p> <p style="text-align: center;"><i>Article 1</i></p> <p style="text-align: center;"><i>Amendments to 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</i></p>			
Directive 86/278/EEC is amended as follows:			
<p style="text-align: center;">Amendment 10</p> <p style="text-align: center;">Article 1 – paragraph 1 – point -1 (new)</p> <p style="text-align: center;">Directive 86/278/EEC</p> <p style="text-align: center;">Article 2 – paragraph 1 – point d a (new)</p>			
	<p><i>-1. In Article 2, the following point is added:</i></p> <p><i>“(da) 'spatial data services’: means the operations which may be performed, by invoking a computer application, on the spatial data contained in spatial data sets or on the related metadata as defined in Article 3(4) of Directive 2007/2/EC of the European Parliament and of the Council*;</i></p> <p><i>* Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the</i></p>		<p><i>-1. In Article 2, the following point is added:</i></p> <p><i>“(da) 'spatial data services’: means spatial data services as defined in Article 3(4) of Directive 2007/2/EC of the European Parliament and of the Council*;</i></p> <p><i>* 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).”.</i></p>

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	<i>European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).".</i>		
Amendment 11 Article 1 – paragraph 1 – point -1 a (new) Directive 86/278/EEC Article 2 – paragraph 1 – point d b (new)			
	<i>-1a. In Article 2, the following point is added: “(db) ‘spatial data set’: means an identifiable collection of spatial data as defined in Article 3(3) of Directive 2007/2/EC.”.</i>		-1 a. In Article 2, the following point is added: “(db) ‘spatial data set’: means a spatial data set as defined in Article 3(3) of Directive 2007/2/EC.”.
1. Article 10 is replaced by the following: "Article 10 1. Member States shall ensure that publicly available up-to-date records are kept, which register:		1. Article 10 is replaced by the following: "Article 10 1. Member States shall ensure that [...] up-to-date records are kept, which register:	See Presidency compromise text on Art. 10 (1) und (2) (see AM 15)
Amendment 12 Article 1 – paragraph 1 – point 1 Directive 86/278/EEC Article 10 – paragraph 1 – point d			
(d) the names and addresses of the recipients of the sludge and the place where the sludge is to be used;	<i>deleted</i>		See Presidency compromise text on Art. 10 (1) above und (2) (see AM 15)

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Amendment 13 Article 1 – paragraph 1 – point 1 Directive 86/278/EEC Article 10 – paragraph 1 – point e			
(e) any other information with regard to the transposition and implementation of this Directive provided by the Member States to the Commission pursuant to Article 17.	<i>deleted</i>		See Presidency compromise text on Art. 10 (1) above und (2) (see AM 15)
Amendment 14 Article 1 – paragraph 1 – point 1 Directive 86/278/EEC Article 10 – paragraph 1 – subparagraph 2			
Spatial data services as defined in Article 3(4) of Directive 2007/2/EC of the European Parliament and of the Council* shall be used to present the spatial data sets included in the information registered in those records. * 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).	Spatial data services shall be used to present the spatial data sets included in the information registered in those records.		Acceptable

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
Amendment 15 Article 1 – paragraph 1 – point 1 Directive 86/278/EEC Article 10 – paragraph 2 – subparagraph 1			
2. The records referred to in paragraph 1 shall be made available to the public for each calendar year, within three months of the end of the relevant calendar year, in a consolidated format as laid down in the Annex to Commission Decision 94/741/EC** or another format provided pursuant to Article 17.	2. The records referred to in paragraph 1 shall be made available and easily accessible to the public for each calendar year, within three months of the end of the relevant calendar year, in a consolidated format as laid down in the Annex to Commission Decision 94/741/EC** or another format provided pursuant to Article 17.	2. The records referred to in paragraph 1 shall be made available to the public for each calendar year, within nine months of the end of the relevant calendar year, in a consolidated format as laid down in the Annex to Commission Decision 94/741/EC** or another consolidated format provided pursuant to Article 17.	
Member States shall submit to the Commission the electronic location of the information made publicly available under paragraph 1.		Member States shall submit to the Commission, by electronic means , the information [...] referred to [...] in paragraph 2.	
Amendment 16 Article 1 – paragraph 1 – point 1 Directive 86/278/EEC Article 10 – paragraph 3			
3. Information on the methods of treatment and the results of the analyses shall be released upon request to the competent authorities.	3. Information on the methods of treatment and the results of the analyses shall be released to the competent authorities.		Acceptable

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
<p align="center">Amendment 50 Article 1 – paragraph 1 – point 2 Directive 86/278/EEC Article 17</p>			
<p>The Commission is empowered to lay down, by means of an implementing act, a format in accordance with which Member States are to provide information on the implementation of Directive 86/278/EEC as required by Article 10 of this Directive. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 15(2). The Commission services shall publish a Union-wide overview including maps on the basis of the data made available by the Member States pursuant to Articles 10 and 17.</p>	<p>The Commission is empowered to lay down, by means of an implementing act, a format in accordance with which Member States are to provide information on the implementation of Directive 86/278/EEC as required by Article 10 of this Directive. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 15(2). The Commission services shall publish a Union-wide overview including maps on the basis of the data made available by the Member States pursuant to Articles 10 and 17. <i>In light of that data, the Commission shall also, if necessary, submit appropriate proposals for increased protection of the soil and the environment.</i></p>		Not acceptable

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
<p align="center"><i>Article 2</i> <i>Amendments to Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise</i></p>			
<p>Directive 2002/49/EC is amended as follows: 1. In Article 3 the following point is added: ‘(x) ‘data repository’ means an information system, managed by the European Environment Agency, containing environmental noise information and data made available through national data reporting and exchange nodes under the control of the Member States.’.</p>		<p>Directive 2002/49/EC is amended as follows: 1. In Article 3 the following point is added: ‘(w) ‘data repository’ means an information system, managed by the European Environment Agency, containing environmental noise information and data made available through national data reporting and exchange nodes under the control of the Member States.’.</p>	
<p align="center">Amendment 17 Article 2 – paragraph 1 – point 4 Directive 2002/49/EC Article 10 – paragraph 2</p>			
<p>4. Article 10(2) is replaced by the following:</p>			
<p>‘2. The Member States shall ensure that the information from strategic noise maps and summaries of the action plans as referred to in Annex VI are sent to the Commission</p>	<p>‘2. The Member States shall ensure that the information from strategic noise maps and summaries of the action plans as referred to in Annex VI are sent to the Commission</p>	<p>‘2. The Member States shall ensure that the information from strategic noise maps and summaries of the action plans as referred to in Annex VI are sent to the Commission</p>	<p>‘2. The Member States shall ensure that the information from strategic noise maps and summaries of the action plans as referred to in Annex VI are sent to the Commission</p>

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
within six months of the dates laid down in Articles 7 and 8 respectively. For that purpose, Member States shall only report the information electronically to the data repository to be established in accordance with the regulatory procedure with scrutiny referred to in Article 13(3). In case a Member State wants to update information, it shall describe the differences between the updated and original information and the reasons for the update when making the updated information available to the data repository."	within six months of the dates laid down in Articles 7 and 8 respectively. For that purpose, Member States shall only report the information electronically to a <i>mandatory</i> data repository. In case a Member State wants to update information, it shall describe the differences between the updated and original information and the reasons for the update when making the updated information available to the data repository.	within six months of the dates laid down in Articles 7 and 8 respectively. For that purpose, Member States shall only report the information electronically to the data repository to be established in accordance with the examination procedure referred to in Article 13(2). In case a Member State wants to update information, it shall describe the differences between the updated and original information and the reasons for the update when making the updated information available to the data repository."	within six months of the dates laid down in Articles 7 and 8 respectively. For that purpose, Member States shall only report the information electronically to a <u>mandatory</u> data repository to be established <u>by the Commission by means of implementing acts.</u> <u>Those implementing acts shall be adopted</u> in accordance with the examination procedure referred to in Article 13(2). In case a Member State wants to update information, it shall describe the differences between the updated and original information and the reasons for the update when making the updated information available to the data repository."
<p align="center">Amendment 18 Article 2 – paragraph 1 – point 4 a (new) Directive 2002/49/EC Article 10 – paragraph 2 a (new)</p>			
	<i>4a. In Article 10, after paragraph 2, the following paragraph is inserted:</i> <i>“2a. The Commission shall adopt delegated acts in accordance with</i>		Not acceptable

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	<i>Article 12a to supplement this Directive concerning the setting up of the mandatory data repository referred to in paragraph 2, and the detailed rules of the digital information exchange mechanism to share the information from the strategic noise maps and summaries of action plans."</i>		
<p style="text-align: center;">Amendment 19 Article 2 – paragraph 1 – point 4 b (new) Directive 2002/49/EC Article 12 a (new)</p>			
	<p><i>4b. The following Article is added:</i> <i>"Article 12a</i> <i>Exercise of the delegation</i> <i>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</i> <i>2. The power to adopt delegated acts referred to in Article 10(2a) shall be conferred on the Commission for a period five years from... [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of</i></p>		Not acceptable

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	<p><i>the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i></p> <p><i>3. The delegation of power referred to in Article 10(2a) 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.</i></p> <p><i>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 of 13</i></p>		

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
	<p><i>April 2016 on Better Law-Making*.</i></p> <p><i>5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</i></p> <p><i>6. A delegated act adopted pursuant to Article 10(2a) 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 to 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.</i></p> <p><i>* OJ L 123, 12.5.2016, p. 1.”</i></p>		

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
<p align="center">Amendment 20 Article 2 – paragraph 1 – point 5 Directive 2002/49/EC Annex VI – point 3</p>			
<p>5. Annex VI point 3 is replaced by the following: ‘3. Information exchange mechanism "The Commission, assisted by the European Environment Agency, shall develop a mandatory digital information exchange mechanism to share the information from the strategic noise maps and summaries of action plans, as referred to in Article 10 (2) in accordance with the regulatory procedure with scrutiny referred to in Article 13(3).".</p>	<p>5. Annex VI point 3 is <i>deleted</i>.</p>	<p>5. Annex VI point 3 is replaced by the following: ‘3. Information exchange mechanism "The Commission, assisted by the European Environment Agency, shall develop a mandatory digital information exchange mechanism to share the information from the strategic noise maps and summaries of action plans, as referred to in Article 10 (2) in accordance with the examination procedure referred to in Article 13 (2).".</p>	<p>5. Annex VI point 3 is replaced by the following: ‘3. Information exchange mechanism "The Commission, assisted by the European Environment Agency, shall, <u>by means of implementing acts</u>, develop a mandatory digital information exchange mechanism to share the information from the strategic noise maps and summaries of action plans, as referred to in Article 10 (2). <u>Those implementing acts shall be adopted</u> in accordance with the examination procedure referred to in Article 13(2).".</p>
<p align="center"><i>Article 3</i> <i>Amendments to Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage</i></p>			
<p>Directive 2004/35/EC is amended as follows:</p>		<p>[Article 3 deleted.]</p>	<p>A Presidency compromise proposal will be sent separately.</p>

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
<p align="center">Amendment 21 Article 3 – paragraph 1 – point -1 (new) Directive 2004/35/EC Article 2 – paragraph 1 – point 16 a (new)</p>			
	<p><i>-1. In Article 2, the following point is added:</i> <i>“16a. ‘spatial data services’ means the operations which may be performed, by invoking a computer application, on the spatial data contained in spatial data sets or on the related metadata as defined in Directive 2007/2/EC of the European Parliament and of the Council*;</i></p> <hr/> <p><i>* 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).”.</i></p>	To be clarified by EP	
<p align="center">Amendment 22 Article 3 – paragraph 1 – point 2 Directive 2004/35/EC Article 18 – paragraph 1</p>			
Member States shall ensure that adequate and up-to-date information, at least on imminent	Member States shall ensure that adequate and up-to-date information, at least on imminent	Not acceptable	

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
<p>threats of damage is available to the public in an open data format online, in accordance with Annex VI of this Directive and with Article 7(4) of Directive 2003/4/EC of the European Parliament and of the Council*. For each incident, the information listed in Annex VI of this Directive shall be provided as a minimum.</p> <p>* Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information (OJ L 41, 14.2.2003, p. 26).</p>	<p>threats of damage is available to the public <i>and to the Commission</i> in an open data format online, in accordance with Annex VI of this Directive and with Article 7(4) of Directive 2003/4/EC of the European Parliament and of the Council*. For each incident, the information listed in Annex VI of this Directive shall be provided as a minimum.</p>		
<p align="center">Amendment 23 Article 3 – paragraph 1 – point 2 Directive 2004/35/EC Article 18 – paragraph 1 a (new)</p>			
	<p><i>1a. The Commission shall adopt a delegated act in accordance with Article 18a to amend Annex VI to this Directive concerning the detailed criteria according to which the scale and type of the environmental damage shall be classified.</i></p>	<p>Not acceptable</p>	

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
<p align="center">Amendment 24 Article 3 – paragraph 1 – point 2 Directive 2004/35/EC Article 18 – paragraph 2</p>			
<p>2. Spatial data services as defined in Article 3(4) of Directive 2007/2/EC of the European Parliament and of the Council** shall be used to present the spatial data sets, such as the spatial location of incidents, included in the information referred to in paragraph 1 of this Article.</p> <p>** 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).’;</p>	<p>2. Spatial data services shall be used to present the spatial data sets, such as the spatial location of incidents, included in the information referred to in paragraph 1 of this Article.</p>	To be clarified by EP	
<p align="center">Amendment 25 Article 3 – paragraph 1 – point 2 Directive 2004/35/EC Article 18 – paragraph 3</p>			
<p>3. The Commission services shall publish a Union-wide overview including maps on the basis of the data made available by the Member</p>	<p>3. The Commission services shall publish a Union-wide overview including maps on the basis of the data made available by the Member</p>		

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
States pursuant to paragraph 1.	States pursuant to paragraph 1 <i>and update it regularly.</i>		
Amendment 26 Article 3 – paragraph 1 – point 2 Directive 2004/35/EC Article 18 – paragraph 4 – introductory part			
4. The Commission shall, at regular intervals, carry out an evaluation of this Directive. The evaluation shall be based, inter alia, on the following elements:	4. The Commission shall, <i>no later than 1 January 2022 and at least every five years thereafter</i> , carry out an evaluation of this Directive <i>and of its implementation</i> . The evaluation shall be <i>made publicly available and be</i> based, inter alia, on the following elements:		
Amendment 27 Article 3 – paragraph 1 – point 2 Directive 2004/35/EC Article 18 – paragraph 4 – point b a (new)			
	<i>(ba) an analysis of the developments and relevant changes in the Member States.</i>		
Amendment 28 Article 3 – paragraph 1 – point 2 Directive 2004/35/EC Article 18 – paragraph 4 a (new)			
	<i>4a. The Commission shall within due course inform the European Parliament and the Council on the results of the evaluation referred</i>	Not acceptable	

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
	<i>to in paragraph 4 and, if necessary, present appropriate legislative proposals.</i>		
Amendment 29 Article 3 – paragraph 1 – point 2 Directive 2004/35/EC Article 18 – paragraph 4 b (new)			
	<i>4b. The evaluation referred to in paragraph 4 shall also consider the extension of the definition of 'environmental damage' as defined in Article 2(1), and of the scope of this Directive to include damages to human health, in order to also include damages to the air which can have significant health risks.</i>	Not acceptable	
Amendment 30 Article 3 – paragraph 1 – point 2 a (new) Directive 2004/35/EC Article 18 a (new)			
	<i>2a. The following Article is inserted: "Article 18a 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.</i>	Not acceptable	

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
	<p><i>2. The power to adopt delegated acts referred to in Article 18(1a) shall be conferred on the Commission for an indeterminate period from ... [date of entry into force of this Regulation].</i></p> <p><i>3. The delegation of power referred to in Article 18(1a) 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.</i></p> <p><i>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 of 13 April 2016 on Better Law-Making*.</i></p> <p><i>5. As soon as it adopts a delegated act, the Commission shall notify it</i></p>		

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
	<p><i>simultaneously to the European Parliament and to the Council.</i></p> <p><i>6. A delegated act adopted pursuant to Article 18(1a) 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 to 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."</i></p> <p><i>* OJ L 123, 12.5.2016, p. 1."</i></p>		
<p align="center">Amendment 31 Article 3 – paragraph 1 – point 3 Directive 2004/35/EC Annex VI – paragraph 1 – introductory part</p>			
The information referred to in Article 18(1) shall refer to emissions, events or incidents causing environmental damage or imminent threat of damage, with	The information referred to in Article 18(1) shall <i>include a list of</i> emissions, events or incidents causing environmental damage or imminent threat of damage, with	To be clarified by EP	

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
the following information and data for each instance:	the following information and data for each instance:		
<p style="text-align: center;">Amendment 32 Article 3 – paragraph 1 – point 3 Directive 2004/35/EC Annex VI – point 7 – point c a (new)</p>			
	<i>(ca) relevant judicial proceedings;</i>		
<p style="text-align: center;"><i>Article 4</i> <i>Amendments to 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)</i></p>			
Directive 2007/2/EC is amended as follows: 1. Article 21 is amended as follows: (a) in paragraph 2, the introductory sentence is replaced by the following:			
"2. No later than 31 March every year Member States shall update and publish their summary report. This report, which shall be made public by the Commission services assisted by the European Environment Agency, shall include summary descriptions of:"; (b) paragraph 3 is deleted;		"2. No later than 31 March every year Member States shall if necessary update and publish their summary report. This report, which shall be made public by the Commission services assisted by the European Environment Agency, shall include summary descriptions of:"; (b) paragraph 3 is deleted;	"2. No later than 31 March every year Member States shall update, if necessary , and publish their summary report. This report, which shall be made public by the Commission services assisted by the European Environment Agency, shall include summary descriptions of:"; (b) paragraph 3 is deleted;

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
Amendment 33 Article 4 – paragraph 1 – point 1 – point a a(new) Directive 2007/2/EC Article 21 – paragraph 2 – point c a (new)			
	<i>(aa) in paragraph 2, the following point is inserted: “(ca) an analysis of the development of the infrastructure for INSPIRE in the Member States;”;</i>		Not acceptable
Amendment 34 Article 4 – paragraph 1 – point 2 Directive 2007/2/EC Article 23 – paragraph 2 – introductory part			
The Commission shall, at regular intervals, carry out an evaluation of this Directive. The evaluation shall be based, inter alia, on the following elements:	The Commission shall, <i>no later than 1 January 2022 and at least every five years thereafter</i> , carry out an evaluation of this Directive <i>and of its implementation, and make it publicly available</i> . The evaluation shall be based, inter alia, on the following elements:	The Commission shall, no later than 1 January 2023 and at least every six years thereafter , carry out an evaluation of this Directive, and of its implementation . The evaluation shall be based, inter alia, on the following elements:	The Commission shall, no later than 1 January 2022 and at least every <u>five</u> years thereafter , carry out an evaluation of this Directive, and of its implementation, <u>and make it publicly available</u> . The evaluation shall be based, inter alia, on the following elements:
Amendment 35 Article 4 – paragraph 1 – point 2 Directive 2007/2/EC Article 23 – paragraph 2 a (new)			
	<i>2a. The Commission shall within due course inform the European Parliament and the Council on the</i>		Not acceptable

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
	<i>results of the evaluation referred to in the second paragraph and, if necessary, present appropriate legislative proposals.</i>		
<p style="text-align: center;"><i>Article 5</i> <i>Amendments to Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds</i></p>			
<p style="text-align: center;">Amendment 36 Article 5 – paragraph 1 – point 1 Directive 2009/147/EC Article 12 – paragraph 1</p>			
"1. Member States shall forward to the Commission every six years, at the same time as the report drawn up pursuant to Article 17 of Council Directive 92/43/EEC*, a report on the implementation of the measures taken under this Directive and the main impacts of these measures. This report shall include in particular information concerning the status and trends of wild bird species protected by this Directive, the threats and pressures on them, the conservation measures taken for them and the contribution of the network of Special Protection Areas to the objectives laid out in Article 2 of this Directive.";	"1. Member States shall forward to Commission every six years, at the same time as the report drawn up pursuant to Article 17 of Council Directive 92/43/EEC*, a report on the implementation of the measures taken under this Directive and the main impacts of these measures. <i>That report shall be made accessible to the public and</i> shall include in particular information concerning the status and trends of wild bird species protected by this Directive, the threats and pressures on them, the conservation measures taken for them and the contribution of the network of Special Protection Areas to the objectives laid out in Article 2 of this	"1. Member States shall forward to the Commission every six years, in the same year as the report drawn up pursuant to Article 17 of Council Directive 92/43/EEC*, a report on the implementation of the measures taken under this Directive and the main impacts of these measures. This report shall include in particular information concerning the status and trends of wild bird species protected by this Directive, the threats and pressures on them, the conservation measures taken for them and the contribution of the network of Special Protection Areas to the objectives laid out in Article 2 of this Directive.	Presidency proposes to accept

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
<p>*Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7.)";</p>	<p>Directive.</p> <p>*Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7.)";</p>	<p><u>The format of this report shall be established in accordance with the procedure set out in Article 21 of Directive 92/43/EEC. For this purpose, the Commission shall be assisted by the committee referred to in Article 16(1) of this Directive.</u>";</p> <p>*Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7.)";</p>	<p><u>The Commission shall, by means of implementing acts, establish the format of the report referred to in the first subparagraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16a.</u>";</p> <p>*Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7.)";</p> <p><u>The following Article is inserted:</u> <u>"Article 16a</u> <u>Committee procedure</u> <u>1. The Commission shall be assisted by the Committee for Adaptation to Technical and Scientific Progress established by ... [reference to the legal act which created the committee].</u> <u>That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</u></p>

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
			<p><u>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</u></p> <p><u>Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.”</u></p>
<p align="center">Amendment 37 Article 5 – paragraph 1 – point 2 Directive 2009/147/EC Article 12 – paragraph 2 – sentence 1</p>			
2. in paragraph 2, the first sentence is replaced by the following:			
"2. The Commission, assisted by the European Environment Agency, shall prepare every six years a composite report based on the information referred to in paragraph 1.”.	2. The Commission, assisted by the European Environment Agency, shall prepare <i>and publish</i> , every six years, a composite report based on the information referred to in paragraph 1.		Acceptable

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
<p align="center"><i>Article 6</i> <i>Amendments to Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes</i></p>			
<p>Directive 2010/63/EU is amended as follows:</p> <p>1. Article 43 is amended as follows:</p> <p>(a) paragraphs 2 and 3 are replaced by the following:</p>			
<p>‘2. From 1 January 2021, Member States shall require the non-technical project summary to specify whether a project is to undergo a retrospective assessment and by what deadline. Member States shall ensure that the non-technical project summary is updated within 6 months of the completion of the retrospective assessment with the results thereof.’</p>		<p>‘2. [...], Member States may require the non-technical project summary to specify whether a project is to undergo a retrospective assessment and by what deadline. In such case, from 1 January 2021, Member States shall ensure that the non-technical project summary is updated within 6 months of the completion of the retrospective assessment with the results thereof.</p>	
<p>3. Member States shall, until 31 December 2020, publish the non-technical project summaries of authorised projects and any updates thereto. From 1 January 2021, Member States shall submit and</p>		<p>3. Member States shall, until 31 December 2020, publish the non-technical project summaries of authorised projects and any updates thereto. From 1 January 2021, Member States shall submit [...]</p>	

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
publish the non-technical project summaries, at the latest within 6 months of authorisation, and any updates thereto, by electronic transfer to the Commission.		for publication the non-technical project summaries, at the latest within 6 months of authorisation, and any updates thereto, by electronic transfer to the Commission. '	
2. Article 54 is amended as follows: (a) the title of the Article and paragraphs 1 and 2 are replaced by the following: 'Information on implementation and provision of statistical data			
1. Member States shall by 30 September 2023, and every 5 years thereafter, send the information on the implementation of this Directive and in particular Articles 10(1), 26, 28, 34, 38, 39, 43 and 46 thereof.		1. Member States shall by 10 November 2023, and every 5 years thereafter, send the information on the implementation of this Directive and in particular Articles 10(1), 26, 28, 34, 38, 39, 43 and 46 thereof.	

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
Amendment 38 Article 6 – paragraph 1 – point 2 – point a Directive 2010/63/EU Article 54 – paragraph 1 – subparagraph 3			
The Commission services shall publish a Union overview on the basis of the data submitted by the Member States.	<i>No later than 6 months after the submission by the Member States of the data referred to in the second subparagraph, the Commission services shall publish and regularly update a Union overview on the basis of that data.</i>		To be clarified by EP
Member States shall submit that statistical information to the Commission, at the latest by 30 September of the following year, by electronic transfer, in a non-summarised format established by the Commission in accordance with paragraph 4.		Member States shall submit that statistical information to the Commission, at the latest by 10 November of the following year, by electronic transfer, in a non-summarised format established by the Commission in accordance with paragraph 4.	
Amendment 39 Article 6 – paragraph 1 – point 2 – point b Directive 2010/63/EU Article 54 – paragraph 4			
(b) paragraph 4 is replaced by the following:			
"4. The Commission shall establish a common format and information content for submitting the	4. The Commission shall establish a common format and information content for submitting the		"4. The Commission shall, by means of implementing acts , establish a common format and

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
information referred to in paragraphs 1, 2 and 3 in accordance with the regulatory procedure referred to in Article 56(3).";	information referred to in paragraphs 1, 2 and 3 in accordance with the examination procedure referred to in Article 56(3).		information content for submitting the information referred to in paragraphs 1, 2 and 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 56(3).
Amendment 40 Article 6 – paragraph 1 – point 2 a (new) Directive 2010/63/EU Article 56 – paragraph 3			
	2a. In Article 56, paragraph 3 is replaced by the following: "3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.";		Deletion (see AM 39)
<i>Article 7</i> <i>Amendments to Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC</i>			
Regulation (EC) No 166/2006 is amended as follows: 1. in Article 5(1), the second subparagraph is replaced by the following:			
‘The operator of each facility that undertakes one or more of the activities specified in Annex I, above the applicable capacity thresholds specified therein, shall		‘The operator of each facility that undertakes one or more of the activities specified in Annex I, above the applicable capacity thresholds specified therein, shall	‘The operator of each facility that undertakes one or more of the activities specified in Annex I, above the applicable capacity thresholds specified therein, shall

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
communicate by electronic means to its competent authority the information identifying the facility in accordance with the format referred to in Article 7(2) unless that information is already available to the competent authority.’;		communicate by preferably electronic means to its competent authority the information identifying the facility in accordance with the format referred to in Article 7(2) unless that information is already available to the competent authority.’;	communicate by [...] electronic means to its competent authority the information identifying the facility in accordance with the format referred to in Article 7(2) unless that information is already available to the competent authority.’;
<p align="center">Amendment 43 Article 7 – paragraph 1 – point 2 Regulation (EC) No 166/2006 Article 7 – paragraph 2</p>			
2. Member States shall provide, each year, to the Commission by electronic transfer a report containing all the data referred to in Article 5(1) and (2) in a format and by a date to be established by the Commission by means of implementing acts in accordance with the procedure referred to in Article 19(2). The reporting date shall be, in any case, no later than 9 months after the end of the reporting year.	2. No later than 31 March every year, Member States shall provide to the Commission by electronic transfer a report containing all the data referred to in Article 5(1) and (2) in a format to be established by the Commission by means of implementing acts in accordance with the procedure referred to in Article 19(2). The reporting date shall be, in any case, no later than 9 months after the end of the reporting year.	2. Member States shall provide, each year, to the Commission by electronic transfer a report containing all the data referred to in Article 5(1) and (2) in a format and by a date to be established by the Commission by means of implementing acts in accordance with the procedure referred to in Article 19(2). The reporting date shall be, in any case, no later than [...] 15 months after the end of the reporting year.	2. Member States shall provide, each year, to the Commission by electronic transfer a report containing all the data referred to in Article 5(1) and (2) in a format and by a date to be established by the Commission by means of implementing acts in accordance with the procedure referred to in Article 19(2). The reporting date shall be, in any case, no later than <u>11</u> months after the end of the reporting year, <u>except for the reporting years 2018 and 2019 for which the reporting date shall be no later than 15 months after the end of the reporting year.</u>

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
3. The Commission services, assisted by the European Environment Agency, shall incorporate the information reported by the Member States into the European PRTR within 2 months from completion of reporting by the Member States in accordance with paragraph 2.";		3. The Commission services, assisted by the European Environment Agency, shall incorporate the information reported by the Member States into the European PRTR within [...] 1 month from completion of reporting by the Member States in accordance with paragraph 2.";	
3. Article 11 is replaced by the following: Article 11 Confidentiality			
Whenever information is considered confidential by a Member State in accordance with Article 4 of Directive 2003/4/EC of the European Parliament and of the Council*, the report referred to in Article 7(2) of this Regulation for the reporting year concerned shall indicate separately for each facility which information cannot be made public and why. That reason shall be made public. *		Whenever information is considered confidential by a Member State in accordance with Article 4 of Directive 2003/4/EC of the European Parliament and of the Council*, the report referred to in Article 7(2) of this Regulation for the reporting year concerned shall indicate separately for each facility which information cannot be made public and why. [...]	

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
<p align="center"><i>Article 8</i> <i>Amendments to Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market</i></p>			
<p align="center">Amendment 44 Article 8 – paragraph 1 Regulation (EU) No 995/2010 Article 20 – paragraph 1</p>			
In Article 20, the title and paragraphs (1), (2) and (3) are replaced by the following: "Article 20 <i>Monitoring of implementation and access to information</i>			
1. Member States shall make available to the public and the Commission, by 30 April of each year information on the application of this Regulation during the previous calendar year. The Commission may establish, by means of implementing acts, the format and procedure for Member States to make available such information. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 18(2).	1. Member States shall make available to the public and the Commission, at the latest by 30 April of each year information on the application of this Regulation during the previous calendar year. The Commission may establish, by means of implementing acts, the format and procedure for Member States to make available such information. Those implementing acts shall be adopted in accordance with the examination procedure referred	1. Member States shall make available to the public and the Commission, at the latest by 30 April of each year information on the application of this Regulation during the previous calendar year. The Commission shall establish, by means of implementing acts, the format and procedure for Member States to make available such information. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 18(2).	

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
	to in Article 18(2).		
Amendment 45 Article 8 – paragraph 1 Regulation 995/2010/EU Article 20 – paragraph 3			
3. By 3 December 2015 and every six years thereafter, the Commission shall, on the basis of information on and experience with the application of this Regulation, review the functioning and effectiveness of this Regulation, including in preventing illegally harvested timber or timber products derived from such timber being placed on the market. It shall in particular consider the administrative consequences for small and medium-sized enterprises and product coverage. The Commission shall report to the European Parliament and to the Council on the results of the review and accompany such reports, if necessary, by appropriate legislative proposals."	3. By 3 December 2021 and every five years thereafter, the Commission shall, on the basis of information on and experience with the application of this Regulation, review the functioning and effectiveness of this Regulation, including in preventing illegally harvested timber or timber products derived from such timber being placed on the market. It shall in particular consider the administrative consequences for small and medium-sized enterprises and product coverage. The Commission shall report to the European Parliament and to the Council on the results of the review and accompany such reports, if necessary, by appropriate legislative proposals.	3. By 3 December 2015 and every six years thereafter, the Commission shall, on the basis of information, in particular referred to in paragraph 1 , and experience with the application of this Regulation, review the functioning and effectiveness of this Regulation, including in preventing illegally harvested timber or timber products derived from such timber being placed on the market. It shall in particular consider the administrative consequences for small and medium-sized enterprises and product coverage. The Commission shall report to the European Parliament and to the Council on the results of the review and accompany such reports, if necessary, by appropriate legislative proposals."	3. By 3 December 2015 and every five years thereafter, the Commission shall, on the basis of information, in particular referred to in paragraph 1 , and experience with the application of this Regulation, review the functioning and effectiveness of this Regulation, including in preventing illegally harvested timber or timber products derived from such timber being placed on the market. It shall in particular consider the administrative consequences for small and medium-sized enterprises and product coverage. The Commission shall report to the European Parliament and to the Council on the results of the review and accompany such reports, if necessary, by appropriate legislative proposals."

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
<p align="center"><i>Article 9</i> <i>Amendments to Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community</i></p>			
<p align="center">Amendment 46 Article 9 – paragraph 1 – point 1 Regulation (EC) No 2173/2005 Article 8 – paragraph 1</p>			
1. Member States shall make available to the public and the Commission, by 30 April of each year, information on the application of this Regulation during the previous calendar year.	1. Member States shall make available to the public and the Commission, at the latest by 30 April of each year, information on the application of this Regulation during the previous calendar year.	1. Member States shall make available to the public and the Commission, at the latest by 30 April of each year, information on the application of this Regulation during the previous calendar year:	
2. The Commission may establish, by means of implementing acts, the format and the procedure for Member States to make available the information referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(3). 3. Based on the information referred to in paragraph 1, the Commission services shall make publicly available, on an annual basis, a Union-wide overview on		2. The Commission shall establish, by means of implementing acts, the format and the procedure for Member States to make available the information referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(3).	

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
the basis of the data submitted by the Member States.			
<p align="center">Amendment 47 Article 9 – paragraph 1 – point 2 Regulation (EC) No 2173/2005 Article 9 – paragraph 1</p>			
By December 2021 and every 6 years thereafter, the Commission shall, on the basis of information on and experience with the application of this Regulation, review the functioning and effectiveness of this Regulation. In doing so it should take into account the progress on implementation of the voluntary Partnership Agreements. The Commission shall report to the European Parliament and to the Council on the result of the review and accompany such reports where appropriate, by proposals for improvement of the FLEGT licensing scheme."	By December 2021 and every 5 years thereafter, the Commission shall, on the basis of information on and experience with the application of this Regulation, review the functioning and effectiveness of this Regulation. In doing so it shall take the progress on implementation of the voluntary Partnership Agreements into account . The Commission shall report to the European Parliament and to the Council on the result of the review every 5 years and accompany such reports where appropriate, by proposals for improvement of the FLEGT licensing scheme.	By December 2021 and every 6 years thereafter, the Commission shall, on the basis of information, in particular referred to in Art. 8(1) , and experience with the application of this Regulation, review the functioning and effectiveness of this Regulation. In doing so it shall take into account the progress on implementation of the voluntary Partnership Agreements. The Commission shall report to the European Parliament and to the Council on the result of the review and accompany such reports where appropriate, by proposals for improvement of the FLEGT licensing scheme."	By December 2021 and every 5 years thereafter, the Commission shall, on the basis of information, in particular referred to in Art. 8(1) , and experience with the application of this Regulation, review the functioning and effectiveness of this Regulation. In doing so it shall take into account the progress on implementation of the voluntary Partnership Agreements. The Commission shall report to the European Parliament and to the Council on the result of the review every 5 years and accompany such reports where appropriate, by proposals for improvement of the FLEGT licensing scheme."

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
<p align="center"><i>Article 10</i> <i>Amendments to Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein</i></p>			
"(b) On the basis of the data submitted by the Member States referred to in point (a), the Commission services shall make publicly available, before 31 October each year a Union-wide overview on the introduction into, and the export and re- export from, the Union of specimens of the species to which this Regulation applies and shall forward to the Convention Secretariat information on the species to which the Convention applies.		"(b) On the basis of the information submitted by the Member States referred to in point (a), the Commission services shall make publicly available, before 31 October each year a Union-wide overview on the introduction into, and the export and re- export from, the Union of specimens of the species to which this Regulation applies and shall forward to the Convention Secretariat information on the species to which the Convention applies.	
<p align="center">Amendment 48 Article 10 – paragraph 1 – point 1 Regulation (EC) No 338/97 Article 15 – paragraph 4 – point c</p>			
(c) Without prejudice to Article 20, the management authorities of the Member States shall, one year before each meeting of the Conference of the Parties to the Convention, communicate to the Commission all the information	(c) Without prejudice to Article 20, the management authorities of the Member States shall, one year before each meeting of the Conference of the Parties to the Convention, communicate to the Commission all the		(c) Without prejudice to Article 20, the management authorities of the Member States shall, one year before each meeting of the Conference of the Parties to the Convention, communicate to the Commission all the information

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
relating to the relevant preceding period required for drawing up the reports referred to in Article VIII.7 (b) of the Convention and equivalent information on the provisions of this Regulation that fall outside the scope of the Convention. The information to be communicated and the format for its presentation shall be specified by the Commission in accordance with the regulatory procedure referred to in Article 18(2).	information relating to the relevant preceding period required for drawing up the reports referred to in Article VIII.7 (b) of the Convention and equivalent information on the provisions of this Regulation that fall outside the scope of the Convention. The format for its presentation shall be specified by the Commission in accordance with the examination procedure referred to in Article 18(2).		relating to the relevant preceding period required for drawing up the reports referred to in Article VIII.7 (b) of the Convention and equivalent information on the provisions of this Regulation that fall outside the scope of the Convention. The format for its presentation shall be specified by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 18(2).
(d) On the basis of the of the data submitted by the Member States referred to in point (c), the Commission shall make publicly available a Union-wide overview on the implementation and enforcement of this Regulation.";		(d) On the basis of the information submitted by the Member States referred to in point (c), the Commission shall make publicly available a Union-wide overview on the implementation and enforcement of this Regulation.";	
2. the following new point (e) is added: "(e) The management authorities of the Member States shall communicate to the Commission before 15 April each year all the information relating to the		2. the following new point (e) is added: "(e) The management authorities of the Member States shall communicate to the Commission before 15 June each year all the information relating to the	

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
preceding year for drawing up the annual illegal trade report referred to in CITES Resolution Conf. 11.17 (rev. CoP17).".		preceding year for drawing up the annual illegal trade report referred to in CITES Resolution Conf. 11.17 (rev. CoP17).".	
<p align="center">Amendment 49 Article 10 – paragraph 1 a (new) Regulation (EC) No 338/97 Article 18 – paragraph 2</p>			
<p><i>Present text</i></p> <p>2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.</p> <p>The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months. As regards the Committee's tasks referred to in points 1 and 2 of Article 19, if, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.</p>	<p><i>In Article 18, paragraph 2 is replaced by the following:</i></p> <p>"2. Where reference is made to this <i>paragraph</i>, Article 5 of <i>Regulation (EU) No 182/2011</i> shall apply.".</p>		<p>Deletion (see AM 48)</p>

Commission proposal	EP amendments	Council position Coreper on 7 November 2018	Comments/ Suggestions in the fourth column
<i>Article 11</i>			
This Regulation shall enter into force on the day following that of its publication in the <i>Official Journal of the European Union</i> . It shall apply from XXX.		This Regulation shall enter into force on the day following that of its publication in the <i>Official Journal of the European Union</i> . It shall apply from XXX. However, Articles 7, 8, 9 and 10 [...] shall apply from 1 January 2020 and Article 1 from [...] 1 January 2022.	This Regulation shall enter into force on the day following that of its publication in the <i>Official Journal of the European Union</i> . It shall apply from <u>the day of entry into force</u> . However, Articles 7, 8, 9 and 10 [...] shall apply from 1 January 2020 and Article 1 from [...] 1 January 2022.
